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House of Representatives

The House met at 10 a.m.

The Reverend Darrell Darling, United Methodist Church, Santa Cruz, California, offered the following prayer:

I offer this prayer in the Spirit of God, that spirit which was in our son, brother and colleague, Adam.

Gracious God, Father Creator, Mother Sustainer, as my universe grows infinitely larger, may my loyalty to beloved friends grow dearer. As the world becomes exponentially complex, may my passion for the truth fathom its extremities. As the pursuit of peace grows costly and elusive, steel my resolve.

Temper my candor with kindness, my directness with humor. Guard me from the temptation to substitute personal devotion for the simple truth and save me from sacrificing the life or character of one friend or foe for abstract principle or selfish ambition. Make me at home with prime ministers and farm workers alike in order that power may be less arrogant and the humble may know the power of their true worth.

May I take no notice of another's deliberate smallness, nor make one decision from fear, nor withhold my resources in stinginess. In defeat liberate me in expansive faithfulness, and in victory deliver me from devaluing large principles by personal meanness.

Let me spurn public accolades that I may be truly honorable. And, in the end, may I be swept away in the infinite, fierce tenderness of Your true love. Amen.

THE JOURNAL

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

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

Mr. GREEN of Wisconsin. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

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

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. FRANK of Massachusetts led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced a bill of the following title in which concurrence of the House is requested:

S. 1051. An act to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize the gentleman from California (Mr. FARR), who wishes to introduce the guest Chaplain, and then the Chair will entertain 15 one minutes on each side.

WELCOMING REVEREND DARRELL DARLING, UNITED METHODIST CHURCH, SANTA CRUZ, CALIFORNIA

Mr. FARR of California. Mr. Speaker, I have known the Reverend Darling for many years. He is a friend, he is a counselor, he is a confidante. His family is not new to this Chamber. Reverend Darling and his wife, Karen, are the parents of Adam Darling, who we all know died in the ill-fated crash with Secretary Ron Brown on a mountain in Croatia.

Reverend Darling is a long-time resident of Santa Cruz, California. Known locally as Darrell Darling, he is a man known for his spirit, for pursuit of civil rights, peace, and justice.

In his ministry, Reverend Darling has taken seriously the admonition and invitation to feed the hungry, shelter the strange, forgive the enemy, and visit the prisoner. He is someone who lives what he preaches, and the community is made stronger for it.

Mr. Speaker, I am proud to host Reverend Darling. He brings with him today a message of peace, a message of tolerance, a message of hope. I commend him to my colleagues and hope that you will hear his words, read his words, and take them to heart.

EMPLOYER LIABILITY IN HEALTH CARE

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

Mr. BALLENGER. Mr. Speaker, Congress will soon consider the issue of employer liability in the concern with healthcare. As a small business owner myself with 200 employees, the decision is simple. If faced with the slimmest possibility of being sued for voluntarily providing health care to my employees, I will stop providing such benefits and give them the cash equivalent.

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I will not be alone. Recently a poll of small business owners found that 57 percent of small businesses would drop health care coverage for employees if employer liability was increased. This potentially could lead to the end of employer-based health care and leave tens of millions of people without health care coverage.

H.R. 2926, the CARE Act, would ensure patients' rights without exposing employers to lawsuits for voluntarily providing health care and benefits to their employees. The CARE Act also allows small employers to band together to provide health care benefits for their employees by pooling their purchasing power in a new association health plan. This provision would create affordable access to health care for millions.

Let small business and employers continue to provide health care benefits to the American workforce. Vote for 2926.

A STARK CONTRAST BETWEEN RHETORIC AND REALITY

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

Mr. FRANK of Massachusetts. Mr. Speaker, the House has turned the Edmond Morris Ronald Reagan biography controversy on its head. Mr. Morris has been criticized for claiming to be present when he was not.

The pattern here in the House is the opposite. Members are essentially claiming not to have been present when they were. Indeed, they are trying to disclaim responsibility for things they themselves did.

Most frequently that has happened with the 1997 Budget Act, which cut Medicare and imposed unrealistic caps, and which a lot of Members are now acting as if they stumbled across this somewhere in a room and have no idea how it got here.

But now we have a new version of this, the Republican pledge that we will not spend any of the Social Security surplus, which they vigorously express while they are simultaneously bringing out appropriations bills which spend the Social Security surplus. That reached a new height the other day when we passed a resolution which was a memorandum from the House to the House pledging not to do what we were in fact in the process of doing.

Claiming that we will never spend the Social Security surplus this year, while we are, according to the Congressional Budget Office in fact doing exactly that, is about the starkest contrast between rhetoric and reality in recent times.

AMERICA'S CHOICE ON SOCIAL SECURITY

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

Mr. GIBBONS. Mr. Speaker, the American public and the American people deserve to hear the truth about who will better protect Social Security and America's future. Under the Democratic-controlled Congress, Congress raided the Social Security trust fund in every year, in every budget, for nearly three decades. Why? So they could pay for bigger, more wasteful government bureaucracy.

Now this Congress, for the first time, has a chance to stop this incredulous thief of big-government spending, the one who steals from the future of Social Security.

Since the Republicans have taken control of Congress, we have slowed the runaway government spending of our colleagues over here on the left and begun balancing the budget for the first time in nearly 40 years and will do this without dipping into Social Security surpluses.

The American public needs to tell the tax-and-spend Democrats and the President to quit raiding Social Security and work with the Republicans to better protect Social Security and America's future.

Americans have a clear choice, support a strong Republican principle of saving Social Security and securing America's future, or support the Democrat's expanding, expensive new government and their tax-and-spend bureaucracy.

Mr. Speaker, it is America's choice.

BE HONEST WITH THE AMERICAN PEOPLE REGARDING SOCIAL SECURITY

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

Mr. TRAFICANT. Mr. Speaker, Social Security is in trouble, and I am not going to blame either party. There is enough blame to go around on everybody. Congress has tried Gramm–Rudman, budget caps, lockboxes, and now some in Congress even want to create a zodiac ploy of a 13th month. Beam me up, Mr. Speaker.

Let us be honest. As long as Social Security money is there, available to be spent, it will be spent, by both parties. I say it is time for a constitutional amendment that says Social Security money can only be used for Social Security and Medicare. Let us be honest with the American people.

I yield back all the good intentions of Congress that have not worked and will not work about Social Security.

CBO STATES REPUBLICAN SPENDING PLAN WILL NOT USE PROJECTED SOCIAL SECURITY SURPLUS

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

Mr. DELAY. Mr. Speaker, during August the ranking member on the Committee on the Budget tried to write a Republican budget, and he made certain assumptions that the Republicans are not going to do. He sent a letter to the Congressional Budget Office asking if we would spend the Social Security surplus under his Democrat-written Republican budget.

Well, of course the CBO wrote back that under that budget, the Social Security surplus would be spent. They cannot even write a Republican budget.

The budget that we sent to the CBO that we are actually going to pass in this House and send to the President was sent to the CBO yesterday, and here is the letter back to the Speaker, Mr. Speaker, that says, ''CBO estimates that this spending plan will not use any of the projected Social Security surplus in fiscal year 2000.''

So, media, listen up. Why do you not get it right? At least comment on the plan that the Republicans are putting before the House and the Senate and the CBO numbers that reflect that plan.

□ 1015

THE EARNED INCOME TAX CREDIT FOR LOW- AND MODERATE-INCOME WORKING AMERICANS SHOULD NOT BE DELAYED

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

Mr. TIERNEY. Mr. Speaker, it appears that our Republican colleagues, the Republican Party leadership, have a real dilemma on their hands. After forcing through Congress a budget resolution that we already knew was simply unrealistic and that in order to implement it it would require disastrous reductions in programs for the needy and others, they are desperate to find some additional funds to finish the appropriations process so they can limp out of town.

Well, what to do when one needs to come up with a quick eight or nine billion dollars? According to the Republican leadership, the plan goes like this: Their plan is to find the money and pass the appropriations bills by delaying payment of the earned income tax credit to 20 million low- and moderate-income working American families. That is right. They want to delay payment of the earned income tax credit to 20 million low- and moderate-income working Americans. That means that the only Americans who would bear the burden of delaying the tax refunds are those whose earnings permit them a refund so they can afford to commute to work, for their jobs to keep clothes on the children and to feed their families.

Is there anyone who really believes that the most intelligent way to raise money to cover the shortfalls called for in the failed Republican budget is to make more money from low- to moderate-income taxpayers? I truly hope not.

LIBERAL BIG SPENDERS THREATEN SOCIAL SECURITY

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

Mr. CHABOT. Mr. Speaker, let me see if I have this right. As a result of balancing the Federal budget for the first time in a generation, the Republican Congress has created a record-breaking budget surplus. President Clinton, who opposed spending restraints every step of the way, now takes credit for that surplus. At the same time, and apparently with a straight face, the President calls for billions and billions of dollars in new spending programs, threatens to veto legislation because it does not spend enough, and calls for tax increases on the American people to pay for yet more Washington spending. Joined by his liberal allies in the Congress, he intends to raid the Social Security trust fund yet once again.

Mr. Speaker, we have been entrusted by the American people to protect their Social Security program. Let us not allow President Clinton and his big spending friends to betray that trust. Let us hold the line on runaway spending. Let us protect the taxpayers. Let us ensure the solvency of our Social Security system. Stop the raid, Mr. President. Stop the raid.

AT LEAST ONE ABUSIVE TAX SHELTER COULD HAVE BEEN CUT INSTEAD OF THE EARNED INCOME TAX CREDIT

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

Mr. DOGGETT. Mr. Speaker, of course the raid on Social Security is the one our Republican friends have already incurred through this year, but what I would like to focus on are the millions of Americans that are out there right now preparing our lunch at a fast food restaurant, caring for seniors at a nursing home or for our children at a child care center, a young police officer who is putting his or her life on the line, a young teacher trying to assure educational opportunity; all of these folks working at low-paid jobs, as they work, receive an earned income tax credit as an incentive to work, to contribute, to pay their taxes.

It is to this group of working American families that this Republican majority has turned at this very hour to finance their fiscal irresponsibility. They could have closed at least one abusive corporate tax shelter. They could have ended a tax loophole, but instead they turned to working Americans in what one executive at H&R Block says would ''cause confusion and disrupt the personal lives of hard-working American families'' by delaying their tax refund. This is wrong. This tactic must be rejected.

GREEN BAY, WISCONSIN: THE ALL-AMERICAN CITY

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

Mr. GREEN of Wisconsin. Mr. Speaker, on a lighter topic, in my district last weekend we received formal recognition of what we from Green Bay have known for a long time, our area is one of the best places in America to live.

Thanks to the National Civic League and Allstate Insurance, who sponsored this wonderful program, Green Bay was named an All-American City. Our area does indeed represent the very best of grass-root citizen involvement, creative community effort, and collaborative problem solving the three key qualities embodied by this award.

I am proud to say that Green Bay is on the march, taking aggressive steps to meet its challenges in the most innovative ways we can. Those who live in Green Bay want to put the rest of the Nation on notice, there is another key quality of character we hold dear: The relentless pursuit of excellence. The All-American City award is not the end of a journey but merely another milepost in a longer journey to make sure that our area is the greatest place in the world to live, and we will not rest until we get there.

THE REPUBLICANS NEED TO GET THEIR HEADS OUT OF THE SAND

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

Mr. LEWIS of Georgia. Mr. Speaker, yesterday the Republicans launched a new ad campaign accusing the Democrats of dipping into the Social Security surplus.

In these ads, Republicans vowed to draw a line in the sand. It is time for the Republicans to get their heads out of the sand. Their own spending plan for next year takes $18 billion out of the Social Security surplus. Instead of running attack ads, it is time we start working together to pass a budget that addresses the needs of the American people.

The American people, working families, seniors, and children, are waiting for this Congress to stand up and do something. The truth will set us free. The truth will liberate us all. It is time for us all to put our cards on the table. It is time for the Republicans to tell the truth. Speak the truth to the American people. That is what the American people deserve. That is what they need and that is what they want.

WHERE IS THE OUTRAGE WHEN A DEMOCRATIC MAYOR HONORS COMMUNIST RULE IN THE PEOPLE'S REPUBLIC OF CHINA?

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

Mr. SCHAFFER. Mr. Speaker, 223 years ago, the Declaration of Independence was signed in Philadelphia, but just 5 days ago there was a different sort of revolt on the steps of Philadelphia's city hall. A crowd of citizens gathered there to protest a far more pernicious kind of tyranny than that which confronted the Founders themselves. It seems that the city's mayor, Ed Rendell, convened a, quote, celebration to honor and commemorate 50 years of Communist rule in the People's Republic of China; that, according to the Philadelphia Enquirer.

Now, Mayor Rendell is a Democrat; in fact, he is a prominent one. Do we think other Democrats denounced Rendell's celebration of Communist rule? Did they reprimand him for praising the very regime which today points 13 nuclear missiles at his country? Did they cry out about the communist destruction of human dignity and human rights? No.

Last week, Democrats made Rendell chairman of their party, head of the Democratic National Committee.

I am not making this up, Mr. Speaker.

What is next? Will Chairman Rendell print his party's platform in little red books?

REPUBLICANS CANNOT HAVE IT ALL

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

Mr. MENENDEZ. Mr. Speaker, crafting a responsible budget is about choices. It is about priorities. We Democrats want to use the surplus to save Social Security and Medicare, pay down the debt, and educate our kids; but Republicans want to use the surplus to fund their risky $800 billion tax giveaway.

Now we Democrats stand by our priorities because we know that they are the priorities of the American people, but Republicans cannot seem to figure out what they stand for. One minute they are for a huge tax cut for the wealthy. Then they claim their number one priority is saving Social Security. Then they are the party of education. Then it is paying down the debt. Republicans have yet to accept the responsibility of leadership because they cannot have it all.

Right now, their own Congressional Budget Office says their plan breaks the spending caps. It busts the budget. If we are going to save Social Security and Medicare and pay down our debt, then they cannot have an $800 billion tax giveaway. Democrats know that. The President knows that, and the American people know that.

Apparently, with one day left in the fiscal year, Republicans have their heads buried in the sand and their priorities all mixed up.

WOMEN AND CHILDREN'S RESOURCES ACT

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

Mr. PITTS. Mr. Speaker, according to the Alan Guttmacher Institute, the Planned Parenthood research arm, over 10,000 women in the United States begin to deal with an unplanned pregnancy every day.

Mr. Speaker, thousands of small crisis pregnancy centers, maternity homes and adoption services are available to these women in crisis, but often women do not know that they have such choices. That is why the Women and Children's Resources Act, a bill that the gentlewoman from California (Mrs. Bono) and I introduced last week, is so important.

The Women and Children's Resources Act would provide a fee-for-service program for providing services to women like pregnancy tests, maternity home stays, baby clothes, prenatal and postpartum health care, even adoption services and referrals for vocational training and health care.

This solution-based bill builds a bridge between pro-life and pro-choice to offer compassionate solutions to women on common ground. If today's women need choices, we must offer them real choices. Many women would choose not to have an abortion if only they knew that other options were available to them. I urge my colleagues to make this a reality. Support and cosponsor the Women and Children's Resources Act.

IT IS TIME TO GROW UP, SIT DOWN, AND COME UP WITH A BUDGET

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

Mr. GREEN of Texas. Mr. Speaker, for days I have stood here on the floor also sitting and watching on C–SPAN my Republican colleagues attack the President's budget and attack Democrats for spending Social Security dollars, and I knew they were playing fast and loose with their own spending plans.

First, they declare the census to be an emergency so it does not come under the budget. Then they pass a tax cut bill that they promised but they cannot deliver on over the next 10 years. Then they float the idea that, well, we cannot do it so let us add a 13th month; some of the most ludicrous things we have ever heard. Now they finally are finding out that what they have been saying and the height of cynicism for our government is that they are spending the Social Security surplus, $18 billion. It is reported in today's Washington Post and we can see it here but I am sure it will be in all of our local newspapers. It is just in the national media and our local media, $18 billion in Social Security trust funds they are going to use. Yet they have been accusing the President and the Democrats of doing it.

Why do my colleagues not grow up, and we will sit down and work this out between us instead of trying to make hype out of it? Why do we not just pass a bill that will take the trust funds out of the unified Federal budget?

THE PRESIDENT'S MESSAGE: TOBACCO BAD, MARIJUANA GOOD

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

Mr. BARR of Georgia. Mr. Speaker, Washington is nothing if not a city of contradictions. Within one week, we have seen the Department of Justice launch a multibillion dollar lawsuit against tobacco, and then 2 days ago we saw the President veto the D.C. appropriations spending bill because it contained a provision which would stop the District of Columbia from legalizing marijuana.

What is the President's message? Tobacco bad, marijuana good.

Mr. Speaker, recently this House passed a provision in the D.C. appropriations bill that reminded the District of Columbia that it remains part of the Union, part of America, subject to our laws and subject to our Constitution, prohibiting them from taking steps to legalize mind-altering controlled substances.

While the President will not hold the line on this and encourages the use of marijuana in the District of Columbia, we must in this body hold the line and prohibit D.C. from legalizing controlled substances.

IMPLEMENTATION OF THE EARNED INCOME TAX CREDIT SHOULD NOT BE DELAYED

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

Mr. NEAL of Massachusetts. Mr. Speaker, I was stunned by this headline in the New York Times today. It said that the Republicans plan to delay the earned income tax credit for the working poor. This program, Ronald Reagan said, was absolutely the best one ever devised to help the working poor, and the answer here today is that we are going to delay its implementation.

Mr. Speaker, in this institution we would never dream of delaying an income tax refund to the wealthiest Americans. We would never dream of delaying oil incentives or mining incentives; or, heaven forbid, we would never dream of cutting back on the ethanol subsidy. But the answer today is that we should delay granting the working poor the earned income tax credit to get past this budget impasse that we currently see.

It makes no sense to harm the working poor with this issue. We should be coming to their assistance. If one works, one should not be poor. This idea makes no sense whatsoever, and it is being used as a gimmick to get around this budget impasse. We should proceed with granting the working poor this opportunity.

UNBORN VICTIMS OF VIOLENCE ACT

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

Ms. ROS-LEHTINEN. Mr. Speaker, today this House will consider a bill that will be critical to families and particularly to the women of our country. H.R. 2436, the Unborn Victims of Violence Act, will recognize an unborn child who is injured or killed while in the mother's womb as a victim of a Federal crime.

Already, 24 States in our Nation have implemented laws that explicitly recognize injured, unborn children as victims of criminal acts.

□ 1030

Under this bill, the penalty for the harm committed against an unborn baby would be the same as the penalty for the harm committed against the mother.

As responsible legislators, we must ensure that criminals be held accountable for their violent crimes that result in death or injury. This should apply regardless of who the victim is, whether it be the mother or the unborn child.

I hope that today our colleagues will honor the many women who have lost babies due to a crime. I hope that they will acknowledge the suffering that these women have endured because of senseless crimes and remember that they will never receive justice unless this legislation is not enacted.

This afternoon, I hope that our colleagues vote ''yes'' on the Unborn Victims of Violence Act.

REPUBLICANS WANT TO ELIMINATE THE EARNED INCOME TAX REFUND

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, during the August work recess, when I visited with constituents in my district in Houston, Texas, a city that I might say is doing considerably well and individuals are quite pleased with the state of the economy, but when I discuss with them the $792 billion tax cut, they were in complete horror at the thought that we would misuse the people's money for a tax cut for golf courses and various other extracurricular-type programs.

But what is more horrific is the fact that I also met with working families

with young children, many of whom receive the earned income tax credit, something that has been vital to thousands of families in my district, and to realize that, when I came back after this work recess, that I would be facing the Republicans slowing down or eliminating the earned income tax refund to working families. In fact, one of their very own said, ''I have a real problem with delaying payments to poor people.''

Mr. Speaker, this is an outrage. This is something that should not happen.

CBO SAYS SPENDING PLAN WILL NOT USE SOCIAL SECURITY SURPLUS

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

Mr. BARTLETT of Maryland. Mr. Speaker, I am going to depart from my prepared remarks to try and set the record straight. We had a number of representatives from the other side of the aisle who have gotten up to say that our Republican spending plan would spend Social Security money. They have even shown newspaper articles to bolster their contention. The newspaper articles are wrong. They are wrong.

Let me read again from a letter from the Congressional Budget Office dated September 30, that is today, to the Speaker.

''Dear Mr. Speaker: You requested that we estimate the impact on the fiscal year 2000 Social Security surplus using CBO's economic and technical assumptions based on a plan whereby net discretionary outlays for fiscal year 2000 will equal $592.1 billion.'' That is the Republican spending plan. ''CBO estimates that this spending plan will not use any of the projected Social Security surplus in the year 2000.''

Being a teacher, I know that repetition is the soul of learning, so let me say it again to my colleagues on the other side of the aisle: ''CBO estimates that this spending plan will not use any of the projected Social Security surplus in the fiscal year 2000.'' Do my colleagues get it?

MEANING OF MINIMUM WAGE STATE FLEXIBILITY

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

Mr. DEMINT. Mr. Speaker, let us talk about the meaning of minimum wage State flexibility.

State flexibility means admitting that we in Washington do not always know what is best. It means trusting our local leaders to govern their own citizens and protect their own workers.

State flexibility means giving our local leaders the freedom to make wage policies that are specifically tailored to help those individuals find jobs who are still struggling on welfare.

State flexibility means giving our State officials the tools they need to meet their welfare-to-work goals so they can continue to receive Federal funds that help them train the most disadvantaged citizens in our community.

State flexibility means creating laws that protect the wages of a waiter in Hollywood, California, and also create new employment opportunities for a cashier in Union, South Carolina.

I urge my colleagues to support State flexibility so that we can continue to secure the future for all Americans by returning dollars, decisions, and freedoms back home.

REMEMBER THE FACTS

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

Mr. HAYWORTH. Mr. Speaker, it was with great interest that I listened to the wailing and gnashing of teeth from my friends on the left this morning.

I thought it might be important to offer a few historical notes to put this House in perspective and to help the American people in the process.

Mr. Speaker, one of the reasons I left private life to run for public office is because a previous liberal majority in this House, with the complicity of the President of the United States, raided 100 percent of the Social Security surplus for the upcoming fiscal year, even as they gave us the largest tax increase in American history and drove us still further into debt.

Now, Mr. Speaker, I welcome this new-found accountability for fiscal responsibility; and to that extent, I welcome my friends from the left.

But when it comes to false letters based on false assumptions sent to produce false newspaper articles, there I must draw the line, Mr. Speaker, because the left has told us what? Medicare was going to go away. School lunches were going to go away. None of that happened. Remember the facts.

STOP THE RAID ON SOCIAL SECURITY

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

Mr. WELDON of Florida. Mr. Speaker, stop the raid. Stop the raid on Social Security. That is our simple message, and that is what Republicans are now fighting with Democrats over as we finalize our work on the national budget.

Since 1967, Democrats have been using the Social Security Trust Fund as a slush fund, but now Republicans want to put an end to this bizarre practice. Many seniors I talk to in my congressional district tell me that the Federal Government has been doing this for all these years, and it is wrong.

Why has it been done? It has been done simply because liberal Democratic politicians in Washington were able to get away with it. For 40 years, Democrats controlled this body, and they never put one thin dime of the Social Security Trust Fund aside.

Republicans now, with a slim majority, have been able to convince the President of the United States of the virtue and the goodness of the Social Security lockbox provisions which will put an end to this raid on the Social Security Trust Fund. Let us stop the raid. Let us pass our Republican budget.

END SLAVERY IN SUDAN

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

Mr. ROYCE. Mr. Speaker, the reprehensible practice of slavery in Sudan entered American homes on Sunday evening. Touched By An Angel, a television series, performed an important service by broadcasting the ugly reality of slavery in that country to millions of Americans.

Slavery is just one ugly aspect of the rule of Sudan's National Islamic Front Regime, which overthrew a democratically elected government. This regime has given support to international terrorists like Osama Bin Laden, who masterminded the cowardly bombing of our embassies in Tanzania and Kenya. The countries bordering Sudan are also under attack from Sudan-supported terrorists.

Many of my colleagues have committed themselves to spotlighting slavery and religious persecution in Sudan. This Congress has passed a resolution condemning the genocide in Sudan. We need to do more. It is important that the U.S. and its allies keep up the pressure on this repressive and dangerous regime.

REAPPOINTMENT AS MEMBER TO SOCIAL SECURITY ADVISORY BOARD

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Without objection, and pursuant to section 703 of the Social Security Act (42 U.S.C. 903) as amended by section 103 of Public Law 103–296, and upon the recommendation of the Minority Leader, the Chair announces the Speaker's reappointment on the following Member on the part of the House to the Social Security Advisory Board for a 6-year term:

Ms. Martha Keys of Virginia.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2910, NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS ACT OF 1999

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 312 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 312

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2910) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, and 2002, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution. Each section of that amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for the purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 312 is an open rule, and I am proud to be part of the Committee on Rules under the leadership of the gentleman from California (Chairman DREIER) who is pursuing and succeeding in a policy of bringing forward an almost unprecedented percentage of open rules.

□ 1045

This one provides for the consideration of H.R. 2910, the National Transportation Safety Board, NTSB, Amendments Act of 1999. The purpose of the legislation is to reauthorize the NTSB for fiscal years 2000, 2001 and 2002.

House Resolution 312 provides for 1 hour of general debate to be equally divided between the chairman and the ranking minority member of the Committee on Transportation and Infrastructure.

The rule also makes in order the Committee on Transportation and Infrastructure amendment in the nature of a substitute as an original bill for the purpose of amendment, modified by the amendment printed in the Committee on Rules report accompanying the resolution. The bill will be open for amendment by section.

Further, the Chair is authorized to grant priority recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD, if otherwise consistent with House rules.

In addition, the rule allows for the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce votes to 5 minutes on a postponed question, if a vote follows a 15-minute vote.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, the NTSB, which was last authorized in 1996, is an independent agency that is charged with determining the probable causes of transportation accidents and with promoting transportation safety.

Many of my distinguished colleagues will recall the NTSB's involvement in the investigation of the tragic ValuJet crash in the Everglades and the TWA Flight 800 tragedy.

And in addition to investigating aviation, marine and major highway accidents, the NTSB conducts safety studies, evaluates the effectiveness of other government agencies' programs for prevention of transportation accidents, and coordinates all Federal assistance for families of victims of catastrophic accidents. It is truly an important, a fundamental, and indispensable Federal agency.

So, Mr. Speaker, this Resolution 312, this rule, is a fair rule. It is a completely open rule and permits any Member of the body to bring forth any germane amendment, and I certainly would urge its adoption.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding me this time, and I yield myself such time as I may consume.

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

Ms. SLAUGHTER. Mr. Speaker, I support the rule and the underlying bill, H.R. 2910, the National Transportation Safety Board Amendments Act of 1999.

This is an open rule, providing for 1 hour of debate equally divided between the chair and ranking minority member of the Committee on Transportation and Infrastructure. We thank the members of the committee who bring this bill before us this morning for their very important work.

The bill authorizes the National Transportation Safety Board at slightly increased levels for the next three fiscal years, increases which are necessary for the NTSB to continue its important work.

This is a Nation on the move. Whether in the skies, on the ground, or across our waterways, the lifeblood of our economy pulses through our transportation system. That same system helps people bridge the miles which separate friends and family.

But, tragically, accidents which claim lives and threaten public safety are a part of that equation. The NTSB has, since 1974, worked diligently to analyze and investigate the causes of such tragedies, and that knowledge which has been gained and applied has helped us to make travel for business and for pleasure more safe.

When the question is public safety, there is no room for complacency, which is why this bill is so important. This bill was forwarded to the House by a voice vote, and no opposition to its consideration has been noticed on either side of the aisle. Therefore, I am pleased to support the rule and the bill.

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

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

This will be a 15-minute vote, followed by a 5-minute vote on agreeing to the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 13, as follows:

[Roll No. 460]

YEAS—420

Abercrombie	Baldwin	Bereuter
Ackerman	Ballenger	Berkley
Aderholt	Barcia	Berman
Allen	Barr	Berry
Andrews	Barrett (NE)	Biggert
Archer	Barrett (WI)	Bilbray
Armey	Bartlett	Bilirakis
Bachus	Barton	Bishop
Baird	Bass	Blagojevich
Baker	Bateman	Bliley
Baldacci	Bentsen	Blumenauer

Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
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
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
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
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
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
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
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)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
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
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Becerra
Chenoweth
Cubin
Danner
Engel
Hooley
Houghton
Jefferson
McKeon
Meeks (NY)
Scarborough
Weldon (PA)
Wu

□ 1114

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore (Mr. BARRETT of Nebraska).

Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 362, nays 52, answered ''present'' 1, not voting 18, as follows:

[Roll No. 461]

YEAS—362

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKinney
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman

Weiner	Wicker	Wynn
Weldon (FL)	Wilson	Young (AK)
Wexler	Wise	Young (FL)
Weygand	Wolf	
Whitfield	Woolsey	

NAYS—52

Aderholt	Hefley	Sawyer
Baird	Hilliard	Schaffer
Bilbray	Hinchey	Stark
Borski	Hoyer	Stupak
Brady (PA)	Johnson, E. B.	Sweeney
Capuano	Klink	Taylor (MS)
Clay	Kucinich	Thompson (CA)
Costello	LoBiondo	Thompson (MS)
Crane	McDermott	Thurman
Dickey	McNulty	Udall (CO)
English	Miller, George	Udall (NM)
Fattah	Moore	Velazquez
Filner	Moran (KS)	Vento
Ford	Oberstar	Visclosky
Gibbons	Peterson (MN)	Waters
Gillmor	Pickett	Weller
Gutknecht	Ramstad	
Hastings (FL)	Sabo	

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—18

Becerra	DeFazio	McKeon
Bonior	DeLay	Meeks (NY)
Chenoweth	Gephardt	Paul
Collins	Hooley	Scarborough
Cubin	Houghton	Weldon (PA)
Danner	Jefferson	Wu

□ 1122

So the Journal was approved.

The result of the vote was announced as above recorded.

NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS ACT OF 1999

The SPEAKER pro tempore (Mr. QUINN). Pursuant to House Resolution 312 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2910.

□ 1123

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2910) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, and 2002, and for other purposes, with Mr. BARRETT of Nebraska in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. LIPINSKI) each will control 30 minutes.

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

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

This bill before us today reauthorizes the National Transportation Safety Board, the NTSB, for 3 years. The House needs to move forward with this legislation because the Board's authorization expires at the end of this fiscal year.

We are all familiar with the work of the Safety Board. It investigates all aviation accidents as well as accidents in other modes of transportation. The problems it uncovers and the recommendations it makes often lead to changes that make travel safer for us all.

The bill before the House now would increase the authorized funding levels for the Safety Board. Currently, the agency is receiving $54 million per year. This bill would increase that amount to $57 million in fiscal year 2000, $65 million in 2001, and $72 million in 2002. These are substantial increases in the second and third years, but the funding levels in these last 2 years are much less than the Board had sought. They seem to be necessary to provide the Board with the employees and the training to keep up with rapidly changing technology.

Also, as the agency's budget increases, it is becoming more important that it be subject to the proper level of oversight. Therefore, for the first time this bill will give the Inspector General the authority to review the business and financial management of the NTSB. With this provision, we do not mean to imply that there is anything improper going on. We are merely treating the NTSB the same as other agencies which are subject to Inspector General review.

There are several other provisions in this bill worth noting. The first makes clear that the NTSB's jurisdiction over accidents on the navigable waters and territorial sea of the United States extends 12 miles from the coast. This is consistent with Presidential Proclamation 5928 and with the Coast Guard's jurisdiction.

The second change authorizes the NTSB to enter into agreements with foreign governments for the provision of technical assistance and to be reimbursed for those services which the NTSB provides. The NTSB requested that this be clarified.

The bill would also permit the NTSB to pay time-and-a-half to its employees who work overtime on an accident investigation. These employees sometimes are called unexpectedly to work in difficult conditions during nights and weekends. This provision would fairly compensate them for that. Employees in the private sector usually receive time-and-a-half when they work overtime. However, I know that overtime provisions have been abused at other agencies. Therefore, the overtime provision in this bill is subject to two limitations to ensure that such abuse does not occur at the Safety Board, and it should be done in other agencies. These limitations are that an employee cannot get more than 15 percent of his base yearly salary in any year, and the NTSB cannot pay more than $570,000, or 1 percent of their authorized amount, per year total under this section. Moreover, overtime pay would be subject to an annual reporting requirement to ensure the committee's continued oversight of this issue. The NTSB had requested even more authority in the personnel area but indicated that it was the overtime issue addressed here that it is most interested in.

Another important provision, Mr. Chairman, in this bill is the section that ensures confidentiality of video recorders on aircraft and of voice and video recorders on surface vehicles. The NTSB requested this change in case these new technologies are installed in the future. We take no position on whether these recorders should be installed. We merely want to make sure that if recorders are installed, the information on them is used only for safety purposes and not generally released for sensational purposes or to invade the privacy of the operators.

The bill once again makes clear that the NTSB safety investigation takes priority over other investigations of the same accident. However, there is a carefully negotiated procedure in the bill for the NTSB to turn over its investigation to the FBI when the FBI notifies the Board that the accident may have been caused by a criminal act.

Finally, the bill directs the FAA to install a terminal Doppler weather radar at the former Coast Guard station in Brooklyn, New York. The FAA has already decided that this is needed for the safety of all air travelers but we want to make sure that nothing else holds this up. The need for this provision arose out of our hearing on aviation and weather accidents in July.

□ 1130

There it was revealed that the Park Service was objecting to the placement of this equipment which would very much enhance safety at LaGuardia and Kennedy airports. The Park Service has since backed down from its objection, but we want to keep pressure on them to make sure that important safety equipment is installed as quickly as possible.

Mr. Chairman, I believe this bill gives the NTSB the tools it will need to carry it into the next century. I urge the House to support this legislation.

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

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

Mr. Chairman, I rise today in strong support of H.R. 2910, the National Transportation Safety Board Amendments Act of 1999. H.R. 2910 is a bipartisan bill that reauthorizes the NTSB for 3 years so it can continue to play a critical role in ensuring the safety of our Nation's transportation system.

The NTSB is an independent agency that investigates transportation accidents and promotes safety for transportation. It investigates accidents in all of transportation's various modes: Aviation, highway, transit, maritime, railroad, and pipeline and hazardous material transportation and makes recommendations on ways in which to improve safety. In the last 3 years alone, the board has investigated more

than 7,000 accidents and issued 57 major reports. The board has also issued more than 1100 safety recommendations. These recommendations, many of which have been adopted, have greatly increased the safety of each mode of transportation.

To maintain its position as the world's preeminent investigative agency, it is imperative that the National Transportation Safety Board has the resources necessary to handle increasingly complex incident investigations. H.R. 2910 ensures that by increasing the National Transportation Safety Board's funding steadily and sensibly over the next 3 years, $57 million in fiscal year 2000, 65 million in fiscal year 2001, and 72 million in fiscal year 2002. This funding will be used to permit the NTSB to hire more technical experts as well as to provide better training for its current work force. Dramatic changes in technology demand such an investment.

The bill also addresses the issues of coordination among investigative agencies. As we have learned from the tragic TWA 800 crash, accident scenes can often be chaotic with many local, State, and Federal investigators, agencies on the scene. This is especially true where accidents are not only being investigated for probable cause, but also when criminal activity is suspected. Proper coordination among these various investigative agencies is extremely important.

This bill reaffirms the National Transportation Safety Board's priority over an accident scene unless the attorney general, in consultation with the NTSB chairman, determines that the accident may have been caused by a criminal act. In that case the National Transportation Safety Board would relinquish its primary investigative authority over the scene.

I strongly support H.R. 2910, and I urge my colleagues to vote in favor of this bill.

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

Mr. DUNCAN. Mr. Chairman, I have no other speakers at this time, so I simply reserve the balance of my time.

Mr. LIPINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full committee.

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

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

Mr. Chairman, the National Transportation Safety Board is the Nation's premier safety agency. Our highways are safer, our airways are safer, our railroads are safer, our maritime commerce is safer because of the work of the National Transportation Safety Board year in and year out, going back as far as 1926 when the Air Commerce Act vested in the Department of Commerce the authority to investigate aircraft accidents, an initiative, I might add, spearheaded by a leader in government who later was known or best known for other things that happened in the country. Herbert Hoover, as an Assistant Secretary of Commerce, championed aviation but also realized that if we did not act as a government to set national standards to make aviation safe and reliable, that there could not be commercial growth in this new mode of transportation. And he was the champion for aviation safety. The Nation owes him a debt of gratitude for that leadership.

Since those years and on to the creation of the Department of Transportation in 1966, the role of overseeing safety was lodged largely within the various modes of transportation. In 1966, Congress acted to create a Department of Transportation, and I was a member of the staff of the chairman, the Honorable John Blatnik, who was chairman of the Executive Branch Reorganization subcommittee that created the Department of Transportation and crafted an independent safety board but left it within the Department.

We realized 6 months after the Department had been created, that this was not going to work, that it would create the appearance of the Department and its several modal administrations investigating themselves. So we separated out from the Department of Transportation the Safety Board, created a National Transportation Safety Board, and in 1974 further strengthened that board, giving it greater independence.

The true significance of this board is that its investigations are independent. They are conducted by a staff of highly-trained, skilled, gifted, talented, hard-working professionals. The findings and the conclusions of the board stand above reapproach. Their recommendations to the modal administrations are normative, not burdened by cost-benefit analysis. Their obligation is simply to recommend as improvements in safety what the board in its judgment, in the judgment of its professional staff and its board members, believe to be in the highest best interests of safety. It is then up to the rulemaking process of the modal administration to sort out the costs and the benefits, and that is why the board stands in such high regard throughout all modes of transportation within the United States, with the traveling public and with other countries.

Since its establishment in 1966, the board has investigated over 100,000 aviation accidents and 10,000 surface transportation accidents and hundreds more railroad and maritime issues. The work of this board deserves the support that we give it in this legislation with additional funding, with increased staffing, with authority to pay overtime, with support in the legislation to strengthen the agreement between NTSB and the Inspector General of the Department of Transportation. Yes, even the NTSB needs oversight of its financial management and business operations and long ago concluded an agreement with the I.G. to undertake such activity. The authority we provide in this legislation will ensure that the money we invest in the board is well spent and that potential for fraud and abuse is reduced or eliminated.

Mr. Chairman, there are a number of other items that I would like to address, and in order to save time I ask unanimous consent to revise and extend. I would like to concentrate on just one issue and that is Coast Guard safety functions.

On May 1, an amphibious vessel sank in Arkansas killing 13 people. The Coast Guard had just inspected the vessel, had ordered the owner to install bilge alarms, but it failed to ensure that the vessel owner had indeed complied with the Coast Guard order. Despite this apparent conflict of interest, the Coast Guard led the investigation of that accident. Under no circumstances should the Coast Guard or any Federal Government agency unilaterally decide when it has a conflict of interest and when it should investigate its own decision and its own actions. We do not allow this in aviation; we do not allow it in any other mode of transportation; and we should not allow it here.

I am concerned about the process of the Coast Guard in conducting accident investigations. The NTSB has told us that when the Coast Guard convenes a formal board of investigation, it is very difficult for the board to obtain information that the board can verify as accurate. The open nature of the formal Coast Guard board can also affect witness testimony or recollection of events because such proceedings allow witnesses to hear each others' testimony.

After discussing these concerns with Admiral Loy, the Commandant of the U.S. Coast Guard, we reached an understanding these issues could be addressed administratively without specific legislative change. Language included in the committee report to accompany H.R. 2910 is intended to provide guidance for both the Coast Guard and the NTSB to address these concerns. In short, we mean for them to get together and resolve the issue of primacy in an investigation and timing. If that issue is not resolved between the two, I assure both parties this committee will come back and address it legislatively.

All in all this is an excellent piece of legislation, it moves the cause of safety significantly ahead; it strengthens the role of the NTSB. I commend the gentleman from Tennessee (Mr. DUNCAN) for the extensive work that he has contributed to the formulation of this bill and to the ranking member, the gentleman from Illinois (Mr. LIPINSKI) for the diligent effort that he has invested in the formulation of the legislation.

Mr. Chairman, I rise in strong support of H.R. 2910, the National Transportation Safety

Board Amendments Act of 1999. H.R. 2910 reauthorizes the NTSB for three years so it can continue to play a critical role in ensuring the safety of the United States transportation system.

This agency's roots stem as far back as 1926 when the Air Commerce Act vested the Department of Commerce with the authority to investigative aircraft accidents. During the 1966 consolidation of various transportation agencies into the Department of Transportation (DOT), the NTSB was created as an independent agency within DOT to investigate accidents in all transportation modes. In 1974, in further resolve to ensure that NTSB retain its independence, Congress reestablished the Board as a totally separate entity distinct from DOT. Since that time, the NTSB has investigated more than 100,000 aviation accidents, and more than 10,000 surface transportation accidents. The American travelling public is much safer today due to the hard work of the NTSB staff in conducting investigations and pursuing safety recommendations.

In the last three years alone, the Board has investigated more than 7,000 accidents and issued 57 major reports covering all transportation modes (aviation, highway, transit, maritime, railroad, and pipeline/hazardous materials). The Board has also issued more than 1,100 safety recommendations—many of which have been adopted by Congress, federal, state and local governments, and the affected industries.

The NTSB's tireless efforts in investigating accidents and issuing recommendations have led to innovative safety enhancements, such as manual cutoff switches for airbags, to measures to prevent runway incursions, to countermeasures against operator fatigue in all modes of transportation. In addition, the NTSB has promoted the installation of more sophisticated voice recorders to enhance its ability to investigate aircraft accidents.

Despite a small workforce of approximately 370 full-time employees, the NTSB has provided its investigative expertise in thousands of complex aviation accidents—including its painstaking review of the TWA 800 crash. The NTSB is also frequently called upon to assist in aviation accident investigations in foreign countries. The demand upon this small agency, with its highly trained, professional staff, will only grow with the aviation market's ever-increasing globalization. In addition, according to a preliminary analysis by the RAND Corporation, new technological advances in all modes of transportation—from glass cockpits in aviation to sophisticated electronic alerting devices in the railroad industry—will require more extensive training for NTSB investigators.

To maintain its position as the world's preeminent investigative agency, it is imperative that the NTSB has the resources necessary to handle the increasingly complex accident investigations. H.R. 2910 ensures that by increasing NTSB's funding steadily and sensibly over the next three years: $57 million in FY 2000; $65 million in FY 2001; and $72 million in FY 2002. This funding will be used to permit NTSB to hire more technical experts as well as to provide better training for its current workforce. Dramatic changes in technology demand such an investment.

However, with this increase in funding also comes the requirement to strengthen the oversight of financial matters at the agency. H.R. 2910 vests the DOT's Inspector General with the authority to review the financial management and business operations of the NTSB. This will help ensure that money is well spent and the potential for fraud and abuse is reduced. The DOT Inspector General's authority is specifically limited to financial matters, however, so as not to undermine the NTSB's independence.

Equally important, H.R. 2910 provides the NTSB with the authority to grant appropriate overtime pay to all of its accident investigators while on-scene. These competent individuals are oftentimes called upon to work upwards of 60, 70 or 80 hours per week in extreme conditions—whether in the swamps of the Florida everglades or the chilly waters off the Atlantic ocean—side-by-side with other federal agency investigators—many of whom are paid for extra hours worked. Moving to this type of parity is the least that we can do to show our appreciation for the efforts of these dedicated professionals.

As we have learned from the tragic TWA 800 crash, accident scenes can often be chaotic with many local, state, and federal investigative agencies on scene. This is especially true where accidents are not only being investigated for probable cause—but also when criminal activity is suspected. Proper coordination between these various investigative agencies performing very important, albeit very different, functions is of paramount importance. H.R. 2910 reaffirms NTSB's priority over an accident scene unless the Attorney General, in consultation with the NTSB chairman, determines that the accident may have been caused by an intentional criminal act. In that case, the NTSB would relinquish its priority over the scene—but such relinquishment will not, in any way, interfere with the Board's authority to continue its probable cause investigation.

One issue of concern to me is the NTSB's ability to investigate major marine casualties. Currently, both the NTSB and the Coast Guard have joint authority to conduct investigations of major marine casualties. I have two concerns about the current process. First, under the existing regulations and the Memorandum of Understanding, the Coast Guard must agree to allow the NTSB to have the lead in casualties that involve significant safety issues relating to Coast Guard safety functions.

On May 1, an amphibious vessel sank in Arkansas killing 13 people. Although the Coast Guard had just inspected the vessel and ordered the owner to install bilge alarms, it failed to ensure that the vessel owner complied with its order. Despite this apparent conflict of interest, the Coast Guard led the investigation. Under no circumstances should the Coast Guard be able to unilaterally decide when it has a conflict of interest. We do not allow this in aviation or any other transportation safety investigation and should not allow it here.

Second, I am concerned about the Coast Guard's process in conducting accident investigations. According to the NTSB, once the Coast Guard convenes a formal board of investigation, it is very difficult to obtain information that you can be sure is accurate. The open nature of the formal board can affect witness testimony or recollection of events because such proceedings allow for witnesses to hear each other's testimony.

After discussing these concerns with Admiral Loy, the Commandant of the Coast Guard, it was agreed that both of these issues could be addressed administratively without a specific legislative change. Language included in the Committee Report to H.R. 2910 is intended to provide guidance to both Coast Guard and the NTSB to address these concerns.

Having a well funded, well-trained NTSB workforce to meet the challenges of the 21st Century is of the utmost importance for the American travelling public. I urge my colleagues to support this critical piece of legislation, and I compliment Chairman SHUSTER, Chairman DUNCAN and Ranking Member LIPINSKI for their efforts.

Mr. LIPINSKI. Mr. Chairman I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member and the chairman for listening to the concerns that I have with respect to a series of incidences that have occurred actually in my district.

First of all, I want to associate myself with the supporters of this legislation. As I listened to the remarks of the gentleman from Minnesota (Mr. OBERSTAR), I am reminded of when the tragedies of any kind of transportation incident or accident occurs, you sort of look to the NTSB, the board, to come in like the Red Cross or those angels of assistance to clarify what happened and particularly if there is loss of life, and we always hear the news as they come in and there is a sigh of relief from the respective communities because, as my colleagues know, this group of experts will be assisting in determining the true facts of what occurred.

I would almost hope that I did not have to rise today, Mr. Chairman, but it has been enormously difficult for my community. I represent an urban community with a number of interstate routes that go throughout it, and particularly in my minority community.

I was to offer, or was intending to offer, an amendment today that would have asked that we look at or should include the National Transportation Safety Board's recommendation that I understand they had offered regarding recording devices in trucks.

□ 1145

That kind of device, similar to a black box in airplanes, could provide a tamper-proof mechanism that could be used or can be used for accident investigation and to enforce the hours of service regulation.

Mr. Chairman, I would like to speak to the issue of the accident aspect of that technology and would hope that maybe if it is not today, since I hope to be working with the members of this committee, that maybe we can look at the motor carrier bill and be able to include language on this particular issue.

Mr. Chairman, let me share with you a headline. ''Jurors left in tears at wreck trial. Widow describes freeway horror,'' in my district. ''In tearful, highly charged testimony, a woman told Tuesday of the horror of seeing

her husband and three children die after a truck crushed their sport utility vehicle on a Houston freeway ramp.''

Mr. Chairman, it was a family made in heaven, if you will. Having picked up her husband from the airport, probably hearing the discussions of his travel, happily going home, and a truck turns a curve on an interstate freeway, falls over, the woman is expelled from the truck, and she has to watch her three young babies and her husband burn to death.

''Trucks-cars prove to be a deadly mix on freeways.'' Another one that happened on Interstate 45. A tanker truck veered into oncoming traffic and drivers across the city shuddered as a tragedy resulted in that accident as well.

I have had about 10 of these back to back during the summer. ''Tanker rig flips, trucker perishes in fiery crash.'' This was an overpass that, in addition to the tragic loss of the trucker, as a witness said, ''All I saw was the cab of the truck bounce and the whole thing rolled over.'' An eyewitness said the truck flipped and then burst into flames almost instantly. It is not only the terrible loss of the trucker's life, but the shutdown of that freeway for many, many, many months, thereby denying access of transportation to many of my constituents and the citizens of Houston.

Tanker truck firm sued in crash that killed infant and father, whose 5 year old son died in collision. It talks about the negligence. The collision killed 9-month-old Lisa Patrice Pete and half brother Jerry Andrew Morino.

I can only say, Mr. Chairman, that I think as we all acknowledge the importance of the National Transportation Safety Board and the importance, if you will, of its work in these amendments, I would hope that we also will look to some of the recommendations that they have made with respect to the technology of a recording device. It is important that we note whether or not in determining the accident as well, whether or not a trucker has been driving too long, whether or not there has been any falsification of records. I am going off on other issues that may have an impact on tragic accidents like this.

But the one thing I can tell you is when these trucks go through crowded urban areas, when they are going through cities, and I realize they have deadlines and responsibilities, Mr. Chairman, I would simply say to you that we must look to the protection of those residents that live in that area.

I hope this language that I would have offered could be language that we could consider. I understand it was a recommendation by the board. I would inquire of the gentleman from Illinois (Mr. LIPINSKI) about the opportunity to work with him to protect our communities.

Mr. Chairman, I rise to discuss my proposed amendment to H.R. 2910. Nearly 5,000 people are killed in truck related accidents in each of the past three years on our nation's highways. There are many agencies within our government that have a shared responsibility for safety on our nation's highways, including the Transportation Department, the NTSB and the Federal Highway Administration. But despite much talk and discussion, several hearings, and meetings over improving trucking safety we have had little action aimed at improving safety.

What we do have is accident after accident involving truck drivers who are too tired and even drunk. A total of 5,374 people died in accidents involving large trucks which represents 13 percent of all the traffic fatalities in 1998 and in addition 127,000 were injured in those crashes.

In Houston, Texas, a man (Kurt Groten) 38 years old and his three children David, 5, Madeline, 3, and Adam, 1, were killed in a horrific accident when a 18-wheel truck crashed into their vehicle. His wife was the only survivor of the crash, testified in criminal proceedings against the driver last week stating ''I saw that there was a whole 18-wheeler on top of our car. . . . I remember standing there and screaming, 'My life is over! All of my children are dead!' ''

In Galveston, a 5-year-old boy (Jerry Moreno and his 9-month old sister, (Lisa) were killed in an accident when the vehicle driven by their father was struck by an oncoming truck.

These are only a few examples of the thousand of terrible and fatal trucking accidents that are caused every year on our nation's roads and highways.

My amendment/resolution would require that data recorders similar to the black boxes found on airliners be carried in trucks. The NTSB has pushed for this technology as a means of verifying the hours drivers work since 1990. Currently truck drivers must comply with the federal government's 60-year-old rule that they take eight hours of rest for every 10 behind the wheel.

Truckers are required to maintain logbooks for their hours of service. But truckers have routinely falsified records, and many industry observers say, to the point that they are often referred to as ''comic books.'' In their 1995 findings the National Transportation Safety Board found driver fatigue and lack of sleep were factors in up to 30 percent of truck crashes that resulted in fatalities. In 1992 report the NTSB reported that an astonishing 19 percent of truck drivers surveyed said they had fallen asleep at the wheel while driving. Recorders on trucks can provide a tamper-proof mechanism that can be used for accident investigation and to enforce the hours-of-service regulations, rather that relying on the driver's handwritten logs.

Mr. Chairman, I know that the trucking industry is concerned by the added cost of the recorders. I also appreciate the fact that close to eighty percent of this country's goods move by truck and that the industry has a major impact on our economy. But can we afford to put pocket before safety? Ask your selves where we would be without recorders in commercial aviation, rail, or the marine industry? I think that I have a good idea what the answer is, we would not know what caused that accident nor would we be able to learn from our mistakes.

Mr. Chairman, there is no good reason that we should not adhere the advice of the NTSB and require these recorders on the trucks that navigate our highways. Putting our pockets before safety is simply foolish when the technology exits today which could save the lives of the constituents we represent.

Mr. Chairman, let us vote today to put action behind our discussion.

[From the Houston Chronicle, March, 18, 1999]

TRUCKS, CARS, PROVE TO BE A DEADLY MIX ON FREEWAYS

Big truck, little cars, nowhere to go.

It happened again Tuesday when three people died on Interstate 45-North. A tanker truck veered into oncoming traffic and drivers across the city shuddered.

Some were upset because of the mix of trucks and cars on area roadways. Others were mad because the stretch of freeway where the accident happened is notorious for crashes.

The collision is the latest in a string of well-publicized accidents involving trucks, such as the Feb. 12 Gulf Freeway crash that killed four.

Large trucks drive less than 5 percent of the vehicle-miles on Harris County roadways, according to the Houston-Galveston Area Council.

At fault or not, they are involved in 9 percent of the fatal collisions, according to the Texas Department of Public Safety statistics for 1995–97.

By comparison, passenger cars drive 70 percent of local miles traveled but were involved in only 63 percent of fatal collisions.

Several experts said that every accident is unique in terms of who deserves the blame. Cars have many more accidents per mile driven than trucks, but trucks cause more deaths when they do crash, because of their size and weight.

While the crash victims Tuesday couldn't escape the out-of-control truck, the experts said one thing often found in car-truck accidents is lack of understanding by car drivers of how much space a truck needs.

''The commercial driver is a trained driver. The person in a passenger car may know how his car handles, but he has no idea how a truck handles,'' said Pasadena police Sgt. Loni Robinson, who runs the city's truck inspection program.

An 18-wheeler cannot see tailgating drivers. At 55 mph, a fully loaded truck needs the length of a football field to make an emergency stop—twice as long as a passenger car going the same speed.

In Houston, when a responsible truck driver tries to leave extra room in front of his rig, several cars likely will zip in front of him and close up the space.

Even the best trucker will be forced to give up and drive too closely to a vehicle ahead, said B.L. Manry, safety director at Palletized Trucking of Houston and a national board member of the American Trucking Association's Safety Management Council.

Manry stressed that he is not an industry apologist. ''Let's face it, there's a lot of outlaws out there,'' he said.

[From the Houston Chronicle, Sept. 29, 1999]

JURORS LEFT IN TEARS AT WRECKTRIAL/ WIDOW DESCRIBES FREEWAY HORROR

(By Steve Brewer)

In tearful, highly charged testimony, a woman told Tuesday of the horror of seeing her husband and three children die after a truck crushed their sport utility vehicle on a Houston freeway ramp.

''I saw that there was a whole 18-wheeler on top of our car . . . I remember standing there and screaming 'My life is over! All of

my children are dead!'' Lisa Groten told jurors.

By the time the window finished testifying, many in the packed courtroom were sobbing. Tears welled in the eyes of at least two jurors.

Hers was the first testimony in the trial of Jose Coronado Martinez, 35, who is charged with four counts of intoxicated manslaughter in the deaths of Kurt David Groten, 38, and his children, David, 6, Madeleine, 4, and 11-month-old Adam.

If convicted, Martinez, a native of El Salvador, could get four consecutive 20-year sentences.

Lisa Groten has just picked her husband up at Hobby Airport the night of June 29, and had brought their children along, clad in their pajamas.

''I remember thinking, 'It's a pretty night out and there's no need to hurry home. We'll put the kids to bed when we get home,'' she testified.

Kurt Groten had been in Austin on a business trip. Lisa, after a busy day of swimming lessons reading and playing with the children, put them in the family's Ford Expedition to pick him up because they all wanted to see him so badly.

The couple married in 1987 and their first two children were the result of vitro fertilization and artificial insemination. Adam was conceived naturally.

Prosecutor Warren Diepraam said in his opening remarks that Kurt Groten had offered to take a taxi home that night, but his wife and the kids decided to pick him up instead.

The children had eaten at their favorite restaurant and were ready for bed when their father got behind the wheel at Hobby. Things got quiet after talk of the trip died down and Lisa Groten said she was looking forward to a quiet evening.

As they headed up an entrance ramp to U.S. 59, Lisa Groten looked at her husband.

''He had both hands on the wheel and I was watching his face,'' she said, ''We were talking and I saw something through the windshield and I didn't know what it was . . . I felt the impact. It was like a crushing impact. I believe Kurt cried out. I remember saying, 'Kurt, we need to pray.''

The impact was Martinez's truck falling into their Ford Expedition. Testimony later showed Martinez has swerved into Groten's lane, then swerved back into his own, causing the rig's load of office supplies to shift and tipping it over.

Breath tests later showed that Martinez, who was not hurt, had a blood-alcohol level of 0.12 exceeding the then-legal limit of 0.10.

Lisa Groten remembers saying again and again that the family must pray. Because her section of the Expedition was not completely crushed, Houston police Sgt. John Norwood was able to help her get out.

But her husband was hopelessly pinned. Lisa said she looked at the back of the car, but couldn't see her children, only the crumpled roof.

As the vehicle started to catch fire, she went back to the vehicle to be with her injured husband. She held his hand while be begged Norwood and others to rescue his children.

''He just kept saying, 'Jesus, please take me to heaven. Jesus, please take me to heaven,'' Lisa Groten said.

She was finally pulled away as the flames, fueled by the office supplies, kicked up and the smoke got dense. She said she didn't want to leave because her place was with her husband.

''It was so surreal. It shouldn't happen to anybody,'' she said. ''I just kept thinking my husband and all my children died, just so fast like that,'' she testified. ''It was just beyond my comprehension. It still is.''

Despite the efforts of the police, tow truck drivers, passers-by, firefighters, and paramedics, Kurt Groten and the children couldn't be extracted from the burning vehicle in time.

Diepraam told jurors that Kurt Groten had died of smoke inhalation.

Postal worker Walter Wilson, who saw the accident and stopped to help, wept as he told jurors of hearing the children's cries and Kurt Groten's pleas for help.

''He was telling me to get his kids out,'' Wilson said.

But an explosion of flames stopped all those efforts, he said, and the children were quiet after a few seconds.

Testimony continues today in state District Judge Ted Poe's court. In opening arguments, Martinez's attorney, Jon A. Jaworski, said the crash was just a tragic accident and that police botched the investigation.

[From the Houston Chronicle, Sept. 27, 1999]

TRIAL BEGINS FOR DRIVER IN FIERY CRASH/LAWYER, 3 CHILDREN DIED IN 18-WHEELER ACCIDENT

(By Steve Brewer)

Jury selection starts today in the trial of an accused drunken driver whose 18-wheeler killed a Houston lawyer and his three small children on June 29 when it crushed their sport utility vehicle.

Testimony in the case of Jose Coronado Martinez, 35, could start by Tuesday in state District Judge Ted Poe's court. Prosecutors are seeking a maximum of 80 years in prison for the native of El Salvador.

Both sides are expected to give jurors vastly different views of the fiery crash that shattered a local family in what has shaped up to be a complex, high-profile case.

Defense attorney Jon A. Jaworski said he will prove the tragedy was an unfortunate accident, that police botched the investigation and that his client is a scapegoat in a political game of revenge to get even with truckers who are often involved in freeway accidents.

Prosecutor Warren Diepraam scoffed at that and said he's sure jurors will find Martinez guilty of the four charges of intoxicated manslaughter that he faces.

''Their case is still, 'I'm the victim and I didn't do anything wrong.' We'll give him a chance to put up or shut up,'' Diepraam said. ''I think the evidence is going to show to a rational jury who the real person at fault is and who the real victim is. It ain't Jose Martinez.''

Martinez's truck, which was carrying a load of office supplies, crushed the Ford Expedition carrying the Groten family on an entrance ramp to U.S. 59.

Killed were Kurt David Groten, 38, and his children, David, 5, Madeleine, 3, and Adam, 1.

Kurt Groten's wife, Lisa Kay Groten, 36, was the only survivor. Diepraam said she will testify in the trial.

Lisa Groten had picked her husband up at Hobby Airport, and the family was en route home on the Gulf Freeway when the fatal crash occurred.

Police said Martinez's truck and the Grotens' vehicle were side-by-side on the ramp.

Martinez was going too fast, lost control and his rig hit a guardrail, causing it to lift, police have said. As his tires came down, Martinez swerved and Kurt Groten honked at him.

But the swerve apparently caused Martinez's load to shift, making his truck tilt, all but crushing the Expedition, police said. Passers-by tried in vain to fight the ensuing blaze and pull the family from the burning wreckage.

Diepraam said Kurt Groten was yelling for them to save his children and that Martinez staggered from his truck and was arrested after an officer smelled alcohol on him.

Two breath tests conducted later showed that Martinez's blood-alcohol level was 0.11 and 0.12 percent. At the time, a driver was considered legally drunk in Texas at 0.10.

The law has since changed and the standard is now 0.08. But in this case, the old mark will be used.

Jaworski said the official version of events has been obscured and that his client has been unfairly demonized.

''I think this is basically a case where they want to make an example of truck drivers that are causing accidents,'' Jaworski said. ''This accident could have happened to anyone, whether there was alcohol involved or not . . . Unfortunately, the Grotens were just in the wrong place at the wrong time.''

Jaworski said his client was not speeding and that he was cut off by an unidentified driver who fled the scene. He said Martinez told that to a witness at the scene minutes after the accident.

Also, the machine used to conduct the breath tests was not working properly, Jaworski said, and police lied about Martinez's conduct after the crash.

Houston police also didn't follow proper procedure by not getting a blood sample from the defendant, said Jaworski, who acknowledged that his client had a ''couple of beers'' earlier that day.

Jaworski said Martinez tried to help the family, but was told to stay back by officers at the scene.

Martinez's truck and the trailer he was pulling was also in bad mechanical condition, Jaworski said. The trailer was loaded improperly and needed repair, and so did Martinez's rig.

Jaworski said he will rely on expert testimony to show the bad condition of the truck and he added that Martinez himself might even take the stand.

In addition to Groten's testimony and accounts from officers at the scene and others, Diepraam could also rely on expert testimony.

As for Jaworski's claims that the police lied or didn't follow proper procedure in the case, Diepraam said: ''We'll have evidence to show that everything was working just fine, that there were no problems with the police investigation, the Intoxilyzer or the police officers, and that the only person who has a motive to lie is the defendant.''

Diepraam also said he believes that any problems with the truck don't matter.

''If the truck was in perfect condition or wasn't working at all, he's the driver and he's responsible,'' Diepraam said. ''That's what common sense says and that's what the law says.''

If he's convicted, Martinez could get two to 20 years in prison and a $10,000 fine for each charge. Because of the nature of the charges, Poe could make the terms run consecutively, in which case Martinez could be looking at a maximum total of 80 years in prison.

Diepraam has already filed a motion asking Poe to ''stack'' the sentences if Martinez is convicted.

If the jury makes an additional finding that Martinez's truck was used as a deadly weapon then that means he will have to serve half of the combined terms before being eligible for parole. For example, if he gets 80 years then it will be 40 years before he's eligible for parole.

That's the equivalent of a life sentence in a capital murder case.

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

Mr. Chairman, I would first of all like to hear from the gentleman from Tennessee (Mr. DUNCAN), the chairman

of the Subcommittee on Aviation, in regard to this matter.

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

Mr. LIPINSKI. I yield to the gentleman from Tennessee.

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

Mr. Chairman, we have had a discussion with the gentlewoman from Texas (Ms. JACKSON-LEE) about her concerns. I want to assure the gentlewoman that from our side that we certainly will work with her in every way possible, because all of us, I think on both sides of this House, want to do everything possible to improve truck safety, and especially in regard to trucks that are moving through heavily populated urban areas. So certainly we will try to do everything we can.

Mr. LIPINSKI. Mr. Chairman, reclaiming my time, I want to echo the statement of the chairman of the Subcommittee on Aviation, the gentleman from Tennessee (Chairman DUNCAN). I too will work and our staff will work very closely with the gentlewoman to see if we cannot work something out that is beneficial in the next bill we are going to be dealing with in regards to the Committee on Transportation and Infrastructure.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if the gentleman will yield further, I am most grateful. I thank the chairman and the gentleman from Illinois, and my community thanks you very much.

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

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

Mr. Chairman, I have no further requests for time. Let me just say I understand the gentleman from New York (Mr. WEINER) is going to offer an amendment, and we are going to agree to this amendment concerning the installation of a doppler weather radar system in Brooklyn, New York. This provision was placed in this legislation because there was a dispute between the FAA and the Department of Interior, the Park Service, on the installation of this system.

We have been told that the Park Service and the FAA have now reached an agreement to go ahead and install this system. The staff had included this in the legislation just because of some uncertainty regarding a pending Federal lawsuit on this issue.

I will simply say this: we feel it is the intent of the Congress that this system should be installed there, and we will remove this provision at this time, reserving the right to revisit this issue if necessary in a conference with the Senate or at some later point if for some reason this agreement is not carried out.

With that said, Mr. Chairman, that we will agree to that change, we do have a good bill, a necessary bill, and I urge the support of the entire body for this reauthorization of the National Transportation Safety Board.

Mr. TRAFICANT. Mr. Chairman, I rise in strong support of H.R. 2910, the National Transportation Safety Board Amendments Act of 1999. I want to commend Aviation Subcommittee Chairman DUNCAN and Ranking Member LIPINSKI for the excellent work they have done in crafting this excellent piece of legislation. Having spent the better part of a year working with the National Transportation Safety Board on my own review of the TWA Flight 800 tragedy, I am familiar with the challenges facing the board.

H.R. 2910 includes a number of important provisions that will improve the NTSB's ability to deal with major airline accidents and work more efficiently with federal law enforcement agencies. The bill also clarifies that the board has the authority to enter into agreements with foreign governments to provide technical assistance and other services. I am also pleased that the committee report to accompany this legislation includes language making recommendations on how the NTSB can better improve coordination and cooperation with other parties in a major airline investigation.

I helped craft this language and hope to continue working with the NTSB to ensure that it has the resources it needs to do its job, and that it makes the best possible use of the specialized expertise that exists at companies like Boeing and Pratt Witney. I would also like to thank the former chairman of the committee, Congressman Norm Mineta, for his assistance in this area. The commission that he chaired made a number of recommendations on how to improve the party system. The report language echoes the findings of the Mineta Commission.

Mr. Chairman, as I have several times in the past, I want to salute the dedicated professionals at the NTSB. Day in and day out, year after year, these remarkable public servants work long hours under trying conditions. Often their work is frustrating and extremely stressful. But because of their professionalism, commitment and talent, thousands of lives have been saved. For example, even though the Board has yet to determine the cause of the Flight 800 crash, the work that Board investigators have done on that accident investigation has forced the FAA and airline industry to make substantive changes, especially in the area of aircraft wiring and aircraft wiring inspection. These changes will make our skies safer.

Every American who flies owes the NTSB a debt of gratitude. I, for one, deeply appreciate the excellent work they have done and continue to do.

I urge approval of the bill.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 106–347 shall be considered by section as an original bill for the purpose of amendment, and each section is considered read.

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

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

The Clerk will designate section 1.

The text of section 1 is as follows:

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

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''National Transportation Safety Board Amendments Act of 1999''.

(b) REFERENCES.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. DEFINITIONS.

Section 1101 is amended to read as follows:

''§ 1101. Definitions

''Section 2101(17a) of title 46 and section 40102(a) of this title apply to this chapter. In this chapter, the term 'accident' includes damage to or destruction of vehicles in surface or air transportation or pipelines, regardless of whether the initiating event is accidental or otherwise.''.

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. AUTHORITY TO ENTER INTO AGREEMENTS.

(a) IN GENERAL.—Section 1113(b)(1)(I) is amended to read as follows:

''(I) negotiate and enter into agreements with private entities and departments, agencies, and instrumentalities of the Government, State and local governments, and governments of foreign countries for the provision of technical services or training in accident investigation theory and technique, and require that such entities provide appropriate consideration for the reasonable costs of any goods, services, or training provided by the Board.''.

(b) DEPOSIT OF AMOUNTS.—Section 1114(a) is amended—

(1) by inserting ''(1)'' before ''Except''; and

(2) by adding at the end the following:

''(2) The Board shall deposit in the Treasury amounts received under paragraph (1). Such amounts shall be available to the Board as provided in appropriations Acts.''.

The CHAIRMAN. Are there any amendments to section 3?

If not, the Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. OVERTIME PAY.

Section 1113 is amended by adding at the end the following:

''(g) OVERTIME PAY.—

''(1) IN GENERAL.—Subject to the requirements of this section and notwithstanding paragraphs (1) and (2) of section 5542(a) of title 5, for an employee of the Board whose basic pay is at a rate which equals or exceeds the minimum rate of basic pay for GS–10 of the General Schedule,

the Board may establish an overtime hourly rate of pay for the employee with respect to work performed at the scene of an accident (including travel to or from the scene) and other work that is critical to an accident investigation in an amount equal to one and one-half times the hourly rate of basic pay of the employee. All of such amount shall be considered to be premium pay.

''(2) LIMITATION ON OVERTIME PAY TO AN EMPLOYEE.—An employee of the Board may not receive overtime pay under paragraph (1), for work performed in a calendar year, in an amount that exceeds 15 percent of the annual rate of basic pay of the employee for such calendar year.

''(3) LIMITATION ON TOTAL AMOUNT OF OVERTIME PAY.—The Board may not make overtime payments under paragraph (1), for work performed in a calendar year, in a total amount that exceeds $570,000.

''(4) BASIC PAY DEFINED.—In this subsection, the term 'basic pay' includes any applicable locality-based comparability payment under section 5304 of title 5 (or similar provision of law) and any special rate of pay under section 5305 of title 5 (or similar provision of law).

''(5) ANNUAL REPORT.—Not later than January 31, 2001, and annually thereafter, the Board shall transmit to Congress a report identifying the total amount of overtime payments made under this subsection in the preceding fiscal year and the number of employees whose overtime pay under this subsection was limited in such fiscal year as a result of the 15 percent limit established by paragraph (2).''.

The CHAIRMAN. Are there any amendments to section 4?

Mr. DUNCAN. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 5. RECORDERS.

(a) COCKPIT VIDEO RECORDINGS.—Section 1114(c) is amended—

(1) in the subsection heading by striking ''VOICE'';

(2) in paragraphs (1) and (2) by striking ''cockpit voice recorder'' and inserting ''cockpit voice or video recorder''; and

(3) in the second sentence of paragraph (1) by inserting ''or any written depiction of visual information'' after ''transcript''.

(b) SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

(1) IN GENERAL.—Section 1114 is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following:

''(d) SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

''(1) CONFIDENTIALITY OF RECORDINGS.—The Board may not disclose publicly any part of a surface vehicle voice or video recorder recording or transcript of oral communications by or among drivers, train employees, or other operating employees responsible for the movement and direction of the vehicle or vessel, or between such operating employees and company communication centers, related to an accident investigated by the Board. However, the Board shall make public any part of a transcript or any written depiction of visual information that the Board decides is relevant to the accident—

''(A) if the Board holds a public hearing on the accident, at the time of the hearing; or

''(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the accident are placed in the public docket.

''(2) REFERENCES TO INFORMATION IN MAKING SAFETY RECOMMENDATIONS.—This subsection does not prevent the Board from referring at any time to voice or video recorder information in making safety recommendations.''.

(2) CONFORMING AMENDMENT.—The first sentence of section 1114(a) is amended by striking ''and (e)'' and inserting ''(d), and (f)''.

(c) DISCOVERY AND USE OF COCKPIT AND SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

(1) IN GENERAL.—Section 1154 is amended—

*(A) in the section heading by striking ''**cockpit voice and other material**'' and inserting ''**cockpit and surface vehicle recordings and transcripts**'';*

(B) in subsection (a)—

(i) by striking ''cockpit voice recorder'' each place it appears and inserting ''cockpit or surface vehicle recorder'';

(ii) by striking ''section 1114(c)'' each place it appears and inserting ''section 1114(c) or 1114(d)''; and

(iii) by adding at the end the following:

''(6) In this subsection—

''(A) the term 'recorder' means a voice or video recorder; and

''(B) the term 'transcript' includes any written depiction of visual information obtained from a video recorder.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 11 is amended by striking the item relating to section 1154 and inserting the following:

''1154. Discovery and use of cockpit and surface vehicle recordings and transcripts.''.

(d) REQUIREMENTS FOR INSTALLATION AND USE OF RECORDING DEVICES.—Section 329 is amended by adding at the end the following:

''(e) REQUIREMENTS FOR INSTALLATION AND USE OF RECORDING DEVICES.—A requirement for the installation and use of an automatic voice, video, or data recording device on an aircraft, vessel, or surface vehicle shall not be construed to be the collection of information for the purpose of any Federal law or regulation, if the requirement—

''(1) meets a safety need for the automatic recording of realtime voice or data experience that is restricted to a fixed period of the most recent operation of the aircraft, vessel, or surface vehicle;

''(2) does not place a periodic reporting burden on any person; and

''(3) does not necessitate the collection and preservation of data separate from the device.''.

SEC. 6. PRIORITY OF INVESTIGATIONS.

(a) IN GENERAL.—Section 1131(a)(2) is amended—

(1) by striking ''(2) An investigation'' and inserting ''(2)(A) Subject to the requirements of this paragraph, an investigation''; and

(2) by adding at the end the following:

''(B) If the Attorney General, in consultation with the Chairman of the Board, determines and notifies the Board that circumstances reasonably indicate that the accident may have been caused by an intentional criminal act, the Board shall relinquish investigative priority to the Federal Bureau of Investigation. The relinquishment of investigative priority by the Board shall not otherwise affect the authority of the Board to continue its investigation under this section.

''(C) If a law enforcement agency suspects and notifies the Board that an accident being investigated by the Board under paragraph (1)(A)–(D) may have been caused by an intentional criminal act, the Board, in consultation with the law enforcement agency, shall take necessary actions to ensure that evidence of the criminal act is preserved.''.

(b) REVISION OF 1977 AGREEMENT.—Not later than 1 year after the date of enactment of this Act, the National Transportation Safety Board and the Federal Bureau of Investigation shall revise their 1977 agreement on the investigation of accidents to take into account the amendments made by this Act.

SEC. 7. PUBLIC AIRCRAFT INVESTIGATION CLARIFICATION.

Section 1131(d) is amended by striking ''1134(b)(2)'' and inserting ''1134(a), (b), (d), and (f)''.

SEC. 8. AUTHORITY OF THE INSPECTOR GENERAL.

(a) IN GENERAL.—Subchapter III of chapter 11 of subtitle II is amended by adding at the end the following:

''§ 1137. Authority of the Inspector General

''(a) IN GENERAL.—The Inspector General of the Department of Transportation, in accordance with the mission of the Inspector General to prevent and detect fraud and abuse, shall have authority to review only the financial management and business operations of the National Transportation Safety Board, including internal accounting and administrative control systems, to determine compliance with applicable Federal laws, rules, and regulations.

''(b) DUTIES.—In carrying out this section, the Inspector General shall—

''(1) keep the Chairman of the Board and Congress fully and currently informed about problems relating to administration of the internal accounting and administrative control systems of the Board;

''(2) issue findings and recommendations for actions to address such problems; and

''(3) report periodically to Congress on any progress made in implementing actions to address such problems.

''(c) ACCESS TO INFORMATION.—In carrying out this section, the Inspector General may exercise authorities granted to the Inspector General under subsections (a) and (b) of section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

''(d) REIMBURSEMENT.—The Inspector General shall be reimbursed by the Board for the costs associated with carrying out activities under this section.''.

(b) CONFORMING AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following:

''1137. Authority of the Inspector General.''.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 1118(a) is amended to read as follows:

''(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this chapter $57,000,000 for fiscal year 2000, $65,000,000 for fiscal year 2001, and $72,000,000 for fiscal year 2002. Such sums remain available until expended.''.

SEC. 10. TERMINAL DOPPLER WEATHER RADAR.

If the Administrator of the Federal Aviation Administration determines that it would enhance aviation safety, the Administrator shall install a Terminal Doppler Weather Radar at the site of the former United States Coast Guard Air Station Brooklyn at Floyd Bennett Field in King's County, New York.

AMENDMENT OFFERED BY MR. WEINER

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

The Clerk read as follows:

Amendment offered by Mr. WEINER:

Strike section 10 of the bill, relating to terminal doppler weather radar.

Mr. WEINER. Mr. Chairman, I first want to thank the chairman of the Subcommittee on Aviation and ranking member for the fine work that they have done on this bill. This is a piece of legislation that doubtlessly will not earn front page notice in our newspapers around the country, but the fine work that has been done by the subcommittee in ensuring the safety of

travelers around the country should not go unnoticed, and this bill is indeed worthy of the full House's support.

Mr. Chairman, I will not take my full time. I just want to thank the chairman for his previous statement and for his understanding of the situation. This is an instance where the drafting of the bill had been overtaken by events on what is admittedly a controversial issue.

I agree 100 percent that there should be a terminal doppler radar installed to serve the New York City area, the Kennedy and LaGuardia Airports. That is something that I think my constituents and all New Yorkers and travelers around the world support. I am hopeful and confident that the way has been cleared for a way to install that doppler radar in a quick and expeditious fashion.

My amendment simply strikes the section of the bill that predates an agreement that was entered into between Interior and the FAA that was mediated by the Council on Environmental Quality.

Again, I want to thank very much the chairman of the subcommittee and the ranking member for their understanding in this matter.

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

Mr. Chairman, as I stated earlier, we feel this system should be installed to enhance the safety of the traveling public, particularly into Kennedy and LaGuardia Airports. We agree to this amendment.

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

Mr. Chairman, I want to simply state that from our side of the aisle, we also agree that we will accept this amendment. I spoke to the gentleman from Tennessee (Chairman DUNCAN) about this amendment. I appreciate very much his cooperation in removing this language from the bill by accepting the amendment.

I want to say also, as the gentleman from Tennessee (Chairman DUNCAN) mentioned, and I concur with him, in the event that everything does not develop the way we anticipate it developing pertaining to this doppler weather system, we do reserve the right to revisit this issue when we get to conference or some other time before the bill actually comes back to be passed into law.

Based upon my observance over here, I do not think we have any further amendments coming forth, and I think we are very close to passing this bill. So in getting to that point, I want to say that it is always a pleasure working with the gentleman from Tennessee (Chairman DUNCAN). He and I get along very well together. He is very cooperative.

I appreciate also the cooperation of the gentleman from Pennsylvania (Chairman SHUSTER), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and, once again, the staff of the Subcommittee on Aviation, I believe, has done an outstanding job; and I want to express my personal appreciation to each one of them for everything that they have done.

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

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

If not, the question is on the committee amendment in the nature a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ROGAN) having resumed the chair, Mr. BARRETT of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2910) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, and 2002, and for other purposes, pursuant to House Resolution 312, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 420, nays 4, not voting 9, as follows:

[Roll No. 462]

YEAS—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
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
Fattah
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
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
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
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
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)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds

Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
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
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—4

Chenoweth
Coburn
Paul
Sanford

NOT VOTING—9

Becerra
Boyd
Burton
Hooley
Jefferson
Meeks (NY)
Scarborough
Wise
Wu

□ 1223

Mr. GREEN of Texas and Mr. STEARNS changed their vote from ''nay'' to ''yea''.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UNBORN VICTIMS OF VIOLENCE ACT OF 1999

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 313 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 313

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2436) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 3(b) of the rule XIII are waived. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Yesterday, the Committee on Rules met and granted a structured rule for H.R. 2436, the Unborn Victims of Violence Act. The rule waives points of order against consideration of the bill for failure to comply with 3(b) of rule XIII, requiring the inclusion in the report of any record votes on a motion to report, or on any amendment to a bill reported from committee.

The rule provides 2 hours of general debate equally divided among the chairman and ranking minority Member of the Committee on Judiciary.

The rule makes in order the Committee on Judiciary amendment in the nature of a substitute now printed in the bill as an original bill for purposes of amendment, which shall be considered as read. The rule makes in order only those amendments printed in the Committee on Rules report accompanying this resolution.

The rule provides that amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report and shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment, shall not be subject to the demand for a division of the question in the House or in the Committee of the Whole.

The rule permits the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides one motion to recommit with or without instructions.

This is a fair rule which will permit thorough discussion of all of the relevant issues. Indeed, after 2 hours of debate and consideration of the Democrat substitute amendment, we will be more than ready to vote on H.R. 2436. This is not a complex issue.

Mr. Speaker, on September 12, 1996 Gregory Robbins, an Air Force enlisted man wrapped his fist in a T-shirt and brutally beat his pregnant 18-year-old wife. Soon after, his young wife gave birth to a stillborn 8-month-old fetus.

To their surprise and disappointment, the Air Force prosecutors concluded that, although they could charge Gregory Robbins with simple assault, they could not charge him in the death of the couple's child. Why? Because Federal murder laws do not recognize the unborn.

□ 1230

A criminal can beat a pregnant woman in her stomach to kill the baby and the law ignores her pregnancy. This is wrong and it has to be stopped.

Fortunately, 24 States have adopted laws that protect pregnant women from assaults by abusive boyfriends and husbands, and now it is time for the Federal Government to do the same.

The Unborn Victims of Violence Act would make it a Federal crime to attack a pregnant woman in order to kill or injure her fetus. The bill would apply only in cases where the underlying assault is, in and of itself, a Federal crime, such as attacks by military personnel or attacks on Federal property.

This bill, introduced by my good friend, the gentleman from South Carolina (Mr. GRAHAM), should have the support of everyone in Congress, whether they are pro-life, such as myself, or pro-choice. We should all agree to protect young women from forced, cruel, and painful abortions.

All we have to do is ask the woman who just lost her child after a violent attack. It is not the same thing as a simple assault. Clearly, it is more serious and more emotionally jarring, and it should be treated accordingly.

Just a few months ago, in Charlotte, North Carolina, we had a man murder his pregnant wife in a child custody dispute. The incident would not have been covered by H.R. 2436, it would be covered by the State law, but it is a reminder that we are talking about a

real problem here that is increasingly happening more and more.

Mr. Speaker, I strongly urge my colleagues to support this rule and to support the underlying legislation.

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

Ms. SLAUGHTER. Mr. Speaker, I thank my distinguished colleague, the gentlewoman from North Carolina (Mrs. MYRICK), for yielding me this time, and I yield myself such time as I may consume.

I strongly oppose the modified closed rule on H.R. 2436. On an issue as important as this, we should hear the voice of every Member of the House without the limitations imposed by the majority on the committee. During consideration of the rule yesterday, a motion was made for an open rule, but it was defeated.

Mr. Speaker, I rise in strong opposition to the underlying bill, the so-called Unborn Victims of Violence Act. This dangerous legislation would establish penalties for those who harm or terminate a pregnancy at any stage of development, either knowingly or unknowingly, while committing a Federal crime. This bill would create the first Federal law that recognizes a fertilized egg an independent victim of a crime and gives it the same legal right as people who are born.

The bill marks a major departure from existing Federal law and threatens to erode the foundations of the right to choose as recognized in the 1973 Roe versus Wade decision. Indeed, Mr. Speaker, should the Senate take up this bill, which is most unlikely, it will be vetoed.

Under H.R. 2436, the fetus has the same or more legal status as the pregnant woman. Recognizing the fetus as having the same legal rights independent of the pregnant woman makes it possible to use those rights against her. This bill would put the woman and the fetus in conflict and could place the health, worth, and dignity of women on a lower level.

The supporters suggest that they are advancing this bill in an effort to combat domestic violence. If that is true, it is at best an awkward and at worst a dangerous effort. If the supporters of this legislation are so interested in stopping violence against women, I stand ready to join them in a vigorous effort to bring to the floor the Violence Against Women Act and Violence Against Women Act II. Yesterday, at the Committee on Rules, I made such a motion, but it was defeated.

The supporters of the bill insist that H.R. 2436 has nothing to do with the abortion debate and was crafted to protect women against violence. Why then, one is left to wonder, was this bill referred not to the Subcommittee on Crime but, instead, to the Subcommittee on the Constitution of the Committee on the Judiciary?

It is the Constitution which provides the foundation for a woman's protection of her right to choose. And despite what we hear to the contrary, this bill is the hammer striking a chisel against that foundation.

Are we sickened and outraged by attacks on pregnant women that cause harm or miscarriage? To the depths of our souls. Situations such as the one in Arkansas, where a husband hired three youths to beat his wife so she would miscarry, deserve the contempt of our society and the full measure of justice our legal system can muster. But this can be done by prosecuting a defendant for an assault on the woman, provisions that might be addressed in the Violence Against Women Act.

Members of the Committee on the Judiciary are working courageously to thwart this attack. My friends and colleagues, the gentlewoman from California (Ms. LOFGREN) and the gentleman from Michigan (Mr. CONYERS) will offer a substitute which makes it a Federal crime to assault a pregnant woman. If it is violence against women, including pregnant women, which we are trying to stop, then the Lofgren substitute is the only reasonable alternative before us today.

Otherwise, the underlying bill is nothing more than another scheme to advance the Christian Coalition and National Right to Life's agenda to destroy Roe versus Wade and, in fact, they boast as much on their net as to how they drafted the bill.

This measure aims to chip away at a woman's reproductive freedom under the guise of fighting crime. I will continue to fight the leadership's efforts to turn back the clock on women's rights and reproductive health.

Mr. Speaker, as I said before, the Department of Justice opposes this bill, and it will be vetoed.

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

Mrs. MYRICK. Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee (Mr. BRYANT).

Mr. BRYANT. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me this time.

Not to be repetitious, but I do want to emphasize what she said in her opening statement; that this is certainly a bill that, I believe regardless of whether we might be pro-choice or pro-life, we can support. Because what we are talking about here in the underlying bill, and certainly I support this rule that we are talking about right now, is a law that would protect not only the mother of the child but also that unborn child.

Just imagine, my colleagues, the horrible scene where a woman, who might be 4 or 5 months pregnant, is attacked by her husband, and who shot her five times as she sat in the car, killing both the mother and the unborn child in this particular instance. That gruesome scene actually happened to a woman in Charlotte, North Carolina. I think there has already been reference to her, but there are countless other stories with the same ending.

It is a sad commentary on our society when someone takes the life of a pregnant woman as well as her unborn child and does not face any type of retribution or punishment or even deterrent for taking the life of that unborn child. That is because under current laws this type of crime does not protect the life of the unborn child, even if the mother survives.

This bill is especially important for those women who suffer from domestic abuse and the amount of violence they endure despite carrying a child. This bill addresses those issues and protects the unborn child. The legislation holds these violent criminals liable for any injuries and harm forced upon the child during the incident involving a Federal crime committed against the mother.

Members of this Congress, this is a common-sense bill. This is a way to create a separate law to protect an unborn child from any physical harm or some act of violence which causes permanent damage or death. The bill would also follow the lead of so many States already who have adopted laws which give legal protection to those children. Criminal convictions in these States have been upheld, and none of these statutes have been found to be unconstitutional.

While looking at this particular bill, keep in mind that there are Federal statutes concerning the killing or injuring of endangered plants and animals. If this argument against this legislation is centered around the issue of viability of the fetus and whether a child would have the capability to live outside the womb, then we should look at this issue of endangered species. Do we consider the viability, in that case of a plant or animal? Or even in the case of an American eagle, do we consider the viability of that egg, or whatever it might be, under the endangered species, which itself, the endangered species law, provides a punishment of up to $50,000. We have a criminal fine for the destruction of plants and animals, and we do not talk about viability there. Yet that will be a distinction that is made today when we are talking about an unborn child.

If I might say, the other unfortunate part of this issue that will be raised in opposition to the bill is that some might argue that it will be unconstitutional. As I said earlier, there have been a number of States who have passed similar bills where the constitutionality has not been overruled.

I even think about other issues in this Congress where, even as recently as 2 weeks ago, when we talked about campaign finance reform, the argument was made by some who opposed that, that it might be unconstitutional. I think we heard some of those same people say that that does not matter that we need to pass this bill and get campaign reform. I think we will hear today some of those same people say that this is not constitutional. So it is certainly an inconsistent argument on their part.

I would simply close by again urging my colleagues to put aside what might become the rhetoric of a pro-life, pro-choice vote, what might try to be cast as an abortion vote, and look at the realities of this and the absolute need at the Federal level to establish legislation, which, in addition to protecting a person from these types of violent crimes, also protects the unborn child in that person's womb. We need to add additional punishment for that, to have a separate offense for that; and, in that way, we might deter. And all criminal laws are designed to do just that, in addition to punishment. They are designed to deter that type of conduct which everybody in this House disagrees with and does not support.

So I urge all my colleagues to set aside the rhetoric of abortion and pro-life and pro-choice and do what is right in this instance.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time, and I rise to say that I recognize the dilemma my colleagues on the other side of the aisle face. The dilemma is that Roe versus Wade is the law of the land.

No doubt, having listened to testimony yesterday in the reauthorization of the Violence Against Women Act, there is no lack of sympathy and understanding and empathy for the outrageous violence that occurs against women almost daily and, in fact, by the minute: violence against women in the workplace, sexual violence, and domestic violence. I am outraged, and I think all women have a great deal of empathy for the unchecked or unfettered violence that occurs even with the very unanimously supported legislation like the Violence Against Women Act.

But this particular legislation, Mr. Speaker, finds many of us at odds with the intent of the proponents. And it is not because we are not empathetic and sympathetic to the crisis and the tragedy that occurs when a pregnant woman is attacked, and not because we do not want to find relief, but because this bill, unfortunately, wants to be a side bar or a back-door response to some of our colleagues' opposition to Roe versus Wade.

This bill undermines a woman's right to choose by recognizing for the first time under Federal law that an embryo or fetus is a person, with rights separate and equal to that of a woman and worthy of legal protection. And the bill does not establish the time frame. The Supreme Court has held that fetuses are not persons within the meaning of the 14th Amendment. If enacted, H.R. 2436 will improperly inject debates about abortion into Federal and military criminal prosecutions across the country.

Now, the sponsors claim that this is a moderate crime bill that has nothing to do with abortion because it exempts from prosecution legal abortion, medical treatment, and the conduct of women. However, when pressed during the Committee on the Judiciary debate, the bill's proponents candidly admitted that their purpose is to recognize the existence of a separate legal person where none currently exists.

Their argument also goes against most of the forward thinking prosecutors in our Nation who have been able to find and substantiate claims of those who have assaulted women who happen to be pregnant and who have done the heinous and ugly attack of specifically attacking the pregnant woman in order to eliminate the life of the fetus.

□ 1245

So I would say to the Speaker, we are dithering around on this bill and I would hope that we did not even have to have this bill on the floor of the House. Because I, too, want to stop the violence against women and, by necessity, the violence against a pregnant woman. I, too, promote life and the sanctity of life in terms of the view of the importance of that pregnancy that that woman is carrying. But this is on dangerous ground.

Constituents of mine have written me to urge in opposition because this bill, which is quickly working its will through the House, said one constituent from Houston, will create a new separate criminal offense. It is an unprecedented attempt to grant the same legal status to all stages of the prenatal development as that of a woman. This is anything but a moderate bill.

By setting up the fetus as a separate legal entity, the sponsors of the bill are setting up the foundation to dismantle and undermine Roe versus Wade. This bill fails to address the very real need for strong Federal legislation to prevent and punish violent crimes against women, such as the hate crimes legislation, on which my colleagues will not even move, Mr. Speaker, because that has added gender to the provisions of hate crime.

I had one member of the Committee on the Judiciary say, why do we not want to do that? Would that not be something against the drunken husband who comes home and beats up the wife, he would be considered a hate crime proponent? All excuses not to pass the hate crimes. That letter, by the way, is by Ken Roberts of Houston, Texas.

The National Coalition Against Domestic Violence argues vigorously against this legislation. The Professional Association of Business Women, likewise, I think reasonable constituencies, who themselves understand when we are truly supporting legislation that is in opposition to the violence against women.

In conclusion, Mr. Speaker, let me simply say this is a bad bill. I wish it was not here. Procedurally it is bad. But more importantly, it is attempting, through a back-door way, of undermining Roe versus Wade.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to express my opposition to the rule of this bill, the ''Unborn Victims of Crime Act.'' This rule closes all needed debate amongst the concerned members of this House and is a veiled attempt to move forward with the creation of a legal status for the unborn. While we would all like to protect pregnant women and the fetus from intentional harm by others, this bill seeks to create a legal status that will give anti-abortion advocates a back door to overturning current law. If the proponents are serious about protecting the fetus and the mother, they will support the Democratic substitute, which is not a blatant attack against Roe versus Wade.

Although I believe that the cosponsors of this bill may have had good intentions when it was introduced, the practical effect of this legislation would effectively overturn 25 years of law concerning the right of a woman to choose. I, too, abhor the results of a brutalized woman suffering the loss of her pregenacy—but let's fight this by fighting violence against women.

I sympathize with the mothers who have lost fetuses due to the intentional violent acts of others. Clearly in these situations, a person should receive enhanced penalties for endangering the life of a pregnant woman. In those cases where the woman is killed, the effect of this crime is a devastating loss that should also be punished as a crime against the pregnant woman.

However, any attempt to punish someone for the crime of harming or killing a fetus should not receive a penalty greater than the punishment or crime for harming or killing the mother. By enhancing the penalty for the loss of the pregnant woman, we acknowledge that within her was the potential for life. This can be done without creating a new category for unborn fetuses.

A new status of ''human-ness'' extended to the unborn fetus of a pregnant woman creates a situation of constitutional uneasiness. While the proponents of this bill claim that the bill would not punish women who choose to terminate their pregnancies, this bill will give anti-abortion advocates a powerful tool against women's choice.

The state courts that have expressed an opinion on this issue have done so with the caveat that while Roe protects a woman's constitutional right to choose, it does not protect a third party's destruction of a fetus.

This will create a slippery slope that will result in doctors being sued for performing abortions, especially if the procedure is controversial, such as partial birth abortion. Although this bill exempts abortion procedures as a crime against the fetus, the potential for increased civil liability is present.

Supporters of this bill should address the larger issue of domestic violence. For women who are the victims of violence by a husband or boyfriend, this bill does not address the abuse, but merely the result of that abuse.

If we are concerned about protecting a fetus from intentional harm such as bombs and other forms of violence, then we also need to be just as diligent in our support for women who are victimized by violence.

In the unfortunate cases of random violence, we need to strengthen some of our

other laws, such as real gun control and controlling the sale of explosives. These reforms are more effective in protecting life than this bill.

I urge my Colleagues to vote against the rule. We need an informed debate on this bill that would provide special status to unborn fetuses. A better alternative is to create a sentence enhancement for any intentional harm done to a pregnant woman. This bill is simply a clever way of creating a legal status to erode abortion rights.

TEXAS FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUBS, INC.,
Corpus Christi, TX, September 29, 1999.

Re H.R. 2436, the Unborn Victims of Violence Act.

Representative SHEILA JACKSON-LEE,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE LEE: As the legislation chair for the approximately 3000 members of BPW/Texas (The Texas Federation of Business and Professional Women's Clubs, Inc.), I am writing to you to urge you to oppose H.R. 2436, the ''Unborn Victims of Violence Act.'' This bill which is quickly working its way through the House, would create a new separate criminal offense to punish anyone that injures or causes the death of a fetus during the commission of a federal crime.

H.R. 2436 is an unprecedented attempt to grant the same legal status to all stages of prenatal development as that of the woman. The bill is designed to chip away at the foundation of a woman's right to choose as set forth in Roe v. Wade.

Under this bill, someone could be prosecuted for harming a fetus, regardless of whether or not the same person is prosecuted for harming the mother. While we fully support efforts to punish acts of violence against women that injure or terminate a pregnancy, we believe that the sponsors of this legislation are not trying to protect women. Instead, we believe that the sponsors are seeking to advance their anti-choice agenda by altering federal law to elevate the fetus to an unprecedented status.

This is anything but a moderate bill. By setting up the fetus as a separate legal entity, the sponsors of this bill are setting up the foundation to dismantle Roe v. Wade. Our members support reproductive choice and this bill establishes the foundation to limit woman's reproductive choices. Furthermore, this bill fails to address the very real need for strong federal legislation to prevent and punish violent crimes against women.

We urge you to vote against H.R. 2436, the ''Unborn Victims of Violence Act.''

Sincerely,

ANNETTE DUVALL,
BPW/Texas Legislation Chair.

HOUSTON, TX.

Representative SHEILA JACKSON-LEE,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE JACKSON-LEE: I am writing to urge you to oppose H.R. 2436, the ''Unborn Victims of Violence Act.'' This bill, which is quickly working its way through the House, would create a new, separate criminal offense to punish anyone that injures or causes the death of a fetus during the commission of a federal crime.

H.R. 2436 is an unprecedented attempt to grant the same legal status to all stages of prenatal development as that of the woman. Under this bill, someone could be prosecuted for harming a fetus, regardless of whether or not the same person is prosecuted for harming the mother. While I fully support efforts to punish acts of violence against women that injure or terminate a pregnancy, I believe that the sponsors of this legislation are not trying to protect women. Instead, I believe the sponsors are seeking to advance their anti-choice agenda by altering federal law to elevate the fetus to an unprecedented status.

This is anything but a moderate bill. By setting up the fetus as a separate legal entity, the sponsors of this bill are setting up the foundation to dismantle Roe v. Wade. Furthermore, this bill fails to address the very real need fore strong federal legislation to prevent and punish violent crimes against women.

Sincerely,

KEN ROBERTS.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank my friend, colleague and neighbor from the Ninth District of North Carolina (Mrs. MYRICK), for yielding me the time.

Mr. Speaker, in all due respect to my friend and colleague from Texas, there is no dilemma here. There is no dilemma at all. We either care about children or we do not care about children. This bill is about additional protection for children.

Now, we are not talking about carrying pregnancies. We are not talking about fetuses. We are talking about a good rule that protects children. Born and unborn children merit and deserve protection.

The consensus is clear, life begins at conception. This rule and this bill are not about in any way Roe v. Wade. These are simply protections for mothers and children.

I support the rule. I support the bill. I want to help educate the Members of the House today about this piece of legislation. Confusion is being created about the issue at stake. What is at stake is prosecution for a criminal injuring a pregnant woman. The Unborn Victims of Violence Act will create stringent Federal penalties to protect mothers and children.

The law states that an unborn child who during the commission of a violent Federal crime suffers bodily injury or death is considered a victim apart and in addition to harm being done to the mother. It grants the same Federal protection to unborn children against violence that already exists for all Americans.

I am having a hard time believing the argument from the other side. They do not want to pass this bill because it designates the unborn child as a person. I want to ask them what do they want to happen to these criminals who knowingly abuse a pregnant woman and who know that by causing harm to the mother they will ultimately cause harm to the child? We cannot treat the child as a nonentity.

I would ask the mothers here in Congress on both sides of the aisle, can they accept that? This legislation supports many of our States who are passing similar legislation in their State legislatures.

In my home State of North Carolina it is a felony to injure a pregnant woman and cause her to undergo a miscarriage or stillbirth. Let us send a message to our State legislatures that we support prosecution of violent criminals. This legislation is common sense. Let us protect mothers. But most of all, let us protect our children, born and unborn, from harm.

Support the rule. Support the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, I thank the gentlewoman from New York for yielding me the time.

Mr. Speaker, I have to say that I agree with the ostensible purpose of the bill that we will be considering today. If the idea is to have additional penalties when a woman is harmed who is carrying a child because that person is more vulnerable, because the harm to them is greater, I agree. That is why I am supporting the Lofgren substitute.

But let us be very honest here. There is a true purpose and, frankly, the sponsors of the legislation stated that true purpose in committee and that is to undermine Roe versus Wade.

The previous speaker articulately pointed out that we should be protecting children. Well, I am not sure he has actually had an opportunity to read who it is that we are protecting in this bill. We are protecting ''a member in any stage of development who is carried in the womb.''

But frankly, I would like to address my remarks to not those who have already a position on whether they believe Roe versus Wade should or should not be undermined. If they believe that there should be increased penalties for people who commit this type of crime to a woman, then they can vote for the Lofgren substitute. The Lofgren substitute, frankly, has the exact same penalty in total years as the base bill. If they want someone to go away for life, the Lofgren substitute will do that.

And the sponsors, frankly, agreed in questioning during markup that their objective was not that. I pointedly asked the sponsor, I said, listen, if they have the same exact crime and the penalty meted out by the courts is life in prison without the opportunity for parole in both cases, would they be satisfied with the Lofgren substitute? And the answer was no. Because the true intention is to establish this new subterfuge to undermine Roe versus Wade.

But for those of us in this House who want to ease prosecution, I would tell them definitely do not support the base bill, support the Lofgren substitute. Can my colleagues imagine any prosecutor in this Nation who is going to want the choice-of-life debate getting in the way of deliberations on a murder in an assault case, having that float over these debates? Well, that is what will happen if the base bill becomes law and not the Lofgren substitute.

For all of my colleagues who want to protect women, let us do it, let us really protect women. Let us try to strike a blow for the nearly one in three women in this country who are victims of domestic violence. We should pass laws that focus on that crime. The Lofgren substitute is one. Violence against women is one. The hate crimes bill is one. These are things that seek to strike a blow to protect women.

Let us do that. Let us reject this base bill. Support the common sense Lofgren substitute and support this rule which allows that to happen.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me the time.

It is hard for me to understand the preciseness of this debate between the majority bill and the minority offering because we really do not have a disagreement about domestic violence and abuse of women. We should definitely be focusing on that in this Congress, and in fact we do on a number of bills.

In fact, there is no question we should be focusing on hate crimes, as we do frequently not only against kind of the traditional categories where we have had hate crimes in America and homosexuals and members of racial minorities, but also the religious persecution that we see occurring in a number of cases in this country; and legislation has been introduced in the other body relating to this.

I think we all need to speak out against all sorts of different types of crimes. But this is a very particular type of crime. It is not an appendix or a liver we are talking about here. We can argue whether we believe it is a human being, as I do, from the moment of conception or whether it is a developing human being. But it is, at the very minimum, a developing human being inside another person, which puts the mother more at risk; and this bill addresses that, but it also puts the developing human being, or the baby, as I believe, at tremendous risk.

In this body, we have not been consistent nor have we been in laws around the country consistent with how to handle this big dilemma. We talk about fetal alcohol syndrome and how babies are destroyed by mothers who become alcoholics and who are alcoholics or abuse alcohol during the time they are pregnant. We have multimillion-dollar media campaigns about fetal alcohol syndrome. We have portions of the population, subgroups who are devastated in many cases by this problem.

When we say that the mother when she drinks a bottle of alcohol has that compounded because of the weight of the baby and then turn around and say, oh, but that is not really anything to do with life afterwards, it is silly. When we talk about crack babies and the problems when a parent abuses drugs while they have a baby, or developing baby, at the very minimum, inside their womb, we are acknowledging that there is a difference here that needs protection.

Part of this legislation arose because a courageous attorney general in South Carolina pursued this subject there regarding crack babies and whether there was an accountability for a second, at the very least, developing baby, but baby as I believe. It is not an appendix. Otherwise, if it was an appendix, we would not have to have its life thereafter outside the body affected by the behavior of the mother or the behavior, in this case, of others who would do damage outside to the mother.

Because it is not the question. It is part of the question of additional risks of the mother, but it is also the long-term either termination of life or damages to the developing baby or, as I believe, the human being inside the womb who can be affected because of the callousness, carelessness, meanness, aggressiveness of other people.

We are really, in fact, worrying about two different problems here simultaneously. One, the higher risk to the mother, and also to the developing and the little human being inside who will be forever impacted by the behavior of others.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong opposition to the rule and to the underlying bill and in support of the Democratic Lofgren substitute. It sounds reasonable to punish someone for harming a pregnant woman. There are many things that we could do to protect women from violence, but it is quite clear that that is not the intent of this bill at all. This bill is not about protecting women. It is about granting legal status to a fetus and undermining Roe v. Wade.

I would like to put this vote in perspective. This is the 129th vote against choice since the beginning of the 104th Congress. I have documented each of these votes in a choice report, which is available on my Web site or by contacting my office.

Congress has acted again and again to eliminate a woman's right to choose procedure by procedure, restriction by restriction. And, unfortunately, in some cases they are succeeding. This time they found a brand new way of chipping away at a woman's right to choose.

Violence against women is a very real problem, a problem that needs action. But this bill is not about protecting women from violence. This bill is about advancing the political agenda of the anti-choice movement.

It is a tragedy when a pregnant woman is victimized and her pregnancy ends. No one could disagree with that. But why cannot my colleagues in this Congress focus on preventing women from being victimized in the first place?

This bill, however, does not focus on the women victimized by violence. Instead, the legislation draws our attention away from the woman and focuses only on her pregnancy.

I intend to vote for the Lofgren substitute, which will establish additional punishments for assaulting a pregnant woman while committing a crime. Granting legal status to a fetus is not necessary to accomplish this goal. So I urge a ''no'' vote on the rule and on the bill and urge my colleagues on the other side of the aisle to do something that would actually help pregnant women. If we want to help pregnant women, let us ensure direct access to OB–GYNs, let us fund the WIC program, let us support and strengthen the Pregnancy Discrimination Act or enact a folic acid campaign.

If we want to help pregnant women, let us ensure comprehensive prenatal care for all pregnant women. If we want to help pregnant women, let us make sure every pregnancy is a wanted pregnancy by supplying a full range of contraceptive options for women. We could also strengthen the day-care system. This does not help. And we can pass the Violence Against Women Act. Please vote no.

□ 1300

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

Roe versus Wade does give a woman the right to have an abortion. This bill does not change that right at all. But this bill does protect women from forced abortions. That is all we are trying to do here.

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

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. MYRICK). Pursuant to House Resolution 313 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2436.

□ 1302

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2436) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Florida (Mr. CANADY) and the gentlewoman from California (Ms. LOFGREN) each will control 60 minutes.

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

Mr. CANADY of Florida. Mr. Chairman, I yield 8 minutes to the gentleman from South Carolina (Mr. GRAHAM), the sponsor of this legislation.

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

This is an important debate. It is going to be an emotional debate. All I ask is that the Members look long and hard at what the statute does, not what people are trying to claim it does but actually read it. Take some time to read it, to think about it. If Members have any questions, I will be glad to try and answer them the best I can.

Let us start with an example of what the intent and purpose of this bill is trying to do. We will start with an Arkansas case that happened about a month or two ago. The case involved a man who had a girlfriend, a former girlfriend, and he tried to persuade her to have an abortion and she said no, I do not want to have an abortion, and she decided to carry the child to term. This person, this man, did not want to be responsible for this child, so when she was in her ninth month in Arkansas, he allegedly hired three people to go and beat her and kill her baby, with the express purpose of beating her to the point that she would lose her child.

Well, they did that. Allegedly they grabbed this woman, took her away and beat her. She was on the floor begging for her baby's life. She was not saying, ''Don't terminate my pregnancy, please don't kill my baby.'' And the allegation goes that one of the assailants said, ''You don't get it, bitch. Your baby dies tonight.''

There was a CNN program yesterday where the woman was interviewed and she was talking about how she could hear the heartbeat fade away and how that affected her. This was a seven-pound baby girl. This cries out not just for some action, it cries out for severe punishment. What they are allowed to do in Arkansas, they can now charge these three people and the man involved who hired them with the crime of murder, because 6 weeks before this event, Arkansas passed a law making it a separate offense for a criminal to cause the death or injury of an unborn child. And because of that law, these three thugs and the man that hired them are facing capital murder charges, not just an additional penalty for assaulting the woman.

This is not just a loss to the woman. She was not begging, ''Don't lose something for me,'' she was begging, ''Don't take my baby away,'' something she understood to be separate and apart from her. Without that law, the three people that were hired to beat her and cause her to lose her child would never have been prosecuted for what they intended to do, which was to kill the baby.

Now, what are we trying to do in this statute? We are trying to do what 24 States have already done in some fashion. Federal law is silent on this question. This bill only applies to Federal statutes that already exist. In this bill, if a woman is covered by a Federal statute and happens to be pregnant and she is assaulted and her baby is injured or killed, under this statute the Federal prosecutor can bring an additional charge, that being the loss or the injury to the child in addition to the assault to the mother. It does not change any State law, it only applies where Federal law already is in existence by adding an additional charge like States do, recognizing the entity, the child, the unborn child, being a separate victim. That is the scope. That is the purpose.

California has had a similar statute since 1970. There are a lot of statutes throughout our States that deal with this issue in varying ways. One thing this bill does, it allows the prosecution to occur at the moment the embryo is attached to the womb like 11 States. There is no requirement for viability to be had before the criminal can be prosecuted. Many States take that tack. Missouri is one of them. Their statute has been upheld by the Supreme Court as being constitutional because it did not infringe on Roe versus Wade rights, it only applied to third-party criminals who assault pregnant women and destroy the unborn child, recognizing that they could be prosecuted.

This statute is legally sound, and I think it brings Americans together in this fashion: When the term ''abortion'' is brought up, we divide as a country. That is not going to change any time soon. There is a genuine debate and heartfelt views about that. But I believe most Americans in the Arkansas case would want the criminals prosecuted for killing that baby. I think most Americans would want the person who shot the woman five times with a baby inside of her, her child, to be prosecuted for the two events, assaulting the woman and killing the child. I think, regardless of pro-life or pro-choice feelings, that most Americans want to protect the unborn from violence against criminals, and when a woman chooses to have her child, a criminal should not take that away from her. It is not just a loss from sentencing enhancement, it is the taking away of a life.

If Members have got any doubt about Federal law and the unborn, I am going to read something to them. I hope every Member of Congress will sit down and think for a moment. The implementation of the death penalty at the Federal level is covered by section 3596. It talks about how the death penalty is imposed at the Federal level and under what manner it can be imposed, but it has a section. Listen to this. Section 3596, Federal law, section B, Pregnant Women. ''A sentence of death shall not be carried out upon a woman while she is pregnant.'' Why? Why do we not execute women while they are pregnant if it is just a mere loss to the woman? She is going to lose her life, why not just go ahead and do it? Federal law understands that we are not going to kill an unborn child because of the crimes of her mother.

I would suggest to Members that 99.9 percent of Americans agree with that concept, and if you tried to execute a woman who was pregnant, there would be a hue and cry throughout this Nation like you have not seen or heard ever before. What I am trying to do in this bill is fill a gap in the Federal law and say this: If the State cannot kill the unborn child for the crimes of the mother, a criminal who destroys or injures an unborn child should be prosecuted to the fullest extent of the law because it is more than a loss to the woman. That is all I am saying.

Roe versus Wade clearly says that when it comes to the woman choosing about her pregnancy, that is her decision in the first trimester. This bill expressly exempts consensual abortions because it is the law of the land, that that is the right of the woman to choose as to her own body. This bill does not allow a prosecution of the woman if she takes drugs or does damage to her own baby. I did not go down that road. The woman under no circumstances can be prosecuted, nor can medical personnel. All I am saying is if a pregnant woman is assaulted where Federal jurisdiction exists already and her baby is destroyed or injured, the criminal is going to pay a separate debt to society.

So if one of your constituents comes to Capitol Hill and visits you and while up here, unimaginable things happen, terrible things happen, they are assaulted and they happen to be pregnant and lose their child, because this is an exclusive Federal jurisdiction area, this statute would kick in to allow a prosecution of that criminal who took their baby away from them when they chose to have it.

I hope that rationality will prevail and that Members will actually read the statute. We are going to divide the pro-choice and pro-abortion people today, because abortion has taken a fervor among some Members that they have lost the view of what is right, fair and common sense. Let us bring ourselves together and do some good.

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume. I oppose this bill, and I would urge my colleagues in the House, who believe that Roe versus Wade should be upheld and honored because it protects the reproductive choice of women in America, to vote against this bill.

I will offer later today a substitute to the underlying bill that will accomplish what the author of this bill says he wants to do. Obviously, I believe

that it is wrong to assault women. If the assault causes a miscarriage, that is a grievous harm and deserves to be punished. What the underlying bill does, however, is to create an unprecedented right for the fetus that is not permissible under Roe versus Wade. Indeed, it flies in the face of Roe's holding. More than that, as one speaker during the discussion of the rule pointed out, should this bill ever become law, it will be almost impossible for a prosecutor to actually use this bill in any effort to go after someone who might engage in the unbelievably odious behavior contemplated by the bill, namely, assaulting a woman and causing her to miscarry.

I want my colleagues to understand the obvious, that those of us who oppose the underlying bill do not condone violence against women. To the contrary, the ranking member the gentleman from Michigan (Mr. CONYERS) asked permission of the Committee on Rules to offer a reauthorization of the Violence Against Women Act and was denied that request.

I regret in so many ways that we are once again here divided on the issue of reproductive choice in America. I believe very strongly that it is the woman who should make this decision about whether or not to have a family, and not the U.S. Congress.

I recognize that there are people on the other side of this issue who have enormously strong religious beliefs that Congress should make that decision and outlaw reproductive choice.

What bothers me, and what I think is really very sad, is that we would bring this dispute about reproductive choice that is so heartfelt into this issue of violence against women. It is unnecessary to do so, and I am hopeful that as Members listen to the debate today, they can take a look at the substitute that the Ranking Member and I will offer so that we can come together for once—instead of continuing to divide over this very emotional issue. I look forward to outlining in some detail at a later time in this debate the substitute that I will offer.

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

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT), a member of the Committee on the Judiciary.

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

What we are talking about here should not be controversial. This legislation is long overdue, a Federal law that simply holds violent criminals liable for conduct that injures or kills an unborn child.

I would like to cite one particularly disturbing example of a homicide of an unborn child that occurred in my hometown of Cincinnati back in 1997. On the day before Thanksgiving, 1997, in a classic case of road rage, a woman forced the car of Rene Andrews that she was driving off the road and into a parked truck. Mrs. Andrews was seriously injured, and tragically the baby she was carrying died as a result of that accident. Mrs. Andrews has never recovered fully from the crash. The simple explanation offered by the perpetrator of this heinous act was that Mrs. Andrews had allegedly cut off the woman in traffic.

□ 1315

Just 2 months earlier, at Wright-Patterson Air Force Base an airman assaulted his wife who was 8 months pregnant with her daughter, Jasmine. He covered his fist with a tee shirt and beat her in the face and abdomen. As a result of this beating, the woman's uterus ruptured and expelled Jasmine into her abdominal cavity. Baby Jasmine died before taking her first breath outside the womb.

Both of these cases are tragic, Mr. Chairman, but they have another important factor in common. Both deaths were successfully prosecuted under Ohio's unborn victims law. The Cincinnati woman was convicted of aggravated vehicular homicide, and the man was convicted of involuntary manslaughter for the death of his child. I am proud that my home State of Ohio recognizes the aggravated death of an unborn child as a crime separate and apart from the one committed against the mother.

Mr. Chairman, it is time for Congress to do the same, and I want to thank very much personally all those who have brought this to the attention of Congress, and I would urge passage of this very important legislation.

Ms. LOFGREN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member.

Mr. CONYERS. Mr. Chairman, I am delighted to be here today, and I compliment the authors of the bill and the leadership on the Committee on the Judiciary on the Republican side for their calm and deliberate temperaments, their civil attitudes, but we have here a problem that the New York Times has pointed out is a very important part of the abortion bill debate. We are now going to make a criminal act out of nonconsensual termination of a pregnancy even if the person that terminates the pregnancy did not even know that the woman was pregnant. This will be the first criminal law in which intent will be irrelevant. It will be murder, Mr. Chairman, but they did not know they were committing murder.

So I, as a crime fighter myself, am reluctant to oppose the Unborn Victims of Violence Act, but it is another abortion bill that is being sold to us as an important criminal law in the making. On its face, the bill appears to be a tool for protecting pregnant women from assault and the nonconsensual termination of pregnancy, but on closer examination, we are chipping away at Roe versus Wade, another stage is being set for an assault on Roe versus Wade. How? By treating the fetus and all other stages of gestational development, Mr. Chairman, as a person with rights and interests distinct from the mother.

That is why I recommend to my colleagues the Lofgren-Conyers substitute that will come shortly afterward, and I thank the Committee on Rules for granting it.

So this bill raises profound constitutional issues in that it implicates a foundational premise of Roe v. Wade. This bill identifies a fetus as a separate and distinct victim of crime which is unprecedented as a matter of Federal statute and plunges the Federal Government into the most difficult and complex issues of religious matters, of scientific consideration, and into the midst of how a variety of State approaches already exist in handling the matter. So there simply can be no argument by anyone that a pregnant woman and her fetus should be protected from criminal attack through aggressive use of our criminal laws, and that is what we propose.

So let us admit it, Republican members and supporters of the bill. Let us confess that we are taking another little few baby steps forward to eat away at the fundamental premises of Roe versus Wade; and if that is the case, then this bill does not deserve to be called an exercise of our criminal jurisdiction in the Committee on the Judiciary.

I rise in opposition to H.R. 2436, the Unborn Victims of Violence Act. This bill attempts to cloak yet another abortion bill as a legitimate exercise of our Federal criminal jurisdiction.

On its face, this bill appears to be a tool for protecting pregnant women from assault and the non-consensual termination of a pregnancy. On closer examination, however, the bill sets the stage for an assault on Roe versus Wade through the legislative process by treating the fetus, and all other stages of gestational development, as a person, with rights and interests distinct from the mother.

This bill raises profound constitutional issues in that it implicates a foundational premise of Roe versus Wade. H.R. 2436's identification of a fetus as a separate and distinct victim of crime is unprecedented as a matter of federal statute and plunges the federal government into one of the most—if not the most-difficult and complex issues of religious and scientific consideration and into the midst of a variety of State approaches to handling these issues.

There simply can be no argument by anyone that a pregnant women and her fetus should be protected from criminal attack through the aggressive use of our criminal laws. For that reason, a majority of states have statues or court decisions that allow criminal prosecution and sentencing enhancement for causing death or injury to a developing pregnancy.

However, despite the fact that a fetus cannot be injured without inflicting harm to the mother, this bill ignores the interests of the pregnant women. H.R. 2436 switches our attention from an overt attack on a women to

the impact of the crime on the pregnancy—diverting attention from the issue of domestic violence. The vast majority of attacks on women that harm pregnancies arise in the context of domestic violence, as the majority has supplied in amply reference.

If the majority were truly concerned about protecting pregnant women and preventing harm to developing pregnancies, they would reauthorize the Violence Against Women Act of 1994 (''VAWA''), or mark up the ''Violence Against Women Act of 1999'' (H.R. 357) which expands protections for women against callous acts of violence regardless of their pregnancy status.

Recognizing the fetus as an entity with legal rights independent of the pregnant woman makes it possible to create future fetal rights that could be used against the pregnant woman.

This is not some idle fear. We already seen some of these measures introduced at the state level. If this trend continues, pregnant women would live in constant fear that any accident or ''error'' in judgment could be deemed ''unacceptable'' and become the basis for a criminal prosecution by the state or a civil suit by a disenchanted husband or relative.

Perhaps the most foreboding aspect of allowing increased state involvement in pregnant women's lives in the name of the fetus is that the state may impose direct injunctive regulation of women's actions. Absent an increased awareness of the costs to women's autonomy, these intrusive fetal rights provisions will almost certainly continue to expand.

This bill stands as yet another transparent attempt to score points in the perennial abortion debate. If you care about protecting a fetus, you must care about protecting the mother. This bill does not enhance the welfare of mothers; it creates a climate of intrusive government intervention on their bodies and their reproductive choice.

We should vote no and stop wasting time on regressive, rhetorical measures like H.R. 2436. Rather than seeking to score points, we invite the majority to join us in crafting legislation that protects woman and mothers from violence that threatens all those under their care.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. VITTER), a member of the Committee on the Judiciary.

Mr. VITTER. Mr. Chairman, today I rise in strong support for the Unborn Victims of Violence Act of 1999 and to commend my friend and colleague from South Carolina for introducing this important legislation. This legislation, Mr. Chairman, is simply designed to narrow the gap in the law by providing that an individual who injures or kills an unborn child during the commission of federal crimes of violence will be guilty of a separate offense.

Now my friends on the other side of the aisle raise a couple of arguments; number one, that there are constitutional problems with this. Clearly this is not the case. This is virtually proven by the fact that there are numerous State laws in this regard, none of which have been seriously challenged or struck down, and they also suggest that this somehow impacts abortion rights. Clearly that is not the case. This does not, in fact, impact any current abortion rights.

So these opponents do not make valid points on either of these two issues. I think in trying to, they only underscore, in my view, their own extremist position on the issue because the bottom line in this legislation is about combating violence against pregnant women, violence against the unborn, and it is about holding violent criminals accountable for the crimes they commit.

Mr. Chairman, in my view, to oppose this is wrong and is extremist, so I urge my colleagues to vote in favor of the Unborn Victims of Violence Act.

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

I would like to apprise my colleagues of the communication just received from the Office of the President, a statement of administration policy. ''The Administration,'' and I quote ''strongly opposes enactment of H.R. 2436 which would make it a separate Federal offense to cause 'death or bodily injury' to a 'child in utero','' and those phrases are in quotes, ''in the course of committing certain specified federal crimes. If H.R. 2436 were presented to the President, his senior advisers would recommend that he veto the bill.''

The statement continues as follows:

''The administration has made the fight against domestic violence and other violence against women a top priority. The Violence Against Women Act, which passed with the bipartisan support of Congress in 1994, marked a critical turning point in our national effort to address domestic violence and sexual assault. The Violence Against Women Act for the first time created Federal domestic violence offenses with strong penalties to hold violent offenders accountable. To date, the Department of Justice has brought 179 Violence Against Women Act and Violence Against Women Act related federal indictments and awarded over $700 million in grants to communities to assist in combating violence against women.

''Unfortunately, H.R. 2436 is not designed to respond to violence against women. The Administration has significant public policy concerns with the legislation, as was described by the Department of Justice's letter to the House Committee on the Judiciary on September 9, 1999. For example, H.R. 2436 would: (1) trigger an excessive increase in the length of sentence as compared with the sentence that would otherwise be imposed for injury to a woman who is not pregnant; (2) depart from the traditional rule that criminal punishment should correspond to the knowledge and intent of the defendants; and, this is the more serious problem, (3) identify a fetus as a separate and distinct victim of a crime, which is unprecedented as a matter of Federal statute, and unnecessary to achieve the goal of increasing the punishment for violence against pregnant women.

''H.R. 2436 is, in fact, careful to recognize that abortion-related conduct is constitutionally protected; however, this does not remove all doubt about the bill's constitutionality, as explained by the Department of Justice letter to the House Committee on the Judiciary on September 9, 1999.''

The Administration strongly opposes this bill, H.R. 2436. They recognize, and so state, that I will ''offer an alternative that,'' in the Administrations opinion, ''appropriately focuses on increasing the punishment for violence against pregnant women without identifying the fetus as a separate and distinct victim of a crime.''

I am hopeful that my colleagues in the House will listen carefully to this Statement of the Administration's policy and come together to support the substitute that the gentleman from Michigan (Mr. CONYERS) and I will offer that will allow for tough sentences, that will deter violence against women, that will allow up to a life sentence to punish those who would commit the odious crime of assaulting a woman and causing her to miscarry, and that we do this together instead of continuing to divide this Congress and this Nation over the very emotional issue of reproductive choice.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HALL).

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

Mr. HALL of Texas. Mr. Chairman, I rise today in support of H.R. 2436. I appreciate the author that introduced the legislation that would make it a federal law to protect unborn children. Mr. Speaker, the bill to me simply states that, and I quote, an individual who commits a Federal crime of violence against a pregnant woman and thereby causes death or injury to her unborn child will be held accountable for the harm caused to both victims, mother and child. H.R. 2436 does not attempt to overturn Roe vs. Wade. It would not offend me if it did, but it does not, nor infringe on the rights of a woman to have an abortion. The bill applies after conception and before delivery.

Opponents of the bill have said that this bill is a back door to eliminating a woman's right to choose, but this bill is about choice, Mr. Chairman, but it is about choice after the choice favoring life has been made. It is about protecting women's right to make certain choices. If a woman chooses to bring a new life into the world, H.R. 2436 will allow under federal law for the prosecutions of those who callously disregard that choice.

I urge my colleagues to vote for H.R. 2436 and make criminals accountable for their malicious acts against a pregnant woman and her unborn child.

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

Mr. CANADY of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. HYDE), the chairman of the House Committee on the Judiciary.

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

Mr. HYDE. Mr. Chairman, I want to compliment the gentleman from South Carolina (Mr. GRAHAM) for bringing this bill forward. It is much needed and fills a gap in our criminal law, and to those who lament the fact that Roe versus Wade might be somehow or other impacted or questioned, I can only say because an issue is difficult and creates heartburn on all sides is no reason we should not address it because Roe versus Wade, which in my opinion ranks right up there with Dred Scott as an outrageous decision in our Supreme Court's history deserves to be discussed and not surrendered to.

There are two aspects to this debate. The first one is the concept of punishing somebody for damaging or killing a fetus. That is about as clinical a term as we can get, fetus.

□ 1330

There are others, embryo, blastocyst, zygote. My favorite is ''products of conception.'' Anything to dehumanize that little baby. That little child, needing time and nourishment to be a little boy, a little girl, time and nourishment to be an old man or an old woman, that little child with immense potential, that little child in the woman growing, is rendered a nullity, a cipher, a zero.

The gentlewoman from California repeatedly repeats how she does not agree with violence against women. I do not know anybody who does. But what about the unborn? Why is that forgotten in your calculus?

What about when the obstetrician treats a pregnant woman, the fact that he treats two patients? What about the fact that the little unborn can have a different gender than the mother, can have a different blood type than the mother? The little unborn is a separate and distinct patient, and the obstetrician treats both of them.

So the dehumanizing, the desensitizing, the depersonalizing of this little entity known as the unborn is an essential aspect of the other side's argument, because otherwise they have to confront the fact that abortion kills a tiny member of the human family.

Now, nobody, no decent person would kill another person, except in self-defense or for some other legitimate reason. So then when you support abortion you have to have recourse to some semantic gymnastics. You have to define the little victim as less than human, subhuman, expendable.

You cannot throw away a human being, but you can throw away a fetus, if you define it as utterly without value or possessing secondary value to the woman.

So this dilemma the pro-choicers are in is well known. They cannot admit any humanity to the unborn. But that is clinically primitive. The unborn is there. It has a little heartbeat, it has brain waves, it is a member of the human family, and to deny that, in my opinion, is self-deception, terribly serious self-deception.

So this bill recognizes that when a pregnant woman is assaulted, it is a more serious condition than when a woman who is not pregnant is assaulted, considering the same force used in the assault. That second little victim deserves recognition. You obliterate the second little victim. You will not give credit for the membership in the human family, and that is sad.

I know why you do it, because otherwise you are confronted with the fact that you are aborting a human being, and that just cannot be. So define them out of existence, that is what you do.

So I am pleased and proud that this bill has been offered by the gentleman from South Carolina (Mr. GRAHAM). Logically to reject this bill or accept the gentlewoman's substitute is to deny the truth and the facts, the reality, that that little child in the womb is a member of the human family and ought to be loved and nourished and cherished and recognized, not obliterated and rendered a zero.

Why is it the party of compassion, why is it Members who pride themselves on caring for the little guy, the one that is left out, have no room in their moral imagination for the unborn?

Ms. LOFGREN. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, I had not intended to speak, but I must make an observation that concerns me.

It seems to me that there comes now a pattern among our pro-life colleagues here in the House. They begin by defining a legitimate concern. The last 4 years the concern was about late-term abortions. But then they come up with a solution, a law, almost written for the purpose of being defeated, knowing that the bill is going to be vetoed, with no intention of working with the administration to pass a solvable law that can deal with the problem that they claim concerns them so greatly.

Just as we could have had a partial-birth late-term abortion bill signed into law prohibiting frivolous late-term abortions 4 years ago if our pro-life colleagues had been willing to sit down in good faith and deal with their concerns, now today we find ourselves with another legitimate concern, the concern that no one, no one in this House, man or woman, wants to condone anyone harming a woman or her fetus at any stage in her pregnancy.

Yet, once again, like they did for the last 4 years, they wrote a law without consulting with the administration, without considering how can we actually solve this problem together, how can we protect pregnant women by working together. Instead, it seems to me the greater goal in developing this legislation was to make a point, that a fertilized egg a second after conception is a human being. We could have solved this problem they talk about today; but it seems to me, once again, as with the other legislation, that was not the ultimate goal.

Finally, I must raise the question if in this bill you define a child as a fertilized egg, then how can you philosophically be consistent in saying it is okay to allow abortion in cases of rape and incest? How can you say in this bill itself that it is okay for a woman to take drugs, it is okay for a woman to do something that might end up terminating her pregnancy.

It seems to me if you accept the definition of a child as being conception, then you are saying okay, it is okay to have murder in some cases, but not in other cases.

My primary point is, is it not time we stop this political posturing and sit down on a bipartisan basis with the administration? Whether it is the issue of late-term abortions or harming pregnant women, let us work together to find a solution that can be passed into law and actually do some good.

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

Mr. EDWARDS. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I just want to agree with the gentleman. There is no logic or consistency for tolerating abortion as a result of rape or incest. The little victim has committed no wrong or no crime. The gentleman is absolutely right, and it saddens me that that is in our law. Unfortunately, it recognizes the political reality, and we are saving some children, if not all that we should save.

Mr. EDWARDS. Mr. Chairman, I appreciate the gentleman's philosophical consistency. I respect that. Unfortunately, many of the others supporting the bill saying life begins at conception are not being consistent, are not being straightforward. I respect the gentleman greatly for being consistent. Even though I might disagree with the conclusion of his beliefs, the gentleman is consistent.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma (Mr. COBURN).

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

Mr. COBURN. Mr. Chairman, first of all I want to thank the authors for this bill. My home State has a bill that protects unborn children in the case of the death of the mother.

I have been involved in delivering five babies to dead women, five. Three of them died, one of them is essentially going to be totally dependent all the rest of her life, and one is a bright, alive, awake child.

Four of those deliveries happened before Oklahoma had a law. There was nothing that happened to the person that killed the mother, ultimately, or the child. So what we are attempting

to do here is a right thing; it is not a wrong thing.

We ought to talk about half-truths. The gentleman from Texas said that all we had to do was agree with the President on partial-birth abortion, that the health of the woman as an exception, and he would have signed it, which totally renders that bill useless. What it says is if you want to abort a late-term baby, you can; and you can just rationalize and say it is for the health of the mother, because she does not want the baby.

So I understand the gentleman's quest for consistency, but before we ask for a quest for consistency, we ought to ask for a quest for the fullness of all the facts before we make the statements.

The life, there is no question about it. There is no question about it genetically that life begins at conception. Based with the knowledge we have now in our country, we define death as the absence of brain waves and the absence of heartbeat. Before most women ever recognize the signs and symptoms of their pregnancy, their baby has those two things, a heartbeat and brain waves, and when our technology catches up with our hearts, then we will be able to prove scientifically that in fact a baby at conception is a human being.

I will grant, we cannot prove that now, but we certainly can at 41 days post-last menstrual period. We can prove that scientifically, just by using our definition of death.

So, again, I want to thank the gentleman for bringing this bill to the floor. It is way too late, it is way too late for all those children whose opportunity for life is going to be taken away in this next year, but maybe incrementally, and maybe when we have somebody of conscience that will sign the bills of conscience, we will have saved the lives we should be saving.

Ms. LOFGREN. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in strong opposition to this bill, and I thank my colleagues for their hard work on this issue.

We can all agree on one thing: that crimes against women that cause the loss of a pregnancy are tragic and deplorable acts. These crimes ought to be punished severely. However, this bill is not the way to achieve this goal.

This bill misses the point because it completely ignores the injury to the woman and instead it attempts to give new legal protections to the fetus as a way of undermining a woman's right to choose.

We are here debating a bill that will not provide any significant enhancement of our ability to prosecute criminals who harm pregnant women, because it only applies to cases prosecuted in the Federal court. Criminal acts of this type are almost never prosecuted in a Federal criminal court.

Before the Subcommittee on the Constitution of the Committee on the Judiciary a former special counsel to the U.S. Sentencing Commission testified that ''this bill is unnecessary and current Federal law already provides sufficient authority for the punishment of criminals who hurt fetuses.''

If we are serious about protecting women and their pregnancies from harm, we should be passing legislation that addresses the real world, common sense of these crimes.

What we need to be talking about today is the all-too-frequent occurrence of domestic violence. Sadly, in this country nearly one in three adult women experiences at least one physical assault by a partner during adulthood. Why are we not here debating the Violence against Women Act reauthorization to provide grants for law enforcement to crack down on sexual assault, domestic violence, and child abuse? We could be providing training for law enforcement to help them address domestic violence, counseling for women who have been attacked or abused, and funding for battered women's shelters.

I would be pleased to work with my colleagues on the other side of the aisle to pass a bill that addresses these deplorable acts against women and provides a strong and decisive tool for punishing those criminals who commit these horrific acts.

I am happy to support the substitute offered by the gentlewoman from California (Ms. LOFGREN), which establishes a sentencing enhancement of up to life in prison for an offense against a woman which results in the loss of her pregnancy. Rather than debating a back door attempt at undermining a woman's constitutional right to choose, we should be working together hand in hand to pass legislation that addresses the real nature of violence against women in this country.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. ARMEY), the majority leader.

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

Mr. Chairman, I must say I am a little confused about this debate. I do not understand why it is so difficult to understand. Now, admittedly, Mr. Chairman, I stand before you a man. Pretty obviously, I have never been pregnant, and I never will be. It will be said, therefore, I cannot understand.

□ 1345

I must say, Mr. Chairman, I have been in close association with women who have been pregnant: My wife with our own babies, my beautiful daughter-in-law when pregnant with my grandson, friends who were pregnant with their babies.

What I have seen in my association with these lovely ladies in their pregnancy is one consistent pattern. Almost immediately upon learning they are pregnant, they begin and do put the baby first. They change their own patterns of behavior. They change their eating habits. They change many other patterns of behavior. They do so to protect that baby during that pregnancy. They have prenatal medical experiences that are elaborate, thorough and consistent.

I have heard it said by many people in the health profession and by many women in their pregnancies, there is no time, no time in that child's life, where their medical experience is more critical than when that child is receiving prenatal care.

We quite rightly observe that need, honor that need, and attend to that need while always putting the baby first.

We protect that child from illness during that time when the child is so fragile, and now we have brought before this body a piece of legislation that says that same child, in that same time, should be protected from violence. That baby should be protected from acts of violence.

How can somebody argue against that? It is perfectly possible for a pregnant woman to be assaulted and while being assaulted viciously suffer harm while her baby loses its life. Certainly we want that person that would assault that woman, whether pregnant or not, to be subject to the most stiff of punishments, and we have attended to that in this body and we do attend to it; but now we are saying that the baby must be attended to, too.

The baby is a life. That baby has a right.

I see people down here arguing against that protection for that baby who I have seen myself and heard with my own ears, in other times, in other venues, stand in this same room and argue most vociferously for the need for prenatal care, most eloquently.

I am confused, Mr. Chairman. How can the baby's need for prenatal care be recognized and then reject the baby's right to protection from violence?

I have heard arguments here that might be construed that this bill was written about or is written about or is perhaps wrong because it fails to be about the mother. The legislation was written for the baby.

Do we now have a situation where in this body we fail to honor the mother's sacrifice for the baby? Do we now fail in all the bills that come through this body to say that it is right, proper, necessary, indeed urgent, that in this bill, at this time, we do what every mother I have ever known does during this pregnancy, we put the rights of the baby first and foremost out there?

Mr. Chairman, I am proud of telling people that the first time I saw a picture of my baby grandson, Chris, he was only 5 months old, and when I saw that sonogram I knew he had his grandpa's eyes. Chris was entitled, at the time that picture was taken, to every bit of care he could get through the advances of modern medicine, and he was entitled to every bit of protection under the law that this Congress can afford him.

I will be absolutely heartbroken to believe that there can be anybody in this body that is given the high privilege of serving in this body that could find it in their heart to vote against that baby's right for protection. I just cannot believe anyone could be that cruel, heartless, and selfish.

Ms. LOFGREN. Mr. Chairman, I yield 6 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise in opposition to this misguided bill, as a mother of three, as a grandmother of five, because once again we are faced with a decent idea but, in my judgment, it has gone horribly awry.

The proponents of this bill have taken an important principle, the constitutional right of a woman to have control over her own pregnancy, and hijacked it, unfortunately, into the divisive world of abortion politics.

I want to make something absolutely clear from the outset. The loss or harm to a woman and her fetus is absolutely devastating to the woman and her family. As a mother and a grandmother, I cannot imagine a greater pain, frankly. Those who injure or kill a pregnant woman and her fetus should be severely punished and families should have appropriate redress for their loss.

Because we believe strongly that families should have the legal tools to have their loss recognized, we will offer a substitute that does just that, and I believe that the Lofgren substitute will demonstrate very clearly that there is a lot of common ground on this issue if we would only look for that instead of looking for ways to disagree.

Having said that, let me explain why the approach this bill takes is just another thinly veiled attempt to chip away at a woman's right to choose.

This bill would give a fetus the same legal recognition as you or I, for the first time in Federal law, the first time. Instead of addressing the real issue at hand, the horrible pain for a woman who loses a pregnancy to a cowardly, violent act, this bill is an ideological marker for the anti-choice special interests.

Frankly, this bill is just another way of writing a human life amendment. In fact, the National Right to Life Committee admits that it participated in drafting the bill and, according to the committee web site, the bill challenges that pro-choice ideology by recognizing the unborn child as a human victim, distinct from the mother.

If anti-choice Members of this House want to recognize the fetus as a person, I respect that. Do that. Bring a human life amendment to the floor and let us debate it and let us vote on it. But let us not tell pregnant women in this country that my colleagues are trying to protect them with this bill when there are existing Federal laws to do just that, and when we are willing to join my colleagues in addressing the tragic but rare cases where pregnant women are attacked.

The American people are smarter than they are being given credit for. They know my colleagues are proposing a political statement today, not a real solution. Let us not insult their intelligence this way. If my colleagues really want to crack down on cowardly criminals who would attack a pregnant woman, support the Lofgren substitute. It gets us to the same ends without the overtly political means.

If my colleagues are serious about protecting women in this country from violence, why do we not bring up the Violence Against Women Act for floor consideration? It has 174 cosponsors, almost double the number of cosponsors of the Unborn Victims of Violence Act. Where is it?

Reauthorizing VAWA is critical to effectively combatting violence against women. Every year, over 2 million American women are physically abused by their husbands or boyfriends. A woman is physically abused every 15 seconds in this country, and one of every three abused children becomes an adult abuser or victim. The Unborn Victims of Violence Act, unfortunately, Mr. Chairman, will not do anything for these women, but the Violence Against Women Act will make all the difference in the world.

Mr. Chairman, the Unborn Victims of Violence Act is not about protecting pregnant women from violent acts. It is yet another anti-choice attempt to undermine a woman's right to choose.

Time and time again I have stood on the House Floor and asked my colleagues to work with me, to help women improve their health, plan their pregnancies, have healthier children. It is tragic that every day over 400 babies are born to mothers who receive little or no prenatal care. Every minute a baby is born to a teen mother and three babies die every hour. It is tragic that one of three women will experience domestic violence in her adulthood.

Instead of finding ways to visit the divisive abortion battle, Americans want us to focus our efforts on providing women with access to prenatal care, affordable contraception, health education, violence prevention. If we truly want to protect women and their pregnancies from harm, then let us work together to enact legislation to help women have healthy babies.

I see my good friend, the gentleman from Illinois (Mr. HYDE). We have worked together on legislation to try and help women have healthy babies. I would love to continue to work with my good friend to do just that. Let us focus on that, but I would hope we would vote no on H.R. 2436.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Chairman, as my colleagues know, I have never participated in a pro-life or pro-choice debate on the floor of this House. I am usually the one sitting in the back of the room carefully reading the text, trying to decide what the right thing to do is, but I came here today because I think this one is so clear.

I do not understand why we spend so much time arguing about how many angels dance on the head of a pin instead of trying to look at what is right and what is wrong. One can be the most pro-choice person in this body and vote in favor of this bill with enthusiasm because it is not about the unwanted pregnancies; it is about the wanted ones.

Most of the women in this House have been blessed with being moms. Those are the children that we prayed for, we waited for, we read books to, we sang to. If someone deprives us of our choice to bring that child into the world, it is wrong; and it should be a crime to do so.

We talk about taking attention away from the problem of domestic violence and my colleague, the gentlewoman from New York (Mrs. LOWEY), knows that I am cosponsoring many of those pieces of legislation that she is so strongly in favor of, but it does not make any sense to me to say that caring about the lost child somehow demeans that child's mother.

If there are children in this room and something goes wrong, all of us do what is natural and what is also good. We protect the children. We protect the children. It is both natural and admirable and I commend the gentleman for bringing forward this bill.

Ms. LOFGREN. Mr. Chairman, I yield 4½ minutes to the gentleman from New York (Mr. NADLER), a member of the Committee on the Judiciary.

MR. NADLER. Mr. Chairman, I thank the gentlewoman from New York (Ms. LOFGREN) for yielding time.

Mr. Chairman, we have a large problem in this country with violence against women, and it is obviously a great tragedy if a physical assault against a woman results in damage to the fetus she carries and damage to the baby when it is born or, God forbid, in a miscarriage.

□ 1400

Such an assault should clearly be punished more severely than an assault on her that does not harm the fetus. Both the bill before us and the Lofgren substitute would accomplish this end.

Both provide for penalties up to life in prison. Both suffer from the fact that they amend only Federal law. Of course, most cases of violence against women are prosecuted in State courts, and so it would be unaffected by either the bill or the substitute.

If we really want to protect women and their unborn children, we should pass the Violence Against Women Act, too. But that is not, that is not, I repeat, the real purpose of this bill. If it were the real purpose, the sponsors would agree to the Lofgren substitute, which provides for enhanced sentences up to life imprisonment for people who, while assaulting the woman, injure or kill the fetus.

But they will not accept the substitute. Why not? Because the real purpose of the bill is, as the distinguished

chairman the gentleman from Illinois (Mr. HYDE) and the gentleman from South Carolina (Mr. GRAHAM), the sponsor of the bill, have admitted is not to protect the mother or the fetus, but to establish the status of the fetus or the embryo or even the zygote as a legally separate person, and thus to undermine the Roe v. Wade decision, legalizing a woman's right to choose an abortion.

Neither the Congress nor the Federal courts have ever recognized the fetus as a separate person. The gentleman from Illinois (Mr. HYDE) was eloquent in his description of the separate personhood of the fetus. That of course is the central question in the abortion debate. If an embryo or fetus is, in fact, a separate person, then abortion is murder.

Now, some people may think that. A majority of the Americans may not agree. But the gentleman from Illinois (Mr. HYDE), the gentleman from South Carolina (Mr. GRAHAM), and others are entitled to their opinion. They are entitled to introduce a constitutional amendment to try to overturn Roe v. Wade and to send desperate women back to the back alley coat hanger abortionists. We would fight that, but at least we would have an honest debate on the real issue.

But do not ask us to vote for a bill to undermine a woman's right to choose an abortion disguised as a bill to protect victims of violence. Be honest with us and with the American people. Be direct.

If my colleagues' interest is to protect the mother and the fetus, then they should support the Lofgren substitute, because it does exactly that up to life imprisonment.

But if my colleagues' intent is to establish the legal status of a fetus as a separate person, then they support this bill. That is a totally new concept in Federal law. Congress and the courts have never agreed with that. It undermines Roe v. Wade. It undermines a woman's right to choose. That is the real purpose of this bill.

It also establishes another novel legal concept that we should punish somebody specifically when there is no intent. That is undermining the general intent of the criminal law.

So the real question is not protecting women. We can protect women. Support the Lofgren substitute. Bring up for a vote the Violence Against Women Act. Bring that to the floor.

Do not pretend that this is what this is. This is simply an assault on abortion. As the gentlewoman from New York (Mrs. LOWEY) said, it is a disguised human-life amendment. That is its purpose. I do not believe we should act on this floor with subterfuge.

If that is my colleagues' purpose, say so. The gentleman from Illinois (Mr. HYDE) was honest about it. But we should have a direct bill to do that and not try to disguise it under assaults against women, which this is.

I would hope that we would adopt the Lofgren substitute so that we can protect women so that we do express our horror and give additional heavier penalties to someone who assaults a woman and harms and kills the fetus and causes a miscarriage, but not get involved in the other debate, which we should debate in a different time, rather, on the issue of whether we want to ban abortions and send women back to the back alley coat hanger abortions.

A vote for this bill and against the Lofgren substitute is exactly a vote to do that, to say to desperate women they have no right to choose and we want to undermine abortion. Those who say it is not because we exempt it in the bill are not recognizing the real intent and the purpose and effect of the bill.

So I urge a vote for the Lofgren substitute.

Mr. CANADY of Florida. Mr. Chairman, I would inquire of the Chair concerning the amount of time remaining on both sides.

The CHAIRMAN. The gentleman from Florida (Mr. CANADY) has 34 minutes remaining. The gentlewoman from California (Ms. LOFGREN) has 33½ minutes remaining.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Mr. Chairman, I thank the gentleman from Florida for yielding me this time.

Mr. Chairman, the recent cover of a Newsweek Magazine featured the image of a preborn child. The article went on to discuss the latest scientific findings that what happens to the preborn in the gestation period will affect the health and the life of that person for the rest of their life.

Now, Newsweek is not a publication that has probably been sympathetic to the cause of the preborn. But this article reinforces something that we have all known intuitively; and that is, what happens to the preborn is important, and it will have lasting impact on their life.

Now, Congress has noted this in the past, because Congress has supported nutrition programs and prenatal programs. But, ironically, under current Federal law, a person who assaults a woman and who kills or injures that unborn child faces no criminal, none whatsoever, no consequence, no criminal action for the death or injury to that child.

This bill seeks to change that. It simply says that violent criminals are going to be held responsible and accountable for the violence that they incur.

There is some irony, Mr. Chairman, that one of the great achievements I think of this century, when history looks back on it, has been the fight for the civil rights of minorities. I believe that one of the greatest tragedies of this generation has been its failure to extend those basic civil rights to the preborn, civil rights that we take for granted: the rights of due process and equal protection and the basic right to life.

The great irony is that, in this great deliberative body, that there are so many who have benefited so much by the civil rights movement stand so firmly against extending those basic human rights, the right to be protected against violence to the most innocent and the most fragile in our society, the preborn.

I urge support of this bill.

Ms. LOFGREN. Mr. Chairman, I yield 4½ minutes to the gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Chairman, I rise in opposition to H.R. 2436, the Unborn Victims of Violence Act. According to its sponsors, the legislative intent is to protect pregnant women from violence. Instead of protecting pregnant women, this legislation focuses on giving legal protection to any ''member of the species Homo sapiens,'' and I quote, ''at all stages of development.'' This includes the zygote, a blastocyst, and an embryo or fetus.

Instead of protecting pregnant women from violence, this legislation would impose the same sentence for attacking an unborn fetus which the Supreme Court has ruled is not a person as is imposed for attacking the victim, the pregnant woman, a recognized person under law.

The true legislative intent of this piece of legislation is to bestow upon the fetus the legal standing of a person.

The United States Supreme Court has already ruled an unborn is not a person and does not receive legal rights. Even Justice Antonin Scalia, a staunch opponent of Roe v. Wade agrees with this position.

I rise to speak for a moment about some of the legal aspects of this bill, since it seems, so far, we have only been caught up in a discussion of things that pull on the heart strings of the American public.

Not a person who stands on the floor today would say that it is unfortunate, it is a terrible incidence that a pregnant woman would be caused to lose her baby or even lose her own life.

I quote the Justice Department, as follows: ''The Justice Department strongly objects to H.R. 2436 as a matter of public policy and also believes that in specific circumstances, illustrated below, the bill may raise a constitutional concern. The administration has made the fight against domestic violence and other violence against women a top priority. The Violence Against Women Act (VAWA), which passed with the bipartisan support of Congress in 1994, has been a critical turning point in our national effort to address'' the issue. ''VAWA, for the first time, created Federal domestic violence offenses with strong penalties to hold violent offenders accountable.''

H.R. 2436 expressly provides that the defendant need not know or have reason to know that the victim is pregnant. The bill thus makes a potentially

dramatic increase in penalty turn on an element for which liability is strict.

As a consequence, for example, if a police officer uses a slight amount of excessive force to subdue a female suspect, without knowing or having any reason to believe that she was pregnant, and she later miscarries, the officer could be subject to mandatory life imprisonment without possibility of parole, even though the maximum sentence for such use of force on a nonpregnant woman would be 10 years. This approach is an unwarranted departure from the ordinary rule that punishment should correspond to culpability.

As a former prosecutor, I was always alarmed when I saw Congress moving to legislate a new crime solely for the purpose of political leverage and attention, instead of looking to the real impact such legislation could have. I believe this is the case here.

If this Congress was truly interested in protecting pregnant women, we would have passed gun control and gun safety legislation, because, as a result of domestic violence, guns are in our homes, and they are used against women who are pregnant or not pregnant. In light of the fact that it is a major target, domestic violence is a major target of Violence Against Women's Act, we need to address the many ways women are attacked at home.

I would think that, if we were talking about doing something to assist pregnant women and protect unborn children, we would be talking about other issues on this floor instead of wasting our time talking about a piece of legislation that has, in fact, nothing but a political remedy to it.

The gentleman from Illinois (Mr. HYDE) says ''moral imagination.'' The women in this House do not have to have moral imagination. Many of them have had children. Many of them may have, in fact, suffered from miscarriages or other incidents where they have lost their children. But it does not rise to the level where we want to change or put into effect a law that is unconstitutional.

Mr. CANADY of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman from Florida for yielding time to me.

Mr. Chairman, it is amazing to me what length me people will go to sustain a myth, believe the unbelievable, and aggressively market a collective sense of denial concerning a profound truth.

Mr. Chairman, at a time when we know more and understand more about the magnificent life of an unborn child than ever before in history, at a time when doctors can diagnose and treat serious anomalies that afflict these smallest of patients, at a time when ultrasound imaging has become a window to the womb, revealing the child in utero, sucking his or her thumb or doing somersaults or even little karate kicks, along comes the pro-choice lobby, outraged, angry, fuming, that anyone dare challenge their big lie and suggest that unborn children have innate value, worth, and dignity.

At all costs, abortion advocates must cling to the self-serving fiction that unborn babies are something other than human and alive. By systematically debasing the value of these children, it has become easier for adults to procure the violent deaths of these little ones if they happen to be unwanted, unplanned, or imperfect.

But the inherent violence of abortion is not what is addressed by this bill. As a matter of fact, abortion is expressly outside the scope of this legislation. I say to my colleagues, read the bill.

So for now at least, I say to the advocates of abortion, go ahead, pat yourselves on the back. You have won for now. As a result of Roe versus Wade and its prodigy and 26 years of congressional acquiescence, 40 million unborn babies in America have been dismembered or chemically poisoned or have had their brains sucked out by what some euphemistically call choice.

But that should not mean that murderers, muggers, and rapists should also have that same unfettered ability to maim or kill an unborn child without consequence.

The Unborn Victims of Violence Act is designed to deter and, if that fails, to punish the perpetrators of violence against unborn children in the commission of a Federal offense.

The bill, as we know, would apply to some 65 laws that establish Federal crimes, including violence. H.R. 2436 does not diminish existing law concerning violence against women in any way, shape, or form, but adds new penalties and seeks justice for the harm or death suffered by the child.

Thus, if this legislation is enacted into law, our laws against violence will be stronger, tougher, and more comprehensive. H.R. 2436 merely adds new penalties to existing ones and tracks existing statutes currently in force in approximately 24 States.

□ 1415

This initiative adds layers of deterrence and punishment so that violent offenders can be held to account for all of the damage and injury or death and heartbreak they have inflicted on innocent victims.

The Unborn Victims of Violence Act, Mr. Chairman, recognizes in law the self-evident truth that an assault on a pregnant woman is an attack on two victims. Both lives are precious; both lives deserve protection.

This is truly a humane and necessary legislative initiative, and I congratulate the gentleman from South Carolina (Mr. GRAHAM) for his wisdom and courage in authoring this bill and the skill and tenacity of the gentleman from Florida (Mr. CANADY), the chairman of the Subcommittee on the Constitution; and the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, in shepherding this legislation to the floor.

I urge all my colleagues to vote ''yes'' and against the substitute.

Ms. LOFGREN. Mr. Chairman, I yield 3½ minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I wish we could come together in this country on the very difficult question of abortion. I think there are people of good will on both sides of this issue.

I know that in my own life I have tried my best to reach out. I have had a long dialogue with a pastor in my district to see if there is not some middle ground, something we can take as a position that all reasonable people would agree with. There is some hope in that regard. For example, to emphasize adoption rather than abortion; to emphasize personal responsibility and try to teach family planning.

Today's bill, I am afraid, is a step in the opposite way, and that is why I am opposed to it. The bill states something that many people of very sincere faith hold dear: namely that a person begins at the earliest possible moment of conception. That is what the bill says. It does not use the word conception, but it says, ''a member of the species Homo sapiens from the earliest possible point of development.''

I know people of good will believe that. But the truth is that there are other people of good will who do not. And there are people of good will who do not know exactly when life begins and who recognize that it is a process that certainly has a start at conception and certainly has a very significant point at birth and somewhere in between we might say miracle life, human life.

But are we prepared today to say that we know for certain, for everybody in a Federal Congress, through the criminal law, that life begins at conception? I do not think so, not in a government that is explicitly respectful of differences of religious belief. Because it is fundamentally a religious question. When does life begin is a religious question.

If our purpose today is to punish people who harm a pregnant woman, we can do that. What we should have is an enhanced penalty for causing a miscarriage. I would vote for that in a second.

And if the purpose were to deter the attacks on a woman who is pregnant, then the statute should be written so that if the pregnancy of the woman would be evident. Instead, the statute is written so that even if the defendant does not know, and does not have any way to know that the woman is pregnant, the law applies. So that, quite literally, a murder statute would be applicable against an individual who pushes a woman in an altercation leading to a miscarriage, even in the very first, earliest part of her pregnancy.

I wonder if that is really what we intend to do today. If we intend to protect a pregnant woman against attacks, then we ought to say where the

individual should have known or did know that the woman was pregnant. Obviously, that is how we would deter wrongful conduct.

These points are simple, but they are from my heart. I would love to bring this country together. What we are doing today, instead, is that people of very good will, driven by faith, for which I have the greatest respect, are, despite that good faith, imposing their religious opinion on those who do not share it. And I do not believe that is right, and I do not believe it is consistent with our constitution and with our obligation as Members of this House.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. HYDE).

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

Mr. HYDE. Mr. Chairman, I just want to remind my good friend, the gentleman from California (Mr. CAMPBELL), of the doctrine of transferred intent, which I am sure, as a law professor, he is very familiar with. For example, if an individual is driving the get-away car in a bank robbery and, meanwhile, unbeknownst to that driver, a murder occurs and the guard is killed, the driver of the get-away car is guilty, even though he did not know.

Now, if someone assaults a woman and injures her and she is pregnant, that person intended the crime and they must intend the consequences.

I feel very awkward lecturing a professor.

I have one more thing to say. If an individual does not know when life begins, but they want to kill it, where do we give the benefit of the doubt?

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

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

Mr. CAMPBELL. The benefit of the doubt should be to respect the individual conscientious judgment of people who have faiths that may not be identical to our own.

Mr. HYDE. Mr. Chairman, reclaiming my time, I am sorry, but I do not agree. I think we have to protect the little innocent life.

Mr. CAMPBELL. Mr. Chairman, if the gentleman will continue to yield, I would like to respond to the doctrine of transferred intent.

The difference here is that there is a punishment for hurting the woman. Every act that this statute would reach could be punished because the woman is hurt, and that is not the case in the gentleman's bank robbery example.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise today in support of the Unborn Victims of Violence Act. Surprisingly enough, when a pregnant woman is the victim of a Federal crime, any resulting injury to her unborn child goes unpunished. This measure is long overdue.

H.R. 2436 establishes that if an unborn child is injured or killed during the commission of a Federal crime of violence, then the assailant could be charged with a second offense on behalf of the second victim, the unborn child.

Twenty-four States already have laws that explicitly recognize unborn children as victims of criminal acts, 11 of these throughout the period of their in utero development. It is high time that we have the same protection provided for unborn children at the Federal level.

Now, extremist defenders of the abortion industry will try to make this bill look like it is taking away the right of a woman to abort her child. This is not true. H.R. 2436 does not permit the prosecution of any woman who has consented to have an abortion, nor does it permit the prosecution of the woman for any action in regard to her unborn child.

What this bill does, however, is protect unborn children whose mothers are physically assaulted, beaten, maimed, or murdered. What we are saying in this bill is that if someone's wife or sister or daughter or friend loses her unborn baby because the child died in the uterus when the mother was being beaten or killed, the perpetrator of the crime should be held responsible.

Our country desperately needs this Federal law. Last month in Little Rock, a woman who was 9 months pregnant was severely beaten by thugs allegedly hired by her boyfriend. Sadly, they accomplished their goal and the baby was killed. Under Federal law, the crime would be against the woman only. There is no accountability for the killing of the child who was 3 days away from being born.

Yet another example. Ruth Croston was 5 months pregnant when, on April 21, 1999, she was killed by her husband. She and her unborn daughter died after being shot at least five times. The husband was prosecuted in Federal Court for domestic violence and using a firearm in the commission of a violent crime, but no charges, no charges were brought for the killing of the unborn baby girl, and this brutal act goes unpunished.

The absence of Federal protection of these unborn children is nothing short of a tragedy. The list of tragic stories goes on and on and on. This is exactly why we need this bill to be passed in the House today and signed into law by the President.

H.R. 2436 enables the Federal Government to recognize that when a pregnant woman is assaulted or killed within its jurisdiction, and her unborn child is harmed or killed as a result of the crime, there are two victims, the woman and the child.

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume to note that neither the bill nor the substitute would apply to the instances of violence just referenced, because those are State offenses and there is no Federal predicate.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Chairman, there is no mistake about this, the loss of a pregnancy through violence to a woman is a major, major tragedy for the woman and her family. It is absolutely necessary that we punish any violent crime committed against a pregnant woman who miscarries due to a crime against her. But, Mr. Chairman, we have to hear the words from the other side of the aisle. This bill is not about punishing criminals, it is about taking reproductive rights away from women. It is about abortion.

The Lofgren substitute, however, recognizes that when harm comes to a pregnancy, it happens to the pregnant woman; and, yes, the violator must be punished. The underlying bill, however, is a sneak attack on Roe v. Wade and would threaten a woman's reproductive rights.

Support for the Lofgren-Conyers substitute shows true concern about violence for women, and it must be passed. But let us not stop there. Let us take real steps to make our government work for women, for their families, and for their children in many other ways. Let us protect them against violence in the first place. Let us give them paid family leave, let us prepare them for the 21st century work force, and provide safe, affordable child care.

But we can start, Mr. Chairman, by voting for the Lofgren substitute, which shows that we care what happens to women when they have been violated in any crime that would hurt them and their unborn child.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. LARGENT).

Mr. LARGENT. Mr. Chairman, on this floor we debate and deal with many issues that are very complex. This is not one of them. I truly believe in my heart that my colleagues can be the most pro-choice Members of this body and vote for this legislation. In fact, I find it unconscionable that anybody could not support this issue.

Medical technology today is amazing. I remember when my wife and I were having four children of our own. We could go into the doctor, and we looked forward to the day when we could go in and listen to the child's heartbeat. Today couples can see the child through the sonograms and all the technology that we have today.

The real issue that this bill deals with is loss. The question is, and I think it is the fundamental question that this bill addresses: is there a loss? If we were to go to that young soon-to-be-father or mother and ask them, when they have been victims of violence and they have lost that child that they have seen and possibly even

named, that they know the sex of, that they can see sucking its thumb, kicking, so on and so forth, if we ask them, has there been a loss, the answer is yes.

Support H.R. 2436.

Ms. LOFGREN. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

(Mr. KENNEDY of Rhode Island asked and was given permission to revise and extend his remarks.)

Mr. KENNEDY of Rhode Island. My colleagues, the hypocrisy is incredible to me, just to hear the gentleman from Oklahoma (Mr. LARGENT) talk about the sanctity of the human life and how any pro-choice person in this body ought to be able to vote for this bill. How in the world can they honestly say that they are for the sanctity of life and then gladly and proudly come out and say that this bill would not affect a woman's right to choose and have an abortion?

I am just astounded by those who are so pure on this side of the aisle; that they get up, like the gentleman from Florida (Mr. WELDON), who got up and was so pure about relieving our consciences of the fact that this would not, please, no one mistake the fact that this is going to undermine Roe v. Wade. It is not going to undermine Roe v. Wade. Women are still going to be able to have an abortion. That is what the gentleman from Florida (Mr. WELDON) was saying; that is what the gentleman from Oklahoma was saying. They are saying to pro-choice people like myself that we can vote for this because our constituents will still have the right to a safe, legal abortion.

I mean, it is just so incongruous that the very people who are saying that they believe so much in the sanctity of life are now proposing a bill that they willingly admit does not protect the very people they think need to be protected.

Now, in addition to being intellectually dishonest, this bill is a farce. It talks about the unborn victims of violence. What about the born victims of violence? What about the 13 and 14 kids that are killed every day in this country by guns that this leadership fails to bring up on the floor because they are in bed with the gun lobby? What about the fact that we have members who want to get up on the floor and talk all about the sanctity of human life and spreading those civil rights that they say that we stand so much for and then saying we ought to be for the unborn child?

□ 1430

What about for the born child? What about for the child that is already here? Have my colleagues ever looked at the indices for spending that this Republican budget spends on inner-city kids from minority families who are on the WIC program, who are trying to get Headstart? And those people pretend that they are for the human life?

Do they not value the human life of one in four kids in this country who are in poverty? And they want to cut the earned income tax credit?

This is a farce. I do not need to say any more. This is a farce.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

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

Mr. Chairman, I want to respond to the gentleman from Rhode Island (Mr. KENNEDY). Of course we should be concerned about our children. I think that we are in this body. But this issue that we are addressing today is to protect a woman who wants to carry a child all the way to term and to have that child, and that is what we speak of in the right to choose.

If someone decides to have an abortion, that is protected under the Constitution. It is not inconsistent because we might be pro-life and we cannot change that, and so we look at this law as an opportunity to protect the mother's right to have a child when she makes that decision. Surely someone that believes in the right to abort a child would concede that if a woman makes a decision to carry a child to term that that decision should be respected.

Then the gentleman from New York previously said, well, why pass this law because it does not cover State law and that is where most of the assaults against women occur? Well, obviously, that is true. And many of the States are addressing that. But it is important that we do what we can in this body to protect women. Our responsibility is to look at the Federal law, and that is what this bill does.

Then there are those that argue, well, present law is sufficient. Well, under the present law, under the Federal system, a perpetrator of violence against a woman can only be charged for assault and battery. This brings it to another level so that, if the unborn child is killed, then it can be actually a homicide case. The present law is not adequate. There are those that argue that sentence enhancements is sufficient. Well, it is not.

Let me tell my colleagues about the case from Arkansas that has already been referenced. In Arkansas, we did not have a fetal protection law until the last session of the legislature, where the legislature wisely adopted a law that would protect that unborn child in the event of assault upon a woman. This year it came into play when Shiwana Pace was assaulted brutally by three assailants who were hired by the father of the child.

The father of the child says, I do not want this child to live. So he hired three hit men to go and to beat that child. And while they were beating the woman in the stomach, they said, today your child dies. And the nine-month-old pregnancy was ended and the unborn child died.

Under the old law, they could only be prosecuted for assault and battery upon the woman. But because Arkansas adopted the fetal protection law, an actual murder case was able to be lodged by the prosecutor to protect the woman and to really reflect the loss that she suffered because she wanted to have that child.

The old law was not sufficient. Sentence enhancement was not sufficient. It was Arkansas' new law that really brought the criminal justice system to bear on the true loss to that woman who decided that she wanted to carry that child in her womb all the way to birth. And so, a Federal law is needed, as well, to accomplish the same thing, to protect the woman fully.

Ms. LOFGREN. Mr. Chairman, I would like to quote some of the editorial that ran in the New York Times on September 14. The editorial is entitled ''On a Dangerous Path to Fetal Rights.''

The New York Times points out: ''Congressional opponents of abortion rights have come up with yet another scheme to advance their agenda. Called the 'Unborn Victims of Violence Act,' . . . the measure aims to chip away at women's reproductive freedom by granting new legal status to 'unborn children'—under the deceptively benign guise of fighting crime. . . .

''No one would quarrel that an attack on a pregnant woman that results in a miscarriage or prevents normal fetal development is a tragedy. Extra severe penalties in such cases may be appropriate. But that can be done by prosecuting a defendant for assaulting the pregnant woman. The pending bill, however, treats the woman as a different entity from the fetus—in essence raising the status of a fetus to that of a person for law enforcement purposes—a longtime goal of the right-to-life movement.

''The bill contains exceptions for medical treatment and legal abortions. That has allowed the bill's sponsors to assert that the measure has nothing to do with the abortion issue. But that view is disingenuous. By creating a separate legal status for fetuses, the bill's supporters are plainly hoping to build a foundation for a fresh legal assault on the constitutional underpinnings of the Supreme Court's ruling in Roe v. Wade. Sending the nation down a legal path that could undermine the privacy rights of women is not a reasonable way to protect women or to deter crime.''

I could not agree with that more.

Mr. Chairman, I yield 3 minutes to my colleague, the gentlewoman from Maryland (Mrs. MORELLA.)

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

Mr. Chairman, I rise in opposition to the Unborn Victims of Violence Act. For the past 12 years, 13 years really, as a Member of this House, I have worked to secure health care for women and children, to fight against domestic violence, and to protect a woman's right to choose. I believe that

this legislation would reverse our triumphs and our progress over the decades.

I believe that the true intention of this legislation is to ultimately redefine when life begins and reverse the Supreme Court ruling of Roe v. Wade. No one here should think that this is not a debate on abortion.

H.R. 2436 is said to be protection for pregnant women against a violent crime. But the words ''mother,'' ''women,'' or ''pregnant women'' are just not mentioned in the language of the bill.

I would proudly support a bill to prevent and punish the violent crimes against pregnant women within our society, but this bill ignores where and when these crimes most often occur.

The Unborn Victims of Violence Act lists Federal crimes, such as ''damage to religious property'' and ''transaction involving nuclear materials'' and situations where a ''Homo sapien in any stage of development within the womb'' would receive protection.

How is this bill helping the 37 percent of women who need to receive emergency help because of their husband or boyfriend? Where is the legislation in maintaining a restraining order when a woman flees to another State?

If we want to protect women and their children from violence, let us debate funding for shelters and hotlines that are overrun by women in danger to broadly address where violence occurs.

Fundamentally, the Unborn Victims of Violence Act is legislation that seeks to redefine when life begins. I support the landmark decision of Roe v. Wade in 1973 that established a woman's right to choose to terminate a pregnancy while also allowing individual States to determine the legality of such decisions as a pregnancy proceeds.

Thirty-nine States have strengthened laws to protect either a pregnant woman or her pregnancy with specific determinations of personhood and in cases of violent crime. Any new Federal law should protect a pregnant woman without threatening a woman's right to choose.

I strongly urge my colleagues not to jeopardize the decisions women can make about their own bodies and to vote no on H.R. 2436.

The CHAIRMAN. The gentleman from Florida (Mr. CANADY) has 20 minutes remaining, and the gentlewoman from California (Ms. LOFGREN) has 15½ minutes remaining.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise in support of the Unborn Victims of Violence Act, a bill that brings justice against a criminal for harm done to two victims, not just one. Both lives are precious. Both lives deserve protection.

Many States do already recognize unborn children as victims of such crimes. For instance, my home State of Pennsylvania, like more than 20 others, does have such a law. It is called the Fetal Homicide law. This law, I might add, receives support from both pro-choice and pro-life legislators. Why, then, can we not take what are protections in many of our States to protections in Federal crimes?

The Unborn Victims of Violence Act was designed to address a flaw in our law which says right now that there is no punishment for the injury or harm to an unborn child during a Federal crime. Should we ignore the violence that women and their unborn children undergo from violent criminals, characterizing the injury or even death of the child as ''an interruption in the normal course of pregnancy''?

I submit that it is much more than that. If such a Federal law were in place, we could punish some of these criminals for their terrible actions and incidents ranging from the tragic story of the woman in Arkansas whose near-term infant was beaten to death inside her body to incidents with which we are all familiar where pregnant women and their unborn children are killed, like the bombing of the World Trade Center or even the Oklahoma City bombing.

Do not let such criminals go unpunished for the lives they have devastated and ruined. Let us make those criminals pay for the lives they seek to destroy and, in many cases, successfully do so.

This bill is not about abortion or abortion politics, as the opponents have alleged. It is about providing justice for both victims in the crime. Vote for the Unborn Victims Violence Act.

Ms. LOFGREN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, the arguments made by the supporters tug at the heart strings of the Nation. Yet we, as legislators, know better. We know that the American people want us to do justice, not just pontificate, or what makes a great sound byte, or as a shelter for the lack of work we have done in other areas.

I have to compliment my colleague, the gentlewoman from New Mexico (Mrs. WILSON), for such an elegant and heartwrenching speech and presentation. Yet she missed the point. It is possible to address the issues of H.R. 2436 without trespassing on the reproductive rights of women in this country.

None of the opponents of this bill have argued that abortion can be prosecuted under this bill. They keep saying that we are saying that we do not want abortion dealt with so we are opponents of the bill. We have not argued that, because we see clearly in the bill it deals with setting aside abortion as a possible offense.

But what we are arguing is that the bill is an effort to erode a woman's right to choose. And it is. They said it. They know it. The paper knows it. Everybody knows it. They are trying to erode Roe v. Wade.

Now, the other thing that must be made clear is, in the Arkansas situation that was argued, in the North Carolina situation that was argued, those were State offenses and there were no underlying predicate acts. In fact, in this legislation that is being presented today on the floor, there is no underlying predicate act in this bill.

State law can be prosecuted without any further Federal legislation. What we are saying is, if this is a State law and this is a State issue, let it be dealt with in the State court. We do not need to pass any more legislation that is dealt with in State legislate.

In fact, let us think about it like this. I think that is the argument that the gun proponents made when we were talking about passing the Brady bill, State law already handles it so why pass Federal legislation.

In fact, I think that is the argument we made just the other day when we wanted more gun control, we do not prosecute enough gun control laws right now. Why pass any more?

Same thing here, let us not pass any more laws that we do not need. State law deals with this.

□ 1445

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the gentleman from South Carolina (Mr. GRAHAM) for his very thoughtful and diligent work on this important and carefully constructed legislation that will help close an unfortunate gap in Federal law. Since the gentleman from South Carolina has so ably and thoughtfully explained the legislation earlier in the debate, I would just like to take a few minutes to address several of the legal issues that have been raised regarding H.R. 2436.

First, questions have been raised about the constitutional authority to enact this legislation. That is something that we heard quite a bit about when the bill was debated in the Committee on the Judiciary. I submit to the House that the challenge to the bill on this ground is totally without merit. It is clear that Congress has such constitutional authority because the bill will only affect conduct that is already prohibited by Federal law.

H.R. 2436 merely provides an additional offense and punishment for those who injure or kill an unborn child during the course of the commission of one of the existing predicate offenses set forth in the bill. If there is any question regarding the constitutionality of the act's reach, that question is more properly directed to the constitutionality of the predicate offenses that are already established in the Federal law and not to H.R. 2436 itself.

Opponents of the legislation have also argued that it somehow violates the decision of the Supreme Court in

Roe v. Wade which was decided in 1973. There are variations on this argument, this argument is framed in different ways, but that is what it boils down to. They are saying there is an inconsistency between this statute and the decision of the Supreme Court in Roe v. Wade. Once again, I submit to the House that this argument simply makes no sense.

To begin with, H.R. 2436 does not apply to abortion. It is very important to understand that. It was acknowledged just a minute ago, but I think there are some people who have made arguments against this bill who do not really understand that. I would direct the Members' attention to pages 4 and 6 of the Union Calendar version of this bill where prosecution is explicitly precluded for abortion-related conduct. It is right there in the bill, an exemption for abortion-related conduct. The act also does not permit prosecution of any person for any medical treatment of the pregnant woman or her unborn child or of any woman with respect to her unborn child. So it is very clear in the bill. There should be no doubt about these provisions of the bill.

Let me go on to say that there is nothing in Roe v. Wade that prevents Congress from giving legal recognition to the lives of unborn children outside the parameters of the right to abortion marked off in that case. In establishing a woman's right to terminate her pregnancy, the Roe Court explicitly stated that it was not resolving the difficult question of when life begins, and that is the terminology that the Court specifically used. They said they were not resolving that. They said they were not resolving the difficult question of when life begins, because the judiciary at this point in the development of man's knowledge is not in a position to speculate as to the answer. That is what the Supreme Court said. What the Court did hold was that the government could not override the rights of the pregnant woman to choose to terminate her pregnancy by adopting one theory of when life begins. The focus there was on the right of the pregnant woman. I think anyone who understands Roe and the cases that follow that understand that that is what the focus was. That is undoubted. That is unquestioned. Anyone that is not aware of that should read the case.

Courts addressing the constitutionality of State laws that punish killing or injuring unborn children have recognized the lack of merit in the argument that such laws violate Roe v. Wade and as a result have consistently upheld those laws. This is important to understand. This is not a question of first impression here in this House. This is not a matter of doubt or uncertainty. Laws similar to the law under consideration here today have been adopted in a range of States across the country. Those laws were challenged in court and the courts consistently upheld them.

Let me give my colleagues some examples. In Smith v. Newsome, which was decided in 1987, the 11th Circuit Court of Appeals held that Roe v. Wade was, and I quote, ''immaterial to whether a State can prohibit the destruction of a fetus by a third party.'' That is what the 11th Circuit said.

The Minnesota Supreme Court echoed that sentiment in 1990 in the case of State v. Merrill holding that, and once again I quote, ''Roe v. Wade protects the woman's right of choice; it does not protect, much less confer on an assailant, a third-party unilateral right to destroy the fetus.''

In 1994, the California Supreme Court held in People v. Davis that ''Roe v. Wade principles are inapplicable to a statute that criminalizes the killing of a fetus without the mother's consent.'' That is what the California Supreme Court had to say. I do not think anyone would accuse them of being soft on the issue of abortion rights.

In State v. Coleman which was decided in 1997, the Ohio Court of Appeals stated that ''Roe protects a woman's constitutional right. It does not protect a third party's unilateral destruction of a fetus.''

Opponents of this legislation have also argued that the use of the term ''unborn child'' is ''designed to inflame.'' They contend that the use of this term may, in the words of those dissenting from the Committee on the Judiciary report, and I quote them, ''result in a major collision between the rights of the mother and the rights of'' the unborn. That is what the real objection to this bill is about. It is about the use of the term ''unborn child'' in this bill. I think the opponents of this bill, if they are candid, will acknowledge that. That is the focus of their objection. They do not like the use of that terminology. Let me say that this objection, in fact, reflects nothing more than the semantical preferences of radical abortion advocates, and is based on an apparent lack of knowledge of the widespread use of the term ''unborn child'' in the decisions of the United States Supreme Court and the United States Courts of Appeals, as well as in State statutes and court decisions, and even in the legal writings of abortion advocates.

The use of the term ''unborn child'' by the Supreme Court can be illustrated by reference to Roe v. Wade itself, in which Justice Blackmun used the term ''unborn children'' as synonymous with ''fetuses.'' Justice Blackmun also used the term ''unborn child'' in Doe v. Bolton, the companion case to Roe in which the Court struck down the Georgia abortion statute.

Let me also bring the attention of the Members to a 1975 case, a case decided not long after the Roe decision. This is the case of Burns v. Alcala, where the Court held that unborn children were not dependent children for purposes of obtaining aid under the Aid to Families With Dependent Children program, commonly known as the AFDC welfare program. Not only did Justice Powell use the term ''unborn child'' in the majority opinion in Burns, but Justice Thurgood Marshall dissented in the case and argued that unborn children, and I quote, ''unborn children,'' those were his words in his dissent, should be covered as dependent children under AFDC.

Now, would the opponents of H.R. 2436 seriously contend that Justice Marshall was undermining the legal structure of abortion rights by arguing that unborn children should be recognized under a Federal statute? Do they seriously contend that that was the impact of what Justice Marshall said in his opinion? As we all know, Justice Marshall was a vigorous proponent of abortion rights. I would encourage the Members to read his opinion.

He starts off in his dissent saying, ''When it passed the Social Security Act in 1935, Congress gave no indication that it meant to include or exclude unborn children from the definition of 'dependent child.' Nor has it shed any further light on the question other than to consider, and fail to pass, legislation that would indisputably have excluded unborn children from coverage.'' That is right there in Justice Marshall's dissent in 1975. He goes on and talks about unborn children time after time. He ends up his opinion dissenting from the judgment of the Court in this case by saying, ''I cannot agree that the act, in its present form, should be read to exclude the unborn from eligibility.'' That was Justice Thurgood Marshall.

Subsequent Supreme Court decisions have also used the term ''unborn child'' as synonymous with ''fetus.'' These cases include City of Akron v. Akron Center for Reproductive Health, decided in 1983; Webster v. Reproductive Health Services, decided in 1989; and International Union v. Johnson Controls, decided in 1991. There are so many decisions of the U.S. Courts of Appeals using the term ''unborn child'' that it would be too time consuming to go through them all. I would use up the rest of the time in the debate simply going through those decisions of the Courts of Appeals where the term ''unborn child'' was used. There are also at least 19 State criminal statutes similar to H.R. 2436 that currently use the term ''unborn child'' to refer to a fetus. These statutes have been consistently upheld by the courts as I have already explained.

We have these cases of the Supreme Court. We have these State laws. We have the other Court opinions that use this term ''unborn child.'' That is part of the fabric of the law in this country. The structure of abortion rights has not come tumbling down because the Court has used that term. I think the argument that is being made here simply does not make sense.

Even feminist abortion rights advocates such as Catherine MacKinnon have used the term ''unborn child'' as synonymous with ''fetus.'' In an article that was published in the Yale Law Journal entitled ''Reflections on Sex

Equality Under the Law,'' Professor MacKinnon conceded that, and I quote, ''a fetus is a human form of life that is alive.'' That is what Professor MacKinnon said, and I do not think she would take second place to anyone in her support for abortion rights. In her defense of abortion rights, Professor MacKinnon expressed her view that, and again I quote, ''Many women have abortions as a desperate act of love for their unborn children.'' I think the argument of the opponents of this bill that focuses on their view about the harm that will be caused by the use of the term ''unborn child'' is simply not supported by the facts and is more a fantasy than anything else.

Finally, opponents of H.R. 2436 have argued that the bill lacks the necessary mens rea requirement for a valid criminal law and is therefore unconstitutional. I just want to point out briefly that this argument ignores the well-established doctrine of ''transferred intent'' in the criminal law. Anyone who knows anything about the criminal law has to know something about transferred intent. This is not some secret, dark mystery of the criminal law. This is a well-established doctrine.

Under H.R. 2436, an individual may be guilty of an offense against an unborn child only if he has committed an act of violence, with criminal intent, upon a pregnant woman, thereby injuring or killing her unborn child. Under the doctrine of transferred intent, the law considers the criminal intent directed toward the pregnant woman to have also been directed toward the unborn child who is the victim of the violence as well.

This transferred intent doctrine was recognized in England as early as 1576 and was adopted by American courts during the early days of the Republic. A well-known criminal law commentator describes the application of the doctrine to the crime of murder in language that is remarkably similar to the language and operation of this legislation:

''Under the common law doctrine of transferred intent, a defendant who intends to kill one person but instead kills a bystander is deemed the author of whatever kind of homicide would have been committed had he killed the intended victim.'' H.R. 2436 operates on these basic and well-settled principles of the criminal law.

In summary, let me say that none of the legal challenges to this bill can withstand serious scrutiny. All the opposition to the bill in fact stems from an objection to the very concept of ''unborn children.'' That is what it boils down to, as I said earlier. The opponents insist that a concept that is well-recognized in the law is somehow dangerous and subversive, a concept that has been recognized by judges such as Thurgood Marshall in his opinions on the Court. The opponents have a great deal, I would suggest, invested in the illusion that the unborn are entirely alien to the human family. Indeed, I have come reluctantly to the conclusion that for the opponents of this bill, it is a chief article of faith with them that the unborn are not human.

□ 1500

It is their credo that the unborn are nothings, nonentities; as the gentleman from Illinois (Mr. HYDE) said, ciphers. They dogmatically adhere to the doctrine that the recognition for any purposes of the value of life in the womb is forbidden by the Constitution of the United States. Thus, they mount their opposition to this very reasonable effort to protect the innocent unborn from brutal acts of criminal violence.

Now I would humbly suggest that those who would embrace principles that would drive them to oppose eminently reasonable legislation such as this legislation proposed by the gentleman from South Carolina should reexamine the principles they have embraced. And, regardless of what we may think of the wisdom and justice of the Supreme Court's decision on abortion rights, we should be able to understand that the views expressed in opposition to this bill are views that have never been embraced by the Supreme Court of the United States. These views go far beyond anything the Supreme Court has ever said.

We must recognize this:

These views do violence to the reality of the pain and suffering that is experienced when a criminal attacks a pregnant woman and injures or kills the child in her womb. We have heard the tragic stories of these cases, and I humbly submit that the arguments made against this bill show an inadequate sensitivity to the reality of that pain and suffering.

Mr. Chairman, the opponents of this bill have once again set off on a flight from reality. I would appeal to the Members of this House to reject their fallacious arguments. The only people who have anything to fear from this bill are the criminals who engage in violent acts against women and their unborn children. I urge the Members to vote in favor of H.R. 2436.

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

Ms. LOFGREN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentlewoman for yielding this time to me.

Mr. Chairman, I rise to express my opposition to H.R. 2436, the Unborn Victims of Violence Act. This bill claims to protect fetuses from assault and harm, but its goal is clearly to undercut the legal foundations of a woman's right to choose. H.R. 2436 gives a fetus at any stage of development from the time of fertilization the status of a person under the law with interests and rights distinct from those of the pregnant woman. This is in direct conflict with Roe v. Wade which held that at no stage of development are fetuses persons under the law.

Mr. Chairman, we are deeply concerned about violence against women and agree that harm to a woman which results in injury or harm to her pregnancy deserves enhanced punishment. But H.R. 2436 is not the way to accomplish this goal, and I regret that the previous speaker, the gentleman from Florida (Mr. CANADY) seemed to suggest that those of us who oppose this legislation have no sense of feeling or compassion or hurt or tragic feelings about women who find themselves in such a situation.

That is far from the truth. We understand the pain and suffering that occur to these women when they are attacked and criminal violence is done to them, but the criminal violence done to them should be treated in ways that do not do violence to the fundamental constitutional rights of all women.

I, therefore, strongly support the Lofgren substitute, the Motherhood Protection Act of 1999 which recognizes that when harm comes to a pregnancy, it happens to the woman who is pregnant. The Motherhood Protection Act would establish a new Federal crime for any violent or assaultive conduct against a pregnant woman that interrupts or terminates her pregnancy with punishments ranging from 20 years to life imprisonment. The Lofgren substitute accomplishes the stated goal of H.R. 2436 and should be adopted by this House if we have the intent of protecting women who are pregnant.

Ms. LOFGREN. Mr. Chairman, I yield 3½ minutes to the gentleman from North Carolina (Mr. WATT), my colleague on the Committee on the Judiciary.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentlewoman for yielding this time to me, and I wanted to just bring to the attention of my colleagues a concern that I have about this bill that is a little bit different than the concern that has been expressed during the primary debate on the bill, and I bring this to the attention of my colleagues not to diminish the value of the debate that has occurred.

It is very important that this bill not undercut the right to choose either directly or indirectly or by implication. But there is another concern about this bill that I think we have lost sight of and that my colleagues who came riding into Congress on the States rights horse have lost sight of. Unfortunately, when they start to talk about abortion issues and issues of this kind, they lose sight of the fact that we operate in a Federal form of government under which certain rights are reserved to the States, and for the Federal Government to exercise jurisdiction in a particular area, there has to be some particular Federal nexus involved.

Under this bill my colleagues would have us believe that because the Federal law and the Federal Government has an interest in protecting, for example, Federal law enforcement officials,

that that same interest would expand to protecting a fetus or an unborn child in the womb of that Federal law enforcement official. The nexus for protecting Federal law enforcement officials is the fact that they are Federal law enforcement officials, and we as a Federal Government, therefore, have a vested interest and a constitutional right to protect them. We cannot take that same constitutional right that the Federal Government has and take it to the next level.

So in this case that has been talked about over and over and over in North Carolina, they would have us believe that because the mother was protected under Federal law when she was driving down the street in North Carolina, the child of the mother should have the same Federal protection. In fact, it is the State law that we have to look to to protect the interests of the unborn child or the child in that case just as we could not extend Federal law to protect a born child or a passenger in that car with the mother. We do not have the right in our Federal system to extend Federal law willy nilly, and there is simply no basis in a lot of the instances that this bill covers under Federal law for exercising jurisdiction.

Mr. Chairman, I would encourage my colleagues to oppose the bill for that reason.

Ms. LOFGREN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentlewoman for yielding this time to me.

I rise in strong opposition to H.R. 2436 and in strong support of the substitute bill. H.R. 2436 would make it a Federal crime to knowingly damage a fertilized egg during an assault against a pregnant mother.

Now I absolutely agree that it is a tragedy for a woman to lose a pregnancy during a crime, and I strongly support the approach that many States have taken to toughen penalties for an assault against a pregnant woman, and that is, in fact, the approach that my colleague is taking in her substitute. However, Mr. Chairman, H.R. 2436 would do nothing to protect the woman further, but instead would create for the first time a legal definition that a fertilized egg is entitled to protection under the law as a person.

This bill is indeed breathtaking in its scope. While the examples used are drawn from criminal assaults of women in advanced stages of pregnancy, its real concern reaches to the impact of the violence on the embryo. Roe v. Wade makes a distinction between the embryo in the first trimester and the post viability embryo, and that is the distinction that State laws honor.

This bill makes no such distinction because it deals with the fertilized eggs at all stages of development; and, therefore, it opens the opportunity that if a woman is assaulted in sort of a routine assault and battery case and 3 weeks later has a miscarriage, that miscarriage can up the assault and battery charges to murder though she did not know she was pregnant at the time and neither did the assaultant.

So this bill goes way beyond what it appears to do, and while I certainly think that a woman in an advanced stage of pregnancy who is assaulted and the fetus killed, that assaultant deserves a punishment that is far more severe than if he had not been attacking a pregnant woman. I think this bill goes way beyond that by dealing with a fertilized egg and opening up the kinds of possibilities I cite, and the next step, which is not contained in this bill, but it is the only logical next step, is to disregard the intent of the assaultant. Why, if it is a criminal assault, should it be seen as a crime? When it is simply the destruction of the fetus, it should not be seen as a crime?

Mr. Chairman, that is why those of us who support a woman's right to abortion are deeply concerned about this legislation. It does clearly in its language exclude abortion, but the only difference between an abortion and a criminal attack is the criminality of the attacker and the criminal intent. But the effect on the fetus is the same, and all my colleagues focus on in this bill is the fetal effect, and they define ''fetus'' as fertilized egg even before the woman knows she is pregnant.

So I urge opposition to the bill and support for the substitute.

Ms. LOFGREN. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I thank the gentlewoman for yielding this time to me.

As my colleagues know, why do we think this bill is fundamentally an attack on choice? Because if the real effort is to protect women, we can do that in other ways, and we must do that in other ways, but if we really want to do that, we should pass the Violence Against Women's Act. This bill has not come up before on the floor of this House, but if we really want to protect women, pass the Violence Against Women Act. If we really want to protect or if we really want to provide more sincere and serious punishment should an assault on a woman result in the loss or damage to a pregnancy, we can do that by passing the Lofgren amendment.

We can do those things, and we should do those things, but here is where I believe this bill is fundamentally disingenuous: As my colleagues know, a couple years ago I visited a women's shelter where they took women in after being victims of domestic or other violence. That women's shelter turned away 1,200 women a year because they did not have adequate funding, 1,200 women who had been the victims or believe they were about to be the victims of violence were turned away because that shelter did not have adequate funding.

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If we really care about women, if we really care about the well-being of children, we will pass the Violence Against Women Act, we will fully fund programs like women's shelters, we will fund programs to help children, to promote safe and secure births for children.

But this act fundamentally is an assault on the constitutional right to choose. That is what it is about, make no mistake about it. If you support the right to a safe, legal abortion, you should reject this act, and you should support the Lofgren substitute, which is what I will surely do, and I encourage my colleagues to do as well.

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

Mr. Chairman, neither Congress nor the United States Supreme Court has ever afforded legal status to an unborn child, and it is undisputed, I think, that H.R. 436 would be the first such congressional recognition. Similarly, there is no precedent in the history of the Supreme Court for such a rule.

In the 26 years since Roe v. Wade, the United States Supreme Court has never recognized an unborn child as having legal status. Outside of the abortion context, the Court has been asked only twice to uphold a State's determination that an unborn child should be afforded the protection of the law, and those two cases, Burns v. Alcala and Webster v. Reproductive Health Services, are the only two cases in the 26 years since Roe, in which the Supreme Court has been asked to recognize the ''unborn child'' as having legal status. In both cases, the Supreme Court refused to do so.

Those of us who are here today standing up for the personal right of a woman to determine her own reproductive future are very concerned and very opposed to this bill.

I have heard the chairman of the Subcommittee on the Constitution go on at some length about how this really would not disturb Roe v. Wade, and I do not agree. But I would also like to point out that the chairman and the gentleman from Illinois (Mr. HYDE), the chairman of the committee, opposed Roe v. Wade. That is their right to do so. The gentleman from Illinois (Chairman HYDE) said today earlier that he opposed abortion in all cases, including cases of rape and incest. I do not agree with him, but I respect that that is his position. In fact, if it were up to the chairman, he would repeal Roe v. Wade, and I think this is part of the strategy to go down that road.

We do not see it the same way, and I wish that we could have that debate in a different context, not in the context of violence against women, because, in fact, after we have finished debate on this bill, I will be offering a substitute with the gentleman from Michigan (Mr. CONYERS) that would achieve the goal that is allegedly being sought here today, which is protection of women who are pregnant against assault that

might impair or damage their pregnancy. We can do that together, if that is in fact our goal. I think that goal is a worthy one.

I would urge that we do so and that we reserve the debate over reproductive choice for another time, another day, a different vehicle, and that we be very open about what the dispute is about. If opponents of reproductive choice for American women want to bring this issue to a conclusion, they ought to bring a pro-life constitutional amendment to this floor.

Mr. CANADY of Florida. Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina (Mr. GRAHAM).

The CHAIRMAN. The gentleman from South Carolina is recognized for 1 minute.

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

Mr. Chairman, I spent days, hours, a lot of time with a lot of people to draft in bill for an express purpose, not to have an abortion debate, but we will have it. This is a free and open House. You can talk about what you want to.

My goal is to have a statute that will put people in jail when they do harm. When they do bad things, they suffer bad consequences.

California has a statute very similar to this that has been in existence for 29 years. Go open up a phone book and see if you can have an abortion in California. You can. There are 24 states that have made it a crime to destroy an unborn child by a third party, and a woman can still get a legal abortion.

This bill exempts consensual abortions because it is about criminals, not abortions. Sometime, somewhere, unfortunately, given human nature, there will be a woman assaulted where Federal jurisdiction exists and she will lose her baby, and I want to make sure that person goes to jail for taking her baby away from her when she chooses to have it. I hope you will help me do it.

Ms. LEE. Mr. Chairman, today in this chamber we rise yet another time to protect a women's right to choose. As one of 37 pro-choice women in the Congress, this is an issue for which we must stand and speak time and time again. Anti-choice Republicans continue to take every possible opportunity to raise legislation aimed at undermining a woman's right to choose. Since the beginning of the 104th Congress, the House has taken over 100 votes on family planning and choice—a phenomenal number. From the move to override President Clinton's veto of the partial birth abortion ban, to the so-called ''Child Custody Protection Act,'' to requiring parental consent to access Title X services, the ''Unborn Victims of Violence Act'' that we address today is yet another example.

I deplore acts of violence against women, and stand as the strongest of advocates against domestic violence and domestic abuse; however while this legislation purports to protect pregnant women, the reality is that it undermines a woman's right to choose. The bill would criminalize death or injury that occurs at any stage of development, from conception to birth. H.R. 2436 would recognize the fetus as a person, with the same legal standing as the woman's—a status long sought by the conservative movement to attack the Supreme Courts' ruling in Roe v Wade.

In order to protect women from violence, this Congress should be passing H.R. 357, the Violence Against Women Act of 1999. In order to ensure healthy pregnancies for both mothers and babies, this Congress should be passing legislation to increase access to prenatal care. In order to support healthly children, this Congress should be passing legislation to support and strengthen WIC nutrition and food stamp programs. But instead we are debating yet another piece of anti-choice legislation.

I urge my colleagues to recognize this bill for what it is: a misguided initiative, dangerous and harmful to women's rights. I urge a ''no'' vote on H.R. 2436.

Mrs. TAUSCHER. Mr. Chairman, I rise today in opposition to H.R. 2436, the so-called ''Unborn Victims of Violence Act.'' While I whole-heartedly agree that acts of violence against a pregnant woman deserve severe punishment, this bill does absolutely nothing to further that goal. Ironically, these pregnant women are not mentioned in the actual legislative text. Instead, this bill goes so far as to redefine the fetus as a fully-independent person separate from the mother. This is a definition that even Supreme Court Justice Antonin Scalia, a staunch opponent of Roe v. Wade, opposed.

Instead, I believe we must do more to protect pregnant mothers, and am therefore supporting the ''Motherhood Protection Act,'' introduced by Representative LOFGREN. This measure provides increased penalties for crimes against pregnant women. This common-sense legislation would provide true protections for pregnant women without undermining the Constitutionally-protected right to choose or attempting to change the definitions of ''personhood'' under the 14th Amendment to the Constitution. This measure makes sense, and achieves the stated goals of the underlying bill. I urge my colleagues to vote for the Lofgren substitute and vote against H.R. 2436.

Mr. WU. Mr. Chairman, I rise today to express my opposition to H.R. 2436, the Unborn Victims of Violence Act. This legislation is clearly another attempt to take away a woman's right to choose.

Under this bill, a person can be prosecuted for harming a fetus, regardless of whether the person is prosecuted for harming the mother. No knowledge of the pregnancy or intent to cause harm is necessary for prosecution. That means that even without determining intent, one could receive the full punishment normally associated with intentional murder. As the father of two beautiful children, my daughter Sarah less than a week old, I feel strongly that any crime that intentionally causes harm to a mother and her unborn child is despicable and must be punished. This legislation, however, is not the way to achieve that. Granting independent legal status to a fetus does not help to stop violence against women.

Let's work together to protect all women and their children from violence rather than using this veiled legislation to restrict a woman's right to choose.

Ms. DEGETTE. Mr. Chairman, I remain baffled at this body's ability to undermine a woman's fundamental right to choose. What's more, I am disturbed at the latest trend of crafting vague, amorphous legislative language that flies in the face of the proper intent of legislation by those who seek to limit or abolish this right.

The majority of Americans are pro-choice and know that we must protect a woman's right to choose to have an abortion while at the same time working to make abortion rare. The other side chooses to ignore this majority. They have determined that the best way to do this is to craft vague, and purportedly narrow, legislative language that undercuts this fundamental right by creating vast legal loopholes and ambiguously worded statutes that result in the near elimination of abortions.

Last Friday, the Eighth Circuit Court of Appeals struck down three such vaguely worded statutes from Iowa, Nebraska and Arkansas that posed as legislation to prohibit one form of late-term abortion. The Court recognized the backdoor attempt to ban abortions completely and the stifling affect such broad language would have on the health and safety of women in these states.

There is not a single member of the House of Representatives who does not think that criminals who brutally attack a pregnant woman should not be held accountable for their actions and punished to the full extent of the law. But if you expect us to naively believe that protecting pregnant women is the only intent of this legislation, you are sadly mistaken. This legislation fails to address many of the very real needs to protect women from violence in its backdoor attempt to undermine the essence of Roe v. Wade.

If we are addressing violence to a fetus in utero, the one very large, glaring omission from the legislation we are debating today is the woman carrying that pregnancy. As worded, this legislation turns the woman in to a mere vessel and ignores the simple truth that the abhorrent violent acts we have heard so much about on the floor today are happening to a woman.

We should punish people who harm a pregnant woman—but unfortunately we are not debating that fact today because the woman is missing from this legislation. I welcome the opportunity to discuss legislation that would enhance penalties for criminals who commit violent, deplorable crimes against a pregnant woman, particularly if that crime results in the loss of the pregnancy. But the fact that the violent act against the woman is ignored by this legislation, reveals its true intent. This legislation seeks to do one thing—create a separate legal status for a fetus, embryo, blastocyst or zygote to lay the groundwork for a fresh assault on Roe v. Wade.

If this Congress wants to protect women, and promote healthy pregnancies, then it should reauthorize the Violence Against Women Act. But, both the Department of Justice and the National Coalition Against Domestic Violence have said that this bill fails to help women victims of violence and yet again, diverts attention away from the true victim of the crime, the woman.

You cannot toss aside the health and safety of millions of women with legislation that masquerades as an effort to protect them.

Mr. ABERCROMBIE. Mr. Chairman, today I rise in strong support of the Lofgren-Conyers amendment to H.R. 2436, the Unborn Victims of Violence Act. The bill is unfortunately

flawed and needs to be modified because it fails to address the underlying issue—violence against women—pregnant or not. The majority of crimes against women occur during domestic violence and drunk driving incidents. I supported the Violence Against Women Act [VAWA] when it first became law in 1994. VAWA set up a national domestic violence hotline, grants for law enforcement, prosecution, and battered women shelters to combat violence and sexual assault. This Congress, I am a proud cosponsor of VAWA II which reauthorizes the original VAWA 1994 Act and has other provisions to further help protect women from violence. For example, the bill addresses sexual assault prevention and combating violence in the workplace.

When we create laws that affect women, we cannot take the woman out of the equation which is what H.R. 2436 does. The woman is the victim of the crime and one of the best ways to protect a woman is to have VAWA II passed. I think everyone agrees that crimes against women are horrible. It's especially tragic when the woman is pregnant and that needs to be appropriately addressed which is why I am supporting the Lofgren-Conyers substitute, the Motherhood Protection Act of 1999.

The Lofgren-Conyers substitute creates a federal criminal offense for harm to a pregnant woman and recognizes that the pregnant woman is the victim of a crime causing termination or harm during a pregnancy. The substitute provides for a maximum 20-year sentence for injury to a pregnant woman and a maximum life sentence for the termination of a pregnancy due to the assault. By focusing on the harm to the pregnant woman, it provides a deterrent against violence against women. I encourage my colleagues to support the Lofgren-Conyers substitute.

Mr. HANSEN. Mr. Chairman, I rise today in support of H.R. 2436, and commend my friend from South Carolina for bringing it to the floor.

Mr. Chairman, this bill has evoked the usual complaints from liberals in this country who refuse to accept any restrictions on when, how, or why an unborn child is killed. Until today, they had only defended the ''right'' of any woman to ''choose'' to kill her unborn child. How, however, it seems that they are willing to extend that protection to criminals who kill an unborn child while committing a crime for which they will be punished under federal law.

Now, before abortion rights activists paint this debate as one about a woman's 'right to choose,' let's examine a scenario that would be covered by this bill. First of all, if a woman is pregnant, and has not taken steps to end the pregnancy, it is probably safe to assume that she has chosen to bring her child into the world. When an individual, while committing a crime, harms that woman, and kills her unborn child, her choice to have her baby has been taken away, and it is that action which this bill and its sponsor seek to punish. If anything, this bill is the epitome of protecting the right to choose.

Free societies such as ours are based on giving up certain freedoms in exchange for security. Congress has, in the past, passed obscenity laws, which reasonably restrict the First Amendment. We have also made it illegal for known felons to purchase firearms, a restriction on the Second Amendment. All freedoms have reasonable limitations, yet abortion rights advocates in this nation, and specifically in this body, refuse to accept any limitations on the right to kill an unborn child. We have seen many of those individuals come before this body, listing the names of children killed by gun violence. Is it any less tragic when an unborn child is killed, simply because it has not been given a name yet? The opposition to this bill shines the spotlight of truth on abortion rights activists' belief that the death of an unborn child, under any circumstances, is all right with them. Quite frankly, Mr. Chairman, that attitude sickens me, and I would hope that it sickens the rest of our society.

I urge all of my colleagues to support decency, support human life, and support the choice of pregnant women to give birth to their children, by supporting this bill.

Mr. PAUL. Mr. Chairman, pro-life Members of Congress are ecstatic over the Unborn Victims of Violence Act, touting it as a good step toward restoring respect for life, and once again criminalizing abortion. This optimism and current effort must be seriously challenged.

As a pro-life obstetrician-gynecologist, I strongly condemn the events of the last third of the 20th century in which we have seen the casual acceptance of abortion on demand.

The law's failure to protect the weakest, smallest and most innocent of all the whole human race has undermined our respect for all life, and therefore for all liberty. As we have seen, once life is no longer unequivocally protected, the loss of personal liberty quickly follows.

The Roe v. Wade ruling will in time prove to be the most significantly flawed Supreme Court ruling of the 20th century. Not only for its codification, through an unconstitutional court action, of a social consensus that glorified promiscuity and abortion of convenience and for birth control, but for flaunting as well the constitutional system that requires laws of this sort be left to the prerogative of the states alone. A single ''Roe v. Wade'' ruling by one state would be far less harmful than a Supreme Court ruling that nullifies all state laws protecting the unborn.

Achieving the goal of dehumanizing all human life, by permitting the casting aside all pre-born life, any time prior to birth, including partially born human beings, Roe v. Wade represents a huge change in attitudes toward all life and liberty. Now pro-life Members are engaged in a similar process of writing more national laws in hopes of balancing the court's error. This current legislative effort is just as flawed.

Traditionally, throughout our history, except for the three constitutional provisions, all crimes of violence have been—and should remain—state matters. Yet this legislation only further undermines the principle of state jurisdiction, and our system of law enforcement, which has served us well for most of our history.

Getting rid of Roe v. Wade through a new court ruling or by limiting federal jurisdiction would return this complex issue to the states.

Making the killing of an unborn infant a federal crime, as this bill does, further institutionalizes the process of allowing federal courts to destroy the constitutional jurisdiction of the states. But more importantly, the measure continues the practice of only protecting some life, by allowing unborn children to be killed by anyone with an ''M.D.'' after his name.

By protecting the abortionist, this legislation carves out a niche in the law that further ingrains in the system the notion that the willful killing of an innocent human being is not deserving of our attention. With more than a million children a year dying at the hands of abortionists, it is unwise that we ignore these acts for the sake of political expediency.

Pro-abortion opponents of this legislation are needlessly concerned regarding its long-term meaning, and supporters are naively hoping that unintended consequences will not occur.

State laws have already established clearly that a fetus is a human being deserving protection; for example, inheritance laws acknowledge that the unborn child does enjoy the estate of his father. Numerous states already have laws that correctly punishes those committing acts of murder against a fetus.

Although this legislation is motivated by the best of intentions of those who strongly defend the inalienable rights of the unborn, it is seriously flawed, and will not achieve its intended purpose. For that reason I shall vote against the bill and for the sanctity of life and the rights of the states, and against the selected protection of abortionists.

Mr. Chairman, today Congress will vote to further instill and codify the ill-advised Roe versus Wade decision. While it is the independent duty of each branch of the federal government to act Constitutionally, Congress will likely ignore not only its Constitutional limits but earlier criticisms from Chief Justice William H. Rehnquist, as well.

The Unborn Victims of Violence Act of 1999, H.R. 2436, would amend title 18, United States Code, for the laudable goal of protecting unborn children from assault and murder. However, by expanding the class of victims to which unconstitutional (but already-existing) federal murder and assault statutes apply, the federal government moves yet another step closer to a national police state.

Of course, it is much easier to ride the current wave of federalizing every human misdeed in the name of saving the world from some evil than to uphold a Constitutional oath which prescribes a procedural structure by which the nation is protected from what is perhaps the worst evil, totalitarianism. Who, after all, wants to be amongst those members of Congress who are portrayed as soft on violent crimes initiated against the unborn?

Nevertheless, our federal government is, constitutionally, a government of limited powers. Article one, section eight, enumerates the legislative areas for which the U.S. Congress is allowed to act or enact legislation. For every other issue, the federal government lacks any authority or consent of the governed and only the state governments, their designees, or the people in their private market actions enjoy such rights to governance. The tenth amendment is brutally clear in stating ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.'' Our nation's history makes clear that the U.S. Constitution is a document intended to limit the power of central government. No serious reading of historical events surrounding the creation of the Constitution could reasonably portray it differently.

However, Congress does more damage than just expanding the class to whom federal murder and assault statutes apply—it further

entrenches and seemingly concurs with the Roe versus Wade decision (the Court's intrusion into rights of states and their previous attempts to protect by criminal statute the unborn's right not to be aggressed against). By specifically exempting from prosecution both abortionists and the mothers of the unborn (as is the case with this legislation), Congress appears to say that protection of the unborn child is not a federal matter but conditioned upon motive. In fact, the Judiciary Committee in marking up the bill, took an odd legal turn by making the assault on the unborn a strict liability offense insofar as the bill does not even require knowledge on the part of the aggressor that the unborn child exists. Murder statutes and common law murder require intent to kill (which implies knowledge) on the part of the aggressor. Here, however, we have the odd legal philosophy that an abortionist with full knowledge of his terminal act is not subject to prosecution while an aggressor acting without knowledge of the child's existence is subject to nearly the full penalty of the law. (The bill exempts the murderer from the death sentence—yet another diminution of the unborn's personhood status.) It is becoming more and more difficult for Congress and the courts to pass the smell test as government simultaneously treats the unborn as a person in some instances and as a non-person in others.

In this first formal complaint to Congress on behalf of the federal Judiciary, Chief Justice William H. Rehnquist said ''the trend to federalize crimes that have traditionally been handled in state courts . . . threatens to change entirely the nature of our federal system.'' Rehnquist further criticized Congress for yielding to the political pressure to ''appear responsive to every highly publicized societal ill or sensational crime.''

Perhaps, equally dangerous is the loss of another Constitutional protection which comes with the passage of more and more federal criminal legislation. Constitutionally, there are only three federal crimes. These are treason against the United States, piracy on the high seas, and counterfeiting (and, because the constitution was amended to allow it, for a short period of history, the manufacture, sale, or transport of alcohol was concurrently a federal and state crime). ''Concurrent'' jurisdiction crimes, such as alcohol prohibition in the past and federalization of murder today, erode the right of citizens to be free of double jeopardy. The fifth amendment to the U.S. Constitution specifies that no ''person be subject for the same offense to be twice put in jeopardy of life or limb . . .'' In other words, no person shall be tried twice for the same offense. However, in *United States v. Lanza,* the high court in 1922 sustained a ruling that being tried by both the federal government and a state government for the same offense did not offend the doctrine of double jeopardy. One danger of unconstitutionally expanding the federal criminal justice code is that it seriously increases the danger that one will be subject to being tried twice for the same offense. Despite the various pleas for federal correction of societal wrongs, a national police force is neither prudent nor constitutional.

Occasionally the argument is put forth that states may be less effective than a centralized federal government in dealing with those who leave one state jurisdiction for another. Fortunately, the Constitution provides for the procedural means for preserving the integrity of state sovereignty over those issues delegated to it via the tenth amendment. The privilege and immunities clause as well as full faith and credit clause allow states to exact judgments from those who violate their state laws. The Constitution even allows the federal government to legislatively preserve the procedural mechanisms which allow states to enforce their substantive laws without the federal government imposing its substantive edicts on the states. Article IV, Section 2, Clause 2 makes provision for the rendition of fugitives from one state to another. While not self-enacting, in 1783 Congress passed an act which did exactly this. There is, of course, a cost imposed upon states in working with one another rather than relying on a national, unified police force. At the same time, there is a greater cost to centralization of a police power.

It is important to be reminded of the benefits of federalism as well as the costs. There are sound reasons to maintain a system of smaller, independent jurisdictions—it is called competition and, yes, governments must, for the sake of the citizenry, be allowed to compete. We have obsessed so much over the notion of ''competition'' in this country we harangue someone like Bill Gates when, by offering superior products to every other similarly-situated entity, he becomes the dominant provider of certain computer products. Rather than allow someone who serves to provide value as made obvious by their voluntary exchanges in the free market, we lambaste efficiency and economies of scale in the private marketplace. Curiously, at the same time, we further centralize government, the ultimate monopoly and one empowered by force rather than voluntary exchange.

When small governments become too oppressive with their criminal laws, citizens can vote with their feet to a ''competing'' jurisdiction. If, for example, one does not want to be forced to pay taxes to prevent a cancer patient from using medicinal marijuana to provide relief from pain and nausea, that person can move to Arizona. If one wants to bet on a football game without the threat of government intervention, that person can live in Nevada. As government becomes more and more centralized, it becomes much more difficult to vote with one's feet to escape the relatively more oppressive governments. Governmental units must remain small with ample opportunity for citizen mobility both to efficient governments and away from those which tend to be oppressive. Centralization of criminal law makes such mobility less and less practical.

Protection of life (born or unborn) against initiations of violence is of vital importance. So vitally important, in fact, it must be left to the states' criminal justice systems. We have seen what a legal, constitutional, and philosophical mess results from attempts to federalize such an issue. Numerous states have adequately protected the unborn against assault and murder and done so prior to the federal government's unconstitutional sanctioning of violence in the Roe v. Wade decision. Unfortunately, H.R. 2436 ignores the danger of further federalizing that which is properly reserved to state governments and, in so doing, throws legal philosophy, the Constitution, the bill of rights, and the insights of Chief Justice Rehnquist out with the baby and the bathwater. For these reasons, I must oppose H.R. 2436, The Unborn Victims of Violence Act of 1999.

Mr. HALL of Ohio. Mr. Chairman, I rise in support of H.R. 2436, the Unborn Victims of Violence Act. Under current federal law, an individual who commits a federal crime of violence against a pregnant women receives no additional punishment for killing or injuring the fetus. I think this is wrong and should be changed.

An incident that occurred in my district illustrates why this law is so desperately needed. in 1996, a man enlisted in the Air Force and stationed at Wright-Patterson Air Force Base—a jurisdiction which is governed by federal military law—severely beat his wife who was 34 weeks pregnant at the time. Although the women survived the attack, her uterus split open, expelling the baby into her mother's abdominal cavity, where the baby died.

The man was arrested and charged with several criminal offenses for the attack. However, Air Force prosecutors concluded that they could not charge him with a separate offense for killing the baby because, although Ohio law recognizes an unborn child as a victim, federal law does not.

In 1998, that judgment was concurred in the U.S. Air Force Court of Criminal Appeals ruling on that case. The court said, ''Federal homicide statutes reach only the killing of a born human being . . . (Congress) has not spoken with regard to the protection of an unborn person.''

Mr. Chairman, I believe it is time that Congress speaks on this issue by passing H.R. 2436. Many states, like Ohio, have passed laws to recognize unborn children as human victims of violent crimes. However, these laws do not apply on federal property. I think they should and therefore would urge my colleagues to pass the Unborn Victims of Violence Act.

Mr. STARK. Mr. Chairman, I rise in opposition to H.R. 2436, the Unborn Victims of Violence Act. This bill would give pregnancy from beginning to birth the same legal standing under federal law that we currently give a person. This legislation would establish a separate offense and punishment for federal crimes committed when death or bodily injury to the fetus occurs. Likewise, the bill establishes the same penalty for a violation under federal law if the injury or death occurred to the unborn fetus' mother.

This bill is designed for one purpose: to undermine the decision in Roe v. Wade. This legislation is an effort to endow legal rights to fetuses—in fact a backdoor way of elevating the legal status of a fetus—which has been the cornerstone of the conservative anti-choice agenda. This is just another way of writing a Human Life Amendment, a decades-long effort to expand the meaning of the word ''person'' under the constitution to include unborn offspring at every state of their biological development. Anti-choice Members of Congress know that they are trying to fool the American people.

They would also have us believe in their crusade to protect unborn victims of violence—but what about the born victims of violence?

Every day in America, 13 children and youth under age 20 die from firearms. If this Congress is so concerned with the safety of children, why has it not passed the gun control provisions approved by the Senate that would eliminate gun show loopholes and require mandatory safety locks with firearms sales?

The conference committee on H.R. 1501 and the Senate gun legislation has met only once publicly—and that was before we adjourned for the August recess—to read their opening statements.

Every day in America, 1,353 babies are born without health insurance and 2,162 babies are born into poverty as a result of welfare reform legislation passed by many who remain in the majority of this Congress today. We know now that children are losing critical benefits like Medicaid and food stamps. The Urban Institute cites falling welfare rolls as the ''primary reason'' that an estimated 500,000 fewer adults and children nationwide participated in Medicaid in 1996 than in 1995. Loss of Medicaid and the absence of employer-sponsored health insurance coverage make it extremely difficult for former recipients to obtain health care for themselves and their children.

In addition, the Children's Defense Fund's study entitled ''Welfare to What?'' cites troubling findings by NETWORK, a coalition of Catholic organizations, on 455 children in California, Florida, Illinois, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania and Texas during late 1997. The study found that 36% of children in families who had recently lost cash assistance were ''eating less or skipping meals due to cost.'' The bottom line is that families who lose welfare often lose food stamps, making it impossible to buy sufficient food.

The same disregard for our children is evident in Congress' refusal to hold states accountable for maintaining high levels of quality in our child care centers. Today in America, more than 80% of child care services in the U.S. is thought to be of poor or average quality. Still, Congress turns its head and allocate billions of child care dollars a year with very little assurance of quality, allowing our children to be placed in substandard conditions.

The crimes of domestic violence is a horrendous one, and should be punished, but this blatant attempt to placate the radical right belittles the severity of domestic violence by using women and their pregnancies as tools to elevate the legal status of a fetus. It is cowardly, and it dishonors the lives of women who have survived, and those who have succumbed to the terrible tragedy of domestic violence.

Mr. RYUN of Kansas. Mr. Chairman, as the Declaration of Independence declares, ''We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.''

I believe that one thing that makes America great is our defense of those incapable of defending themselves. Proverbs admonishes us to ''Speak up for those who cannot speak for themselves'' (31:8). It still is our duty to stand up for the weaker members of our society.

Tragically, under current federal law there are no consequences for injury or death to an unborn child. Where is the justice for the smallest and most helpless members of our society?

The intentional attack on a mother and her baby requires that justice be served. Our justice system is based on the protection of the innocent and the punishment of the guilty. The attacker must take responsibility for his actions and make restitution to his victims.

The Unborn Victims of Violence Act would make the offense to the baby a separate crime because it's a separate person. In this situation there are two victims and both of their lives should receive equal recompense under federal law.

Twenty-four states already have laws that recognize the unborn child as a victim. It is time that we agree with nearly half the states and provide grieving parents recognition of their loss.

Mr. Chairman, with the passage of the Unborn Victims of Violence Act we will be able to proudly say we are ''one nation, under God, with liberty and justice for all''.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2436

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 ''Unborn Victims of Violence Act of 1999''.

SEC. 2. PROTECTION OF UNBORN CHILDREN.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 90 the following:

''CHAPTER 90A—PROTECTION OF UNBORN CHILDREN

''Sec.
''1841. Protection of unborn children.

''§ 1841. Protection of unborn children

''(a)(1) Whoever engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

''(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided under Federal law for that conduct had that injury or death occurred to the unborn child's mother.

''(B) An offense under this section does not require proof that—

''(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

''(ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.

''(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall be punished as provided under sections 1111, 1112, and 1113 of this title for intentionally killing or attempting to kill a human being.

''(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

''(b) The provisions referred to in subsection (a) are the following:

''(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844(d), (f), (h)(1), and (i), 924(j), 930, 1111, 1112, 1113, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203, 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952 (a)(1)(B), (a)(2)(B), and (a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of this title.

''(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848(e)).

''(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

''(c) Nothing in this section shall be construed to permit the prosecution—

''(1) of any person for conduct relating to an abortion for which the consent of the pregnant woman has been obtained or for which such consent is implied by law in a medical emergency;

''(2) of any person for any medical treatment of the pregnant woman or her unborn child; or

''(3) of any woman with respect to her unborn child.

''(d) As used in this section, the term 'unborn child' means a child in utero, and the term 'child in utero' or 'child, who is in utero' means a member of the species homo sapiens, at any stage of development, who is carried in the womb.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 90 the following new item:

''90A. Protection of unborn children ... 1841''.

SEC. 3. MILITARY JUSTICE SYSTEM.

(a) PROTECTION OF UNBORN CHILDREN.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 919 (article 119) the following new section:

''§ 919a. Art. 119a. Protection of unborn children

''(a)(1) Any person subject to this chapter who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365 of title 18) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

''(2) The punishment for that separate offense is the same as the punishment provided for that conduct under this chapter had the injury or death occurred to the unborn child's mother, except that the death penalty shall not be imposed.

''(b) The provisions referred to in subsection (a) are sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of this title (articles 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

''(c) Subsection (a) does not permit prosecution—

''(1) for conduct relating to an abortion for which the consent of the pregnant woman has been obtained or for which such consent is implied by law in a medical emergency;

''(2) for conduct relating to any medical treatment of the pregnant woman or her unborn child; or

''(3) of any woman with respect to her unborn child.

''(d) In this section, the term 'unborn child' means a child in utero.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 919 the following new item:

''919a. 119a. Protection of unborn children.''.

The CHAIRMAN. No amendment to that amendment shall be in order except those printed in House Report 106–348. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for a time specified in the report, equally divided and controlled by the proponent and an opponent, shall be not subject to amendment, and shall not be subject to a demand for division of the question.

The chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes

the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider Amendment No. 1 printed in House Report 106–348.

AMENDMENT NO. 1 OFFERED BY MR. CANADY OF FLORIDA

Mr. CANADY of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. CANADY of Florida:

In section 1841 of title 18, United States Code, as proposed to be added by section 2(a)—

(1) in subsection (a)(2)(C), insert ''instead of being punished under subparagraph (A),'' after ''shall''; and

(2) in subsection (c)(1)—

(A) insert '', or a person authorized by law to act on her behalf,'' after ''woman''; and

(B) strike ''in a medical emergency''.

Strike section 3 and insert the following:

SEC. 3. MILITARY JUSTICE SYSTEM.

(a) PROTECTION OF UNBORN CHILDREN.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 919 (article 119) the following new section:

''§ 919a. Art. 119a. Protection of unborn children

''(a)(1) Any person subject to this chapter who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365 of title 18) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

''(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided under this chapter for that conduct had that injury or death occurred to the unborn child's mother.

''(B) An offense under this section does not require proof that—

''(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

''(ii) the accused intended to cause the death of, or bodily injury to, the unborn child.

''(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall, instead of being punished under subparagraph (A), be punished as provided under sections 880, 918, and 919(a) of this title (articles 80, 118, and 119(a)) for intentionally killing or attempting to kill a human being.

''(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

''(b) The provisions referred to in subsection (a) are sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of this title (articles 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

''(c) Nothing in this section shall be construed to permit the prosecution—

''(1) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

''(2) of any person for any medical treatment of the pregnant woman or her unborn child; or

''(3) of any woman with respect to her unborn child.

''(d) In this section, the term 'unborn child' means a child in utero, and the term 'child in utero' or 'child, who is in utero' means a member of the species homo sapiens, at any stage of development, who is carried in the womb.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 919 the following new item:

''919a. 119a. Protection of unborn children.''.

The CHAIRMAN. Pursuant to House Resolution 313, the gentleman from Florida, Mr. CANADY and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida, Mr. CANADY.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a simple, straightforward amendment that will accomplish two important things. First, the amendment will bring the Uniform Code of Military Justice provisions of the bill which are found in section 3 into conformity with the portion of the bill that was reported by the Committee on the Judiciary with an amendment.

Section 3 of the bill was referred to the Committee on Armed Services, but the Committee on Armed Services has waived jurisdiction over the bill. This amendment, which the chairman of the Committee on Armed Services has approved, will simply make the two sections of the bill operate in the same manner.

Second, the amendment will make two minor changes to clarify points raised by opponents of the legislation. The amendment will clarify that the punishment authorized under the bill for intentionally killing or attempting to kill an unborn child is in lieu of, not in addition to, the punishment otherwise provided under the bill. The amendment will also clarify that the exemption for abortion-related conduct includes situations in which a surrogate decision maker acts on behalf of the pregnant woman.

These technical changes reflect the intent of the drafters and do not effect substantive changes in the bill. I urge my colleagues to support this conforming and technical amendment.

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

Mr. WATT of North Carolina. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Chair of our subcommittee, the gentleman from Florida (Mr. CANADY), would have us believe that this is a technical amendment. It is not. It is a very substantive amendment, and we should be aware of that.

The chairman of our subcommittee, the gentleman from Florida (Mr. CANADY), would have us believe that the Committee on Armed Services waived jurisdiction over this bill because it thought it was an uncontroversial bill. The truth of the matter is that there is a whole section of this bill which has never, ever, been debated in any committee of this House.

The bill came to the Committee on the Judiciary. We had a debate on a part of the bill that was under the Committee on the Judiciary's jurisdiction. We exercised our rights to debate that part.

We tried to offer amendments to the part of the bill that was under the jurisdiction of the Committee on Armed Services. We were denied that right in the Committee on the Judiciary on the parliamentary ruling that we did not have jurisdiction over that part of the bill.

Now, on the floor of the House, after the Committee on Armed Services has decided not to take jurisdiction over the bill and consider amendments in the committee, we are here on the floor of the House making major substantive changes to this bill.

Now, what does this amendment do? It says an offense under this section does not require proof that, one, the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant. That means if you kill an unborn fetus, you do not even have to know there was a fetus in the womb. You do not have to have any kind of intent. There is no criminal law in this country that ought to be passed that gives that right.

If we are going to pass it in this House, at least we ought to have jurisdiction in a committee; and a committee ought to take up the bill and debate it in the committee. We ought not use the processes of the House to our advantage and say, well, this is a parliamentary ruling, we cannot deal with it in the Committee on the Judiciary, and then tell the Committee on Armed Services, well, we do not want you to deal with it over there, and then try to accomplish the same thing that should have been done in committee on the floor of the House.

Mr. Chairman, this is just patently wrong. The proper thing to do would be to send this bill back to one of these two committees, and if we are going to make substantive changes to the bill, major policy changes, I might add, to make those changes in the committee.

Now, there are some people from the Committee on Armed Services I am sure that are getting ready to jump up and say, yes, we support this. But what about the other people on the Committee on Armed Services?

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

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. BUYER).

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

Mr. Chairman, the gentleman is absolutely correct. I did come to the floor.

I chair the Subcommittee on Military Personnel with jurisdiction over the Uniform Code of Military Justice and the military legal system. We watched the Committee on the Judiciary in its debate and the bill was reported out. I recommended to the chairman that we waive sequential referral and the bill came to the floor. I support the manager's amendment.

Once this bill was reported, it is fitting that the Uniform Code of Justice be compatible with the Federal statute, and that is why we procedurally waived jurisdiction.

The need for the manager's amendment and the request for support by this body is illustrated by the case of United States versus Robbins. In that case, Gregory Robbins, an airman, and his wife, who was over 8 months pregnant with a daughter that they had named Jasmine, resided at Wright-Patterson Air Force Base, Ohio, an area of exclusive Federal jurisdiction.

On September 12, 1996, Mr. Robbins wrapped his fist in a T-shirt to reduce the chance that it would inflict visible bruises, and he badly beat his wife by striking her repeatedly in the face and abdomen with his fist. Mrs. Robbins survived the attack with a severely battered eye, a broken nose and a ruptured uterus. She was taken to the emergency room, but medical personnel could not detect the baby's heartbeat.

Now, some may refer to that baby as a fetal mass, but that was a viable fetus. They could not detect a heartbeat, and the doctors performed emergency surgery on Mrs. Robbins and found Jasmine laying sideways, dead, in Mrs. Robbins' abdominal cavity.

As a result of Mrs. Robbins' repeated blows, it ruptured her uterus, the placenta was torn from the inner uterine wall, which expelled Jasmine into the abdominal cavity.

Air Force prosecutors recognized that the Federal homicide statutes reach only the killing of a born human being, and that Congress has not spoken with regard to the protection of the unborn person. As a result, the prosecutors attempted to prosecute Mr. Robbins for Jasmine's death under Ohio's fetal homicide law, using Article 134 of the Uniform Code of Military Justice.

□ 1530

Article 134 incorporates by reference all Federal crimes, criminal statutes and those State laws made Federal law via, quote, the Assimilated Crimes Act.

Mr. Robbins pled guilty to involuntary manslaughter for Jasmine's death, but the legality of assimilating Ohio's Federal homicide law through article 134 is now the subject of Mr. Robbins' appeal to the Court of Appeals for the Armed Services.

If the Court of Appeals agrees with Mr. Robbins that the assimilation of Ohio's law was improper, he will receive no additional punishment for the killing of the baby, Jasmine. Moreover, had Mr. Robbins battered his wife in a State that had no fetal homicide law, he could have been charged with only battery for the beating of his eight-month pregnant wife and there would be no legal consequence for the killing of their unborn child. That is the purpose of the manager's amendment, to make it compatible.

The CHAIRMAN. The gentleman from North Carolina (Mr. WATT) has the right to close debate, and each gentleman has 1 minute remaining.

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

Mr. Chairman, my good friend, the gentleman from North Carolina (Mr. WATT), made a reference to my comments with respect to the Committee on Armed Services. I think he misunderstood what I said. I know he did not intend to misrepresent what I said.

I said nothing about the purpose of the committee and waiving jurisdiction. I simply reported what they had done. I did not say that they viewed it as noncontroversial. The gentleman may have misunderstood that, but I wanted to make that clear. The Members of the Committee on Armed Services can speak for themselves.

The truth of the matter is that in this amendment we are simply conforming the provisions of the bill that were within the jurisdiction of the Committee on Armed Services with the changes in the structure of the bill that were made in the Committee on the Judiciary on the parts that we had jurisdiction over.

This is a conforming amendment. I can understand that the gentleman is opposed to the bill but this simply makes the bill internally consistent, and I say that it should not be controversial. It is truly a conforming and technical amendment.

Mr. WATT of North Carolina. Mr. Chairman, as masterful as the chairman who spoke on behalf of the Committee on Armed Services is, he cannot speak for the Committee on Armed Services.

We bring a major substantive change to this bill to the floor, give it 10 minutes of debate, 5 minutes per side; never has been in the Committee on Armed Services. The chairman of the committee comes out and says I am here to speak for the committee. What about all the other people on the Committee on Armed Services? When are they going to have an opportunity to weigh in on this major substantive provision to this bill?

That is what I am talking about when I say we have subverted the processes of this House using parliamentary procedures.

Basically, what we have done is deprive the minority of the Committee on Armed Services of the right to weigh in on this important issue. The chairman waived jurisdiction. They did not bring it into the committee, and they did not do anything. There are 60 Members. Fifty-nine of them have not spoken.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. CANADY).

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

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

The CHAIRMAN. Pursuant to House Resolution 313, further proceedings on the amendment offered by the gentleman from Florida (Mr. CANADY) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 2 printed in House Report 106–348.

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. LOFGREN

Ms. LOFGREN. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 2 in the nature of a substitute offered by Ms. LOFGREN:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Motherhood Protection Act of 1999''.

SEC. 2. CRIMES AGAINST A WOMAN—TERMINATING HER PREGNANCY.

(a) Whoever engages in any violent or assaultive conduct against a pregnant woman resulting in the conviction of the person so engaging for a violation of any of the provisions of law set forth in subsection (c), and thereby causes an interruption to the normal course of the pregnancy resulting in prenatal injury (including termination of the pregnancy), shall, in addition to any penalty imposed for the violation, be punished as provided in subsection (b).

(b) The punishment for a violation of subsection (a) is—

(1) if the relevant provision of law set forth in subsection (c) is set forth in paragraph (1), (2), or (3) of that subsection, a fine under title 18, United States Code, or imprisonment not more than 20 years, or both, but if the interruption terminates the pregnancy, a fine under title 18, United States Code, or imprisonment for any term of years or for life, or both; and

(2) if the relevant provision of law is set forth in subsection (c)(4), the punishment shall be the such punishment (other than the death penalty) as the court martial may direct.

(c) The provisions of law referred to in subsection (a) are the following:

(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844 (d), (f), (h)(1), and (i), 924(j), 930, 1111, 1112, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203(a), 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952 (a)(1)(B), (a)(2)(B), and (a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of title 18, United States Code.

(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848).

(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

(4) Sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of title 10, United States

Code (articles 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

The CHAIRMAN. Pursuant to House Resolution 313, the gentlewoman from California (Ms. LOFGREN) and the gentleman from Florida (Mr. CANADY) each will control 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. LOFGREN).

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

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

Ms. LOFGREN. Mr. Chairman, H.R. 2436 creates a separate Federal criminal offense for harm to, quote, an unborn child, with the legal status separate from that of the woman. The Lofgren-Conyers substitute creates a separate Federal criminal offense for harm to a pregnant woman.

The underlying bill recognizes, quote, a member of the species Homo sapiens at all stages of development as a victim of crime, from conception to birth. This affords even an embryo legal rights equal to and separate from those of the woman.

The Lofgren-Conyers substitute recognizes the pregnant woman as the primary victim of a crime. The substitute creates an offense that protects women and punishes violence resulting in injury or termination of a pregnancy. It provides for a maximum 20-year sentence for injury to a woman's pregnancy and up to a life sentence for termination of a woman's pregnancy.

It requires a conviction for the underlying criminal offense and focuses on the harm to the pregnant woman, providing a deterrent against violence against women.

This amendment is simple. Offered by the ranking member and myself, it recognizes that there are existing crimes in Federal law that protect women from violence such as violent assault. This amendment recognizes that when such crimes not only hurt the woman but also cause her to miscarry, there is additional harm to that woman. This amendment enhances the sentence one can receive for causing this additional harm to up to a life sentence.

Why is it important for us to pass this amendment for this crime and to impose this penalty? What can compare to giving birth to a child long awaited and then raising that child through all the challenges humankind face?

Those of us who are mothers know that it is the most important thing in our lives, and those of us who have suffered a miscarriage know the incredible trauma and the overwhelming sense of loss that is involved. An assailant who hurts a woman in this way deserves to be severely punished, but the bill before us, let us be clear, was not really about that. It was simply another attempt to cut away at the rights of women to determine their own reproductive choices.

The men who have promoted the underlying bill are, I believe, sincere in their zealotry on behalf of their cause, namely that the government makes the choice of whether or not a woman gives birth, not the woman.

Now I do not agree with that position, but I do recognize that that is what their bill is about. That is why anti-choice activists are calling Members of the House to urge a yes vote on the underlying bill and a no vote on this substitute. That is why, although dressed up as a crime bill, the underlying bill was never reviewed by the Subcommittee on Crime. No, it was a product of the Subcommittee on the Constitution.

The underlying bill advances the political cause while overlooking what really matters to the mothers of America. Indeed, if someone violently assaults a pregnant woman and that woman miscarries and loses the child she so much desires, that is indeed a great offense. That is why I offer this substitute to the bill of the gentleman from Florida (Mr. CANADY).

Assaults that cause a woman to miscarry, that cause the suffering that other women and I personally have felt, that destroy the hope that that pregnant woman has, are offenses of such dire consequence that they must be considered extraordinary. A wanted and hoped-for child lost to miscarriage, whether through violence or fate, is an injury to the woman who would be a mother that is monumental and everlasting.

If the goal in criminal law is ever properly vengeance, then this loss calls out for vengeance. If the goal is justice, then contrast the proposed penalty for this grievous injury to a woman with other offenses deemed worthy of up to a maximum sentence of life. The accused may be sentenced up to life for exploiting children, for drug trafficking, for aggravated sexual assault of an under age child and for many other crimes.

I offer this substitute that would recognize the crime and impose this penalty for anyone who would assault a pregnant woman if that assault interrupts her pregnancy or causes her to miscarry. Assault is already a crime but the loss to someone who is carrying and expecting a child is a significant difference and should be acknowledged at law.

The substitute focuses on what is real for American women. Oppose violence against women. Do not use that violence as an excuse to eliminate personal choice about reproduction for American women. Women in America need protection against violence. They may also need protection against those in the majority of this Congress who want to tell them what to do with their lives and who think it is acceptable to use the tragedy of miscarriage to advance the political goal of repealing reproductive rights.

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

Mr. CANADY of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina (Mr. GRAHAM), who is the sponsor of this legislation.

Mr. GRAHAM. Mr. Chairman, I thank the gentleman from Florida (Mr. CANADY) for yielding me this time.

Mr. Chairman, I just ask the Members who have been following the debate, just keep their eye on the ball.

Before I became a Member of Congress, like many of my colleagues, I lived my life in the law. I was a prosecutor. I was a defense attorney. I practiced law in the military. I was a member of the Judge Advocate General Corps for 6½ years and served as a prosecutor and a defense attorney in that capacity. I enjoyed my profession. I enjoyed the law. I particularly enjoyed the criminal law because I think it has a simplicity and a common sense to it that really is unique in the world in the sense of the way we have designed it here in America.

I have never been around a debate that distorted so many simple and long-held legal concepts as this debate.

I urge Members to vote against this substitute because it destroys the bill. It is fatally defective. When I designed this bill, it came about as a result of some information being passed to me from military colleagues who talked about the Robbins case and without the Ohio statute the person would have gotten away with the crime of murder, of destroying that 8-month-old baby. So there is a need out there at the Federal level to do something about problems like this.

What I did is I looked at State law and I found a definition of unborn that we adopted from a State whose statute has been constitutionally challenged and upheld. I just did not make it up. I thought like a lawyer. I went to what was true and tested, and the language in this bill has been true and tested in court. It withstands legal scrutiny.

These are not words we make up for political reasons. These are words we use to make sure people go to jail who deserve to stay in jail. The substitute is sentence enhancement and it uses the term, termination, interruption of pregnancy but it has no definition of what that means.

If one is concerned about zygotes being subject to the criminal law, then they have a real concern about the substitute. My bill defines ''unborn'' as when it attaches to the womb. Zygotes are not covered, but there is no definitional section in the substitute and it would not withstand scrutiny.

The loss, who is the loss here? Is it just merely the loss to the woman when an unborn child is killed by a third party or injured by a third party criminal? No. It is not just a loss to the woman. It is a loss to society.

In 1994, the Democratic Congress passed legislation that prevented a pregnant woman from being sentenced to death while she is pregnant. If it is just a loss to the woman, they would go ahead and execute her, but my colleagues understood in 1994 they are not

going to execute a pregnant woman because they do not want to kill an unborn child because of the crimes of the mother.

This statute focuses on criminal behavior like 24 other States. This statute will allow a separate prosecution for people who attack pregnant women, and injure or kill their unborn child, in a constitutional manner.

The substitute claims to bring an additional charge to bear. Mr. Chairman, that cannot be done. Sentence enhancement is one theory. That means the sentence is elevated against the charge that would be levied against the assault against the mother.

In the Arkansas case, where 3 people were hired to beat the woman up with the express purpose of killing the baby, if sentence enhancement was the law in Arkansas all that could be done was enhance the charge that would be brought against attacking the mother and the murder of the child would go unpunished.

There is a huge legal difference between the charge of murder and sentence enhancement for a simple assault or an aggravated assault.

This substitute destroys the legal effect of the bill. It would not withstand scrutiny. They have just literally thrown this thing together. There is no definition or guidance in it. It is internally inconsistent.

I would challenge anybody to be able to bring two separate accounts: One, a crime against the mother, Mrs. Jones; two a separate charge for terminating her pregnancy. One cannot find somebody guilty of that charge. One has to have a victim. Her sentence could be enchanced but that allows people to get away with what I believe to be murder, like in Arkansas.

Please reject this substitute and understand we spent a lot of time and effort looking at tested law and this is something I hope Members of this body can agree on. Third party criminals who attack women and destroy or injure children ought to go to jail for what they have done.

Ms. LOFGREN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

□ 1545

Mr. CONYERS. Mr. Chairman, I thank the gentlewoman from California for her leadership in this very sensitive discussion.

Mr. Chairman, I would just like to point out to the gentleman from South Carolina (Mr. GRAHAM), the previous speaker, a good friend of mine on the Committee on the Judiciary, that we all want to punish people who attack women who are pregnant. That is not the question. There is no one in the House that does not want to add punishment.

The only difference is that our substitute applies to acts which cause the interruption in the normal course of the pregnancy, thereby avoiding the entire controversy concerning independent fetal rights. Now, that is really what the substitute and the whole bill is about.

I thank the gentleman from Illinois (Mr. HYDE), the chairman of the committee, for making it clear that that is what it is about. I mean, he makes it clear. That is what he talks about. He gave his usual speech about abortion, against it, and what the people mean and think and how bad choice is. The gentleman from Illinois has made it clear.

The gentleman from Florida (Mr. CANADY), the leader and manager of this bill, my good friend, has done everything in his power to conceal the fact that that is what we are doing. We are making incursions on Roe versus Wade.

The New York Times has figured it out in a very good way. The bill sponsors assert the measure has nothing to do with the abortion issue. Can my colleagues imagine that? That is all we have talked about is the abortion issue. But that view is disingenuous.

By creating a separate legal status for fetuses, the bill supporters are plainly hoping to build a foundation for a fresh legal assault on the constitutional underpinning of Roe. We all know that. That is why we offer a substitute for those who want to punish people who attack women who are pregnant.

Mr. TANCREDO. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO).

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

Mr. Chairman, I am not an attorney, and I am not a constitutional scholar. I do not know of the implications that have been referred to up to this point in time with regard to this bill's impact on Roe versus Wade, and I do not care. It is not the reason why I support the bill.

It has been mentioned by the previous speaker that everybody in the body wanted to protect the rights of women when they were carrying a child. It is certainly true that that is a desire on my part. But I certainly go beyond that. I not only wish to protect her rights, I wish to protect the rights of the child she is carrying.

Justice is what we seek, of course. Who is worthy of receiving justice when a violent crime is carried out against the will of people? This legislation, the underlying legislation, not the substitute, will bring unborn children under the protection of Federal law and finally acknowledge the separate crime that takes place when an unborn child is either harmed or killed during a criminal act.

It actually amazes me that current Federal law treats an assault on a pregnant woman in which the unborn child is killed the same way as if it were an assault on a woman who was not pregnant. There is a difference. Amazing it is for some people to believe and understand, there is a difference. It is far time that the Congress of the United States recognize that fact.

This is a life that has been cut short by a criminal event and by a criminal act before that life can even begin. We cannot not stand by when an unlawful killing of a fetus takes place and do nothing. We must follow suit, as 11 States has already done, in criminalizing such activities to include any stage of prenatal development.

Ms. LOFGREN. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I rise strongly in support of her substitute.

Mr. Chairman, violence against women and, even more horribly, violence against pregnant women deserves the attention of both Federal and State law enforcement authorities. Perpetrators should be dealt with swiftly and harshly. But I do not really believe, unless my colleagues support this amendment, that that is the issue before the House of Representatives today.

There are a number of highly respected organizations nationally in my own State, and locally in some of my communities, who are concerned with violence against women and violence against women who are pregnant, violence against women and their children, violence within the families, yet, they are notably absent in their support or even having been consulted by the authors of this legislation.

There are other groups in this country who are principally concerned, obsessively concerned with overturning the decision Roe versus Wade, a woman's right to choice. They are prominently involved in the drafting of the underlying legislation and in the endorsement of that and in the opposition to this amendment.

This amendment, if my colleagues are concerned about violence against women, violence against pregnant women, violence against pregnant women that harms the fetus, then there is no reason to oppose this amendment.

It would say we are going to have harsh Federal penalties for the few cases that are brought in Federal court. Remember, few of these are brought in Federal court. But if they are, if they rise to that level, harsh penalties just for the violence against women. If it causes any harm to the fetus, 20 years in Federal prison. No parole. If it causes the death of the fetus, it could lead to a life sentence without parole in Federal prison.

Now, those are pretty darn harsh penalties. How can you oppose that? Unless the reason my colleagues are really here is a back-door attempt to repeal Roe versus Wade.

Let us just be honest about it. Bring a constitutional amendment to the floor to repeal Roe versus Wade. The

only problem with them doing that that honestly is that they know a majority of the American people do not support that.

So, instead, under the guise of something that it is very difficult for anybody to oppose on the floor of the House, they are bringing forward this high-sounding argument that, well, there are these technical legal concerns about whether or not these people who could cause the death of a fetus will be adequately punished. Under this amendment, they will be dealt with harshly. Support the Lofgren amendment.

Mr. GRAHAM. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I rise in support of the Unborn Victims of Violence Act and opposed to the amendment.

We have heard some very interesting statements out here on the floor today. One of the opponents of this act said we ought to vote against this act because, and let me quote, ''because the criminal attack on a woman causing her to lose a child, and an abortion, it is too easy to confuse the two.''

In other words, a criminal attack on a woman which causes her to lose her unborn child, she said the only difference in that and an abortion is, she says, the result is the same except for the criminal intent, and we cannot always determine the difference.

Now, do my colleagues buy that? Do my colleagues buy that this Congress or the American people cannot distinguish between a criminal attack on a woman which causes her to lose her unborn child and an abortion? I do not think so. I think that is ludicrous.

Another reason we were told to vote against this act, we were told that the Federal court or the Federal jurisdiction may have jurisdiction over the mother, but they might not have jurisdiction over the unborn child.

In other words, an FBI agent who is pregnant, we can try someone for assaulting her or murdering her, but not her unborn child, because that would not be a Federal act.

Well, what do we do in those cases? Do we always try those? Would we try them, as that person who opposes it said, we ought to try that case in the State court? Of course not. That is ludicrous.

The final thing, which is probably the worst, is this statement, and I say this with respect to all Members: that this is the first occasion that this Congress or this Supreme Court has ever recognized the legal status of an unborn child. If we pass this act, we will be recognizing the legal status of an unborn child.

Well I ask you, is it an illegal status? Are unborn children illegal?

How about an unborn child whose mother has made a decision to keep that child? She wants to keep that child. She wants to have that child. She wants to raise that child. Is there anything wrong with recognizing the legal status of that child? Should that child have no status, no rights? Of course not.

Ms. LOFGREN. Mr. Chairman, may I inquire how much time remains.

The CHAIRMAN. The gentlewoman from California (Ms. LOFGREN) has 19½ minutes remaining. The gentleman from Florida (Mr. CANADY) has 20½ minutes remaining.

Ms. LOFGREN. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. McDERMOTT. Mr. Chairman, I object to this whole process, first of all on the basis of the public process by which we arrive at it. This is a parliament. This is no longer a Congress. It is a parliament where one party rams things through without having hearings on the implications of what they are passing. If they have got the votes, they get it.

The only thing missing from this being a parliament is that we do not have a vote of confidence or they would be gone. Because they cannot bring a budget out here and pass it and get out of here, so they bring out these wedge issues.

Now, I am a physician, and it is very clear to me from reading this that they did not think about what the implications of this are. What about a spontaneous abortion? All the time, women get pregnant; and then for reasons we do not understand, their body rejects this child. Oh, now, if somebody has pushed them on that day when that happens, this puts them in jail for the rest of their life. How is one going to prove that it was caused by the action?

The second issue is the whole question of intent. For my colleagues to just brush over this business of intent, acts of violence against women are not very well thought through in about 99.9 percent of the cases. They occur when people are angry. They occur when people are drunk. They occur in all kinds of circumstances. For my colleagues not to deal with that issue simply means they want to establish a basis to overturn Roe v. Wade.

Now, I worked in New York before we had Roe v. Wade in the Buffalo General Hospital, and I stood by the bedside of people who died getting illegal abortions.

What my colleagues want is a wedge to go back in the Federal court. They will not leave the State legislatures to decide this issue. They want to put it up in the Federal courts where the Senate, the other body, does not even provide enough judges so they can deal with these cases. My colleagues want to make it up here because they want to be able to go to the Supreme Court for an overturning of Roe v. Wade.

My view is that it is nothing, as the New York Times says, but a direct assault on Roe v. Wade. My colleagues can clothe it and act like anybody who is against it is against any protection for women who have had violence committed against them. That is totally untrue. If my colleagues are serious, put the money for the Violence Against Women Act in and pass it.

□ 1600

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume to respond to a couple of the points the gentleman made on the issue that he raised about how we would prove these things, and how we would prove that the harm occurs because of the misconduct of the defendant.

Well, there is a very simple answer to that. The burden of proof is on the government, and the government must prove beyond a reasonable doubt that the misconduct, in fact, caused the injury and caused the harm. That is the answer to that question. In the kind of case the gentleman is raising, they could not prove it. If there is a spontaneous abortion that occurred, they would be unable to establish that the defendant was responsible for that taking place. The answer to the gentleman's question is obvious.

Now, the gentleman asserts the same argument we have heard over and over again, that this is somehow a basis for overturning Roe v. Wade. But the gentleman seems to be unaware that laws similar to this have been enacted in a number of States, more than 20 States. The courts have upheld those laws time after time. And the courts have specifically said that the challenge to those laws was not well-founded and that the principles in Roe are not relevant to cases that deal with conduct of a third-party assailant on a pregnant woman.

Now, I do not know what could be clearer in the law. I think there is a fantasy here that somehow the whole structure of abortion rights is going to come crumbling down because of this bill. That is just not so. That is not the case. If that were going to happen, it would already be trembling and shaking because of the laws that have been enacted in the States and upheld, but I do not think that is the case.

Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

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

Mr. HOSTETTLER. Mr. Chairman, I thank the chairman of the Subcommittee on the Constitution for yielding me this time, and I rise in support of H.R. 2436, the Unborn Victims of Violence Act, that preserves the rights of all women, both born and unborn.

In the famous book Animal Farm, the elitist pigs state, ''All animals are equal, some are just more equal than others.'' Unfortunately, this doctrine has been applied in our laws for too long, especially in regards to the unborn and their legal status before the law.

H.R. 2436, the Unborn Victims of Violence Act, gives unborn victims of violent Federal crimes equal legal status

and protection just like any other victim. The bill says a person, no matter the stage of development, should receive equal protection of the law. It is that simple: Equal protection under the law. This echoes the principles that lay at the very foundation of our constitutional government: That is that all of us are equal.

Those opposed to this bill say, ''No, not in this case. We cannot provide equal protection to an unborn person in the womb, because they may not be a person.'' Well, we have already heard the tragic story of Jasmine Robbins. The law can punish the criminal for beating of the woman but not for the death of the unborn child in her womb. This is not fair. This is not right.

Some have concluded that since the Supreme Court has determined that, ''fetuses are not persons within the meaning of the 14th Amendment,'' that the case is closed. However, we are a government of laws, not the arbitrary decisions of men.

Twenty years ago, the Supreme Court made that fateful statement. Then, 10 years ago, the Supreme Court refused to invalidate a Missouri statute that declares, ''The life of each human being begins at conception.'' Furthermore, we are a government where even the smallest in our society is allowed to rise and say the majority is wrong. The smallest in this case are the preborn children in their mother's womb.

Let us not turn our backs on these principles. Let us do our jobs by stating that the laws apply to all people, all women, born and unborn.

Ms. LOFGREN. Mr. Chairman, I yield 4 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Chairman, as a mother of five children, I know the joys associated with motherhood. Also, as an advocate for women's issues, I am well aware of the dangers that women face as it relates to domestic violence. Acts of violence against women, especially pregnant women, are tragic and should be punished appropriately. However, H.R. 2436 is not the best way to achieve this goal.

H.R. 2436 is not designed to persecute these crimes and prevent violence against women but to undermine a woman's right to choose by criminalizing death or injury that occurs at any stage of development from conception to birth. H.R. 2436 does not recognize the harm to the woman. In fact, it does not even mention the woman.

We should not be fooled by rhetoric of the supporters of H.R. 2436. This bill fails to address the very real need for strong Federal legislation to prevent and punish violent crimes against women. Nearly one in every three adult women experiences at least one physical assault by a partner during adulthood. To deter crimes against women, and to punish those who assault or murder pregnant women, Congress should pursue other avenues that focus on the harm to the woman and the promotion of healthy pregnancies.

Elevating the status of a fetus to a person flies in the face of the Roe v. Wade decision on the definition of a person and also erodes a woman's right to choose. This is the beginning of a very slippery slope, and I am not about to slide on that slope.

The Lofgren substitute creates a separate Federal criminal offense for harm to a pregnant woman. We are against the bill because it does nothing, that is H.R. 2436, to protect the pregnant mother. I urge my colleagues to vote ''no'' on H.R. 2436, this Unborn Victims of Violence Act, and support the Lofgren-Conyers substitute, the Motherhood Protection Act, because H.R. 2436 is a direct assault on Roe v. Wade. I ask for a ''yes'' vote for the Lofgren-Conyers substitute.

Mr. CANADY of Florida. Mr. Chairman, may I inquire of the Chair concerning the amount of time remaining on each side?

The CHAIRMAN. The gentleman from Florida (Mr. CANADY) has 16 minutes remaining, and the gentlewoman from California (Ms. LOFGREN) has 14 minutes remaining. The gentleman from Florida (Mr. CANADY) has the right to close.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the chairman for yielding me this time, I commend the gentleman from South Carolina for his authorship of this very important legislation, and I rise in support of the gentleman's legislation and in opposition to the substitute.

I am proud to cosponsor the Unborn Victims of Violence Act, which promotes justice by holding violent criminals accountable for their conduct. It is unthinkable that under current Federal law an individual who commits a Federal crime of violence against a pregnant woman receives no additional punishment for killing or injuring the woman's unborn child during the commission of the crime. Where is the justice when a criminal can inflict harm upon a woman, even with the express purpose of harming her unborn child, and not be held accountable for those actions?

Approximately half of the States, including my home State of Virginia, have seen the wisdom in holding criminals accountable for their actions by making violent criminals liable for conduct that harms or kills an unborn baby. Unfortunately, our Federal statutes provide a gap in the law that usually allows the criminal to walk away with little more than a slap on the wrist. Criminals are held more liable for damage done to property than for the intentional harm done to an unborn child. This discrepancy in the law is appalling and must be corrected.

Regardless of whether we are pro-choice or pro-life, those of us who are parents can identify with the hope that accompanies the impending birth of a child. No law passed by Congress could ever heal the devastation created by the loss of a child or replace a child lost to violence. However, we can ensure that justice is done by making the criminals who take the life of an unborn child pay for their actions. When a mother is bringing a life into this world and that life is cut short by a violent criminal, that criminal should be held accountable under the law. Justice demands it and so should we.

I urge my colleagues to join me in voting for the Unborn Victims of Violence Act, and I commend my colleagues for their efforts in this matter.

Ms. LOFGREN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman for yielding me this time and also for sponsoring this amendment, and I rise in support of the Lofgren amendment.

What it would do is establish a Federal crime for any violent conduct against a pregnant woman that interrupts or terminates her pregnancy. That makes sense. In its current form, the Unborn Victims of Violence Act obscures women's rights while claiming to champion them. We are forced to ignore that in order to harm a ''Homo sapien in any stage of development,'' as it reads, there is a woman who has been victimized by violence. This legislation switches our attention to the crime on a pregnancy at any stage while ignoring the woman who is pregnant.

The Lofgren substitute would create a Federal criminal offense for harm to a pregnant woman, recognizing that the pregnant woman is the primary victim of a crime causing termination of a pregnancy. The substitute provides for a maximum of a 20-year sentence for injury to a woman's pregnancy and a maximum life sentence for termination of a woman's pregnancy.

For each of the past several years, domestic violence has victimized an estimated 1 million women over age 12, and the number increases each year. There are approximately 200 Federal cases of women who were harmed last year, and we cannot say how many were pregnant at the time. If supporters of the Unborn Victims of Violence Act truly intend on increasing the penalties for Federal crimes that harm a pregnancy, they will focus on increased penalties where they would be best served in these circumstances: On the devastating loss or injury to the woman when her pregnancy is compromised.

Many States recognize this and have strengthened laws to punish such crimes against pregnant women, and I urge my colleagues to do the same by voting against the bill and by supporting strongly the Lofgren substitute.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would submit to the Members of the House who are considering this substitute amendment that

the substitute amendment is so poorly drafted and ambiguous that it will place any prosecution for violence against the unborn in great jeopardy. The substitute amendment also diminishes the injuries inflicted by violent criminals on the unborn, transforming those injuries into mere abstractions.

Let me also note that it is somewhat ironic that the substitute amendment is subject to some of the very same criticisms that have been made so vociferously against the bill.

We have heard that the underlying bill is fundamentally flawed and unconstitutional because it does not have a requirement that there be a specific intent to kill or injure the unborn child. The opponents of the bill claim that the doctrine of transferred intent is not sufficient and that it must be the specific intent to kill or injure the unborn child.

As I read this amendment in the nature of a substitute, I do not see any specific intent requirement. I do not see that there must be a specific intent to cause the interruption or termination of the pregnancy. I would be happy to yield to anyone who can point to the provision in here that has such a specific intent provision. I do not think it is there. As a matter of fact, I know it is not there. I have read it, and it is absent.

So it is quite ironic that after hearing that sort of criticism of the underlying bill, the opponents of the bill come forward with a substitute amendment that is subject to the same criticism.

And that is not the only thing. They have complained that the underlying bill provides protection for the unborn in the early stages of pregnancy. They say that that goes too far, to provide that protection in the early stages of pregnancy. Well, once again I believe that this amendment, this substitute, is subject to the very same criticism. So I am puzzled by the arguments that are made against the underlying bill.

□ 1615

Ordinarily, when an argument is made against an underlying bill by the proponents of a substitute, their substitute will not be subject to the same criticism. I just find it is very strange that the proponents of the substitute have crafted this, if that is the right word, to have it subject to the same criticisms.

I would suggest that any Member contemplating voting for this amendment should take pause and consider the flaws that are in the amendment that I am going to discuss.

First, the terminology in the substitute amendment is virtually incomprehensible and, if adopted, it will almost certainly jeopardize any prosecution from injuring or killing an unborn child during the commission of a violent crime.

The substitute amendment provides for enhanced penalty for the ''interruption to the normal course of the pregnancy resulting in prenatal injury, including termination of the pregnancy.'' The amendment then authorizes greater punishment for an interruption that terminates the pregnancy than it does for a mere interruption of the pregnancy.

But what exactly is the difference between an interruption of a pregnancy and an interruption that terminates a pregnancy? I would like some explanation of that. Does not any interruption of a pregnancy necessarily result in a termination of a pregnancy? The plain meaning of ''interruption'' requires that interpretation. If ''interruption'' does not mean that, what does it mean?

I have looked at this. I have tried to make sense of it. But I will suggest to the Members of the House that is a task that is extraordinarily difficult.

What does the phrase ''termination of pregnancy'' mean? Does it mean only that the unborn child died, or could it also mean that the child was merely born prematurely, even without suffering any injuries?

Interpreting the term according to its plain meaning requires that we understand that a pregnancy may be terminated in different ways and with different results.

I would suggest to the Members of the House that these ambiguities make this substitute amendment impossible to comprehend in any coherent way with any certainty.

Now, second, subsection 2(a) of the substitute amendment appears to operate as a mere sentence enhancement authorizing punishment in addition to any penalty imposed for the predicate offense. Yet the language of subsection 2(b) describes the additional punishment provided in subsection 2(a) as punishment for a violation of subsection A, suggesting that subsection 2(a) creates a separate offense for killing or injuring an unborn child.

This ambiguity is magnified by the fact that subsection 2(a) requires that the conduct injuring or killing of an unborn child result in the conviction of the person so engaging. Now, does this mean that a conviction must first be obtained before a defendant may be charged with a violation of subsection 2(a), or does it mean that the additional punishment may be imposed at the trial for a predicate offense so long as it is imposed after the jury convicts the predicate offense?

Is a separate charge necessary for the enhanced penalty to be imposed? The substitute amendment simply does not answer these critical questions. Prosecuting violent criminals under it will, therefore, be virtually impossible.

Unlike the current language of the bill, the Lofgren-Conyers substitute also contains no exemptions for abortion-related conduct, for conduct of the mother, or for medical treatment of the pregnant woman or her unborn child. This omission leaves a substitute amendment open to the charge that it would permit the prosecution of mothers who inflict harm upon themselves and their unborn children or doctors who kill or injure unborn children during the provision of medical treatment.

For that reason, the substitute amendment would certainly be subjected to a constitutional challenge. I would guarantee my colleagues if the underlying bill had not had such an exemption in it, we would have heard no end of that flaw in the underlying bill. But that provision is omitted from the substitute. Perhaps the supporters of the substitute see that not as a flaw in the amendment but as a desirable feature.

I am quite frankly puzzled by the omission of such a provision from the substitute, and I would leave it to the supporters of the substitute to explain the reason for the omission.

The substitute amendment also appears to mischaracterize the nature of the injury that is inflicted when an unborn child is killed or injured during the commission of a violent crime. Under the current language of the bill, a separate offense is committed whenever an individual causes the death of or bodily injury to a child who is in utero at the time the conduct takes place.

Although the actual language of the substitute amendment is hopelessly unclear, it appears that the supporters of the substitute intend to transform the death of the unborn child into the abstraction ''terminating a pregnancy.'' Bodily injury inflicted upon the unborn child appears to become prenatal injury. Both injuries are apparently intended to be described as resulting from an ''interruption in the normal course of the pregnancy.''

Again, I submit to the Members of this House that these abstractions ignore the reality of what is truly at issue when a criminal violently snuffs out the life of an unborn child or injures a child in the womb. These abstractions that are embodied in the substitute amendment obscure the real nature of the harm that is done and the loss that is suffered when an unborn child is killed or injured.

Consider this: if an assault is committed upon a Member of Congress and her unborn child subsequently suffers from a disability because of the assault, that injury cannot accurately be described as an abstract injury to a pregnancy. That is not an injury to the pregnancy. That is an injury to an unborn child. There is no other way to understand it and make sense of the reality of what is taking place. It is an injury to a human being.

The Graham bill recognizes that reality. The Lofgren-Conyers substitute simply chooses to ignore it and attempts to hide it. The Lofgren-Conyers substitute is radically flawed and should be rejected for the reasons I have explained. The substitute is so poorly drafted and ambiguous that obtaining a conviction of a violent criminal under it will almost be impossible. It attempts to deal with the crimes in

question in a way that is divorced from the reality of the harm and loss that is actually suffered. It deals with these crimes in a way that is simply not consistent with the real human experience of the mothers and fathers of those unborn children who are the victims.

It is for all these reasons I urge my colleagues to reject the Lofgren-Conyers substitute and to support the Graham bill.

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

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

Mr. Chairman, I am happy to discuss our substitute amendment and I appreciate the questions of the gentleman. In some cases he has misread the amendment, and in other cases he is exactly right.

Let me first deal with the issue of exempting abortion from our bill. We do not need to exempt abortion from the substitute. Because in order to fall within the penumbra number of the amendment, one must have been convicted of one of the enumerated crimes that are listed within the bill. And abortion, thank goodness, is not a crime in America, although some in this body would wish it were so. So there is no need to do that.

Secondarily, really the amendment and the discussion is about choice. Let me discuss it in this way: if she is a pregnant woman and she wants desperately to have a child and she is assaulted and, as a consequence, she miscarries, she has been denied her choice to have a child. And that is an injury and it is a separate offense in the substitute amendment. The gentleman is correct. It is a separate and severable offense that is punishable by up to life imprisonment, as it should be.

There is another potential harm that could be done to a woman who is hoping to have a child, and that is assault that would result in a prenatal injury to that wanted child. I do thank the parliamentarian for his assistance yesterday in helping to craft the language on lines 10 and 11 of page 1 of the substitute.

The interruption of a normal pregnancy through the imposition of a prenatal injury because of an assault or one of the other crimes listed on page 2 of the amendment is also a punishable offense, as it should be.

So, yes, we do not need a separate intent provision in the substitute. The gentleman is correct in that regard. But we do need a conviction for the predicate offense, which in almost every case would also require a finding of intent beyond a reasonable doubt.

Now, I have just a little bit of time left under the rule, and I do know that my colleague and cosponsor of the amendment, the gentleman from Michigan (Mr. CONYERS), the ranking member, did also want to make a few comments on this entire issue.

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

Mr. CANADY of Florida. Mr. Chairman, I reserve the balance of my time for the purpose of closing.

Ms. LOFGREN. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentlewoman from California (Ms. LOFGREN) has 8 minutes remaining.

Ms. LOFGREN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS).

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

I would begin the close of our comments by observing that my friend, the gentleman from Florida (Mr. CANADY), at least recently, has not denied as I have listened to the remarks of the gentleman from Illinois (Mr. HYDE) in particular, the chairman of the Committee on the Judiciary, that the problem that we have with the bill is not whether we can understand the language or whether it is incomprehensible or not, but whether or not it is a back-door attack on Roe.

I mean, that is the question. Is the major bill that has caused us to create a substitute a back-door attack on Roe v. Wade?

We think that it is, for the following reasons: until recently, the law did not recognize the existence of the fetus except for a very few specific purposes. As stated by the Supreme Court in Roe: ''The unborn have never been recognized in the law as persons in the whole sense.'' That is a quote. And the law that has been reluctant to afford any legal rights to fetuses quote ''except in narrowly defined situations and except when the rights are contingent upon live birth.''

So Roe specifically rejected the suggestion that a theory of life that grants personhood to the fetus and that the law may override the rights of the pregnant woman that are at stake.

So what I am suggesting is that the issue is not really the language of the substitute, but it is really the deeper problem of whether an unborn child should be entitled to legal status that is unprecedented in the Federal system. I hope to gain the attention of the learned attorney from South Carolina, and that is that in the 26 years following Roe v. Wade, the Supreme Court has never recognized an unborn child as having legal status.

In State courts and State law, yes, and many times it has not been challenged. But on the two occasions that this came before the United States Supreme Court, they have never recognized an unborn child as having legal status. The two cases that I would suggest are the Burns case in 1975 and the Webster v. Reproductive Health Services in 1989. These are the only two cases since Roe in which the Supreme Court has been asked to recognize the unborn child as having legal status, and in both cases the Supreme Court refused to do so.

□ 1630

Now, what does the substitute do? The substitute accomplishes the same thing that the major bill does without reaching a conclusion contrary to Roe v. Wade that has never recognized the unborn child as having legal status. That is precisely the difference. Punishment, the same. Objective, the same. Abhorrence of pregnant women having their pregnancy terminated involuntarily, the same. But the difference in the substitute is that our substitute keeps Roe v. Wade intact in that it maintains that the recognition of an unborn child as being entitled to legal status has never yet occurred in the law, and the Congress this evening is about to attempt to change that.

That is why we say, gentlemen of the Republican persuasion, this is a back-door attack on Roe v. Wade. And what we are trying to do is accomplish the same objective as the major bill without interrupting the status of Roe v. Wade.

Ms. LOFGREN. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, we have spent this afternoon talking about H.R. 2436, the pros and the cons. I have listened to my colleagues support H.R. 2436. If they can support H.R. 2436, they can support the Lofgren substitute, because it protects pregnant women. If they can support H.R. 2436, they can support the Lofgren substitute because it recognizes pregnant women as the primary victim of a crime causing the termination of a pregnancy without impacting Roe v. Wade or a woman's right to choose. If they can support H.R. 2436, they can support the substitute, because it creates a defense that protects women and punishes violence resulting in injury or termination of a pregnancy. If they can support H.R. 2436, they can support the Lofgren substitute because it provides for a significant penalty for a violation wherein a pregnant woman is harmed.

Fifthly, if they can support H.R. 2436, they can support the Lofgren substitute because it requires a conviction for the underlying criminal offense.

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

In conclusion of this debate, I am hopeful that this Lofgren-Conyers substitute is in fact adopted by this body.

Now, there are some who argue that up to a life sentence is too harsh for the perpetrator of violence on a woman who would then miscarry, but I know that that is not the case.

When one miscarries and loses a wanted opportunity to become a mother, that is something you remember your whole life. That is something that is a grievous harm and a terrible blow. It seems to me that someone who would perpetrate that violence and that harm on a woman ought to face that kind of harsh penalty. So I urge those who have qualms about the severity of the penalty included in the substitute, to look at it from the woman's point of view and to understand

that while we believe that a woman's right to reproductive freedom includes her right not to have a child, choice also means the right to have a child, and if you are pregnant and you want that child, those who would assault you and who would either engage in a prenatal injury or cause you to miscarry have interfered with your choice, your right to become a parent and to enjoy all the things that those of us who are mothers do enjoy, which is to watch our children grow and to help them become ever more responsible citizens.

I urge a ''yes'' vote on the substitute and a ''no'' vote on the Canady bill.

Mr. CANADY of Florida. Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina (Mr. GRAHAM) who is the sponsor of the bill.

The CHAIRMAN. The gentleman from South Carolina (Mr. GRAHAM) is recognized for 4 minutes.

Mr. GRAHAM. Mr. Chairman, very quickly, I will hit this head-on the best that I know how. That if you are saying here today that Roe v. Wade is a ''get out of jail free'' card for criminals who assault pregnant women and destroy their unborn children, you are not reading the same ruling that I am reading. Roe v. Wade never said that third-party criminals have open season on unborn children. Roe v. Wade said that women can terminate their own pregnancy in certain conditions in the first trimester. The Supreme Court has not said you cannot pass a statute holding criminals liable for attacking pregnant women.

For 29 years, California, the gentlewoman's home State, has had a statute that makes it a crime for a third-party criminal to kill a nonviable, in medical terms, fetus and there are people sitting in California in jail right now, and all over this country in States that have these statutes, and they are not going to get out of jail because of Roe v. Wade. They are serving their time because the statute that sent them to jail is constitutional. That is why they are in jail and they are not going to get out.

Mr. Chairman, we have the authority if we so choose to make it a Federal offense to attack a pregnant woman and destroy her unborn child and to charge her separately. This is an opportunity to do what a lot of Americans wish we would do, regardless of how you feel about abortion.

The substitute, Mr. Chairman, that destroys the purpose of this bill is inartfully written and the gentleman from Michigan (Mr. CONYERS) said, ''We are not really worried about the words, we are worried about Roe v. Wade.'' I am worried about the words because when I prosecuted people in the past as a prosecutor, the words mattered. It has to be written right. The words in the substitute will allow criminals to get away with killing unborn children, what most Americans, I believe, would not want to happen.

Mr. Chairman, it comes down to this. When a criminal becomes the judge, the jury and the executioner of an unborn child that was wanted by the woman, let us act. Let us stand up and give Federal prosecutors the right to hold them fully accountable for what they have done, taking a life that was wanted, that was being nurtured. This is a chance to do something that is necessary in the law and unfortunately is going to happen somewhere, sometime, some thug is going to attack a pregnant woman where Federal jurisdiction exists and they are going to take her baby away and they are going to kill that baby. We have got a chance to put them in jail if they can prove the case. Let us give them the tools, a good statute to do what justice demands.

You cannot under Federal law execute a woman who is pregnant. A Democratic Congress made that illegal. The reason they did that is because they know that most Americans would not want to execute a pregnant woman because they would not want the unborn child to die for the crimes of the mother. Let us make sure that criminals are also barred from taking that unborn child, and if they do, they go to jail.

I thank my colleagues very much for paying attention to an important debate. Vote ''no'' to the substitute. Give prosecutors the tool they need to prosecute criminals who want to take babies away from women who have chosen to have them. Pass this bill.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentlewoman from California (Ms. LOFGREN).

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

Ms. LOFGREN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 313, further proceedings on the amendment in the nature of a substitute offered by the gentlewoman from California (Ms. LOFGREN) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 313, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 1 offered by the gentleman from Florida (Mr. CANADY); and amendment No. 2 in the nature of a substitute offered by the gentlewoman from California (Ms. LOFGREN).

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT NO. 1 OFFERED BY MR. CANADY OF FLORIDA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. CANADY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 269, noes 158, not voting 6, as follows:

[Roll No. 463]

AYES—269

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bonior
Borski
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas

Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—158

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Biggert
Blagojevich
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy
Kilpatrick
Kuykendall
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Morella
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pickett
Porter
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Slaughter
Stabenow
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wynn

NOT VOTING—6

Chenoweth
Hooley
Jefferson
Meeks (NY)
Scarborough
Wu

□ 1705

Mr. UDALL of Colorado, Mr. FRELINGHUYSEN and Mrs. MEEK of Florida changed their vote from ''aye'' to ''no.''

Mrs. ROUKEMA changed her vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mrs. ROUKEMA. Mr. Chairman, on rollcall No. 463, I inadvertently pressed the ''aye'' button. I meant to press the ''no'' button.

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. LOFGREN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentlewoman from California (Ms. LOFGREN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 201, noes 224, not voting 8, as follows:

[Roll No. 464]

AYES—201

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Granger
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Kolbe
Kuykendall
Lampson
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McInnis
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Serrano
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Waters
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wynn

NOES—224

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Borski
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Forbes
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (MT)
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kildee
King (NY)
Kingston
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McDermott
McHugh
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Quinn
Radanovich
Rahall
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Chenoweth
Herger
Hooley
Jefferson
Meeks (NY)
Scarborough
Weller
Wu

□ 1714

Mr. MOAKLEY, Mr. KUCINICH and Mr. SKELTON changed their vote from ''aye'' to ''no.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

□ 1715

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. LAHOOD, Chairman of the

Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2346) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes, pursuant to House Resolution 313, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

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

Ms. LOFGREN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 254, nays 172, not voting 7, as follows:

[Roll No. 465]

YEAS—254

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bonior
Borski
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Forbes
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—172

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy
Kilpatrick
Kolbe
Kuykendall
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pickett
Porter
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wynn

NOT VOTING—7

Chenoweth
Ford
Hooley
Jefferson
Meeks (NY)
Scarborough
Wu

☐ 1734

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. CHENOWETH. Mr. Speaker, on September 30, 1999, I missed several rollcall votes in order to attend my October 2, 1999 wedding. Had I been present, I would have voted ''yea'' on rollcall vote 463 (Mr. CANADY's manager's amendment to H.R. 2336), ''nay'' on rollcall vote 464 (Ms. LOFGREN's amendment in the nature of a substitute to H.R. 2436), and ''yea'' on rollcall vote 465 (on passage of H.R. 2436).

PERSONAL EXPLANATION

Ms. HOOLEY of Oregon. Mr. Speaker, a dear friend of some thirty years underwent brain surgery in Oregon this week. Because I desired to be in Oregon to support friends and family, I was unable to vote on several items today, September 30.

Had I been present, I would have voted: ''yea'' on rollcall No. 460; ''yea'' on rollcall No. 461; ''yea'' on rollcall No. 462; ''no'' on rollcall No. 463; ''yea'' on rollcall No. 464; and ''no'' on rollcall No. 465.

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on the bill, H.R. 2436.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1760

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1760.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

EXTENDING ENERGY CONSERVATION PROGRAMS UNDER ENERGY POLICY AND CONSERVATION ACT THROUGH MARCH 31, 2000

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Commerce be discharged from the further consideration of the bill (H.R. 2981) to extend energy conservation programs under the Energy

Policy and Conservation Act through March 31, 2000, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 2981

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

SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

The Energy Policy and Conservation Act is amended—

(1) by amending section 166 (42 U.S.C. 6246) to read as follows:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 166. There are authorized to be appropriated for fiscal year 2000 such sums as may be necessary to implement this part, to remain available only through March 31, 2000.'';

(2) in section 181 (42 U.S.C. 6251) by striking ''September 30, 1999'' both places it appears and inserting in lieu thereof ''March 31, 2000''; and

(3) in section 281 (42 U.S.C. 6285) by striking ''September 30, 1999'' both places it appears and inserting in lieu thereof ''March 31, 2000''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BUDGET TIME MEANS ''MEDISCARE'' TIME

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

Mr. KINGSTON. Mr. Speaker, it is budget time, so it is ''Mediscare'' time. We have the age-old tactics that, when one does not have the facts, start scaring people. Who is the easiest of the population to scare? The seniors, beating up on Grandma and Grandpa. That appears to be what the White House is already doing with the Republican budget by saying that the Republican budget takes money out of Social Security.

I have a letter in my hand from the director of the Congressional Budget Office, the head guru. He says in short, there is nothing in our budget that takes any money out of Social Security. I will submit this for the RECORD. It is available for anybody who wants a copy of it. We will distribute it to our misguided liberal friends on the other side.

But the fact is, let us have an honest debate. When the President vetoes the appropriations bills, and we have spent up against the budget caps, then the only question remaining is: Mr. President, do you want to spend more money? It comes out of Social Security. Is that what you want to do? At that point, Mr. President, what will you tell Grandma?

Mr. Speaker, the letter I referred to is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 30, 1999.

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

DEAR MR. SPEAKER: You requested that we estimate the impact on the fiscal year 2000 Social Security surplus using CBO's economic and technical assumptions based on a plan whereby net discretionary outlays for fiscal year 2000 will equal $592.1 billion. CBO estimates that this spending plan will not use any of the projected Social Security surplus in fiscal year 2000.

Sincerely,

DAN L. CRIPPEN,
Director.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

(Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

(Mr. NETHERCUTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

NOTICE

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MEEKS of New York (at the request of Mr. GEPHARDT) for today and October 1 on account of the birth of a child.

Ms. HOOLEY of Oregon (at the request of Mr. GEPHARDT) for today on account of personal business.

Mrs. CHENOWETH (at the request of Mr. ARMEY) for after 1:00 p.m. today and October 1 on account of her wedding.

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 Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Mrs. MEEK of Florida, for 5 minutes, today.

Mr. LAMPSON, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

(The following Members (at the request of Mr. BARTON of Texas) to revise and extend their remarks and include extraneous material:)

Mr. METCALF, for 5 minutes, today.

Mr. NETHERCUTT, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, today.

Mr. EHLERS, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1156. An act to amend provisions of law enacted by the Small Business Regulatory Enforcement Fairness Act of 1996 to ensure full analysis of potential impacts on small entities of rules proposed by certain agencies, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 249—An act to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

ADJOURNMENT

Mr. DIAZ-BALART. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 38 minutes p.m.), the House adjourned until tomorrow, Friday, October 1, 1999, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4575. A letter from the Administrator, Marketing and Regulatory Programs, Department of Agriculture, transmitting the Department's final rule—Dried Prunes Produced in California; Decreased Assessment Rate [Docket No. FV99–993–3 FR] received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4576. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Diflubenzuron; Pesticide Tolerances for Emergency Exemptions [OPP–300921; FRL–6382–1] (RIN: 2070–AB78) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4577. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pymetrozine; Pesticide Tolerance [OPP–300929; FRL–6385–6] (RIN: 2070–AB78) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4578. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Pesticide Tolerance [OPP–300923; FRL–6383–6] (RIN: 2070–AB78) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4579. A communication from the President of the United States, transmitting a request for funds for the Department of Agriculture and the Department of the Interior to be used to address the urgent needs arising from the consequences of the severe and numerous fires on Federal public lands throughout the western United States; (H. Doc. No. 106–136); to the Committee on Appropriations and ordered to be printed.

4580. A communication from the President of the United States, transmitting notification of funding for the Department of the Interior and the United States Information Agency to support environmental protection activities with India in the national interest of the United States; (H. Doc. No. 106–137); to the Committee on Appropriations and ordered to be printed.

4581. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California Plan Revision, San Luis Obispo County Air Pollution Control District South Coast Air Quality Management District [CA 198–0175a; FRL–6445–6] received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4582. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Oklahoma Regulatory Program [SPATS No. OK–020–FOR] received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4583. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transporation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. 99–NM–118–AD; Amendment 39–11328; AD 99–19–41] (RIN: 2120–AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4584. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes [Docket No. 98–NM–328–AD; Amendment 39–11329; AD 99–20–01] (RIN: 2120–AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4585. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes [Docket No. 99–NM–110–AD; Amendment 39–11327; AD 99–19–40] (RIN: 2120–AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4586. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. 99–NM–91–AD; Amendment 39–11325; AD 99–19–38] (RIN: 2120–AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4587. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters [Docket No. 99–SW–46–AD; Amendment 39–11331; AD 99–17–17] (RIN: 2120–AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4588. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives: Bombardier Model DH C–8–100 and -300 Series Airplanes [Docket No. 97–NM–58–AD; Amendment 39–11321; AD 99–19–34] (RIN: 2120–AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4589. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–8–100 and -300 Series Airplanes [Docket No. 98–NM–384–AD; Amendment 39–11324; AD 99–19–37] (RIN: 2120–AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4590. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 98–NM–366–AD; Amendment 39–11323; AD 99–19–36] (RIN: 2120–AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4591. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace BAe Model ATP Airplanes [Docket No. 98–NM–344–AD; Amendment 39–11322; AD 99–19–35] (RIN: 2120–AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4592. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100) Series Airplanes [Docket No. 99–NM–92–AD; Amendment 39–11326; AD 99–19–39] (RIN: 2120–AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4593. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Sugar Land, TX [Airspace Docket No. 99–ASW–01] received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4594. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone: Presidential Visit and United Nations General Assembly, East River, New York [CGD01–99–167] (RIN: 2115–AA97) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4595. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Santa Barbara Channel, CA [COTP Los Angeles-Long Beach, CA; 99–005] (RIN: 2115–AA97) received September 24,1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4596. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportion, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes [Docket No. 98–NM–329–AD; Amendment 39–11330; AD 99–20–02] (RIN: 2120–AA64) received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4597. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—RJR Nabisco, Inc., et al., v. Commissioner [T.C. Memo. 1998–252 (Dkt No. 3796–95)] received September 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4598. A letter from the Chair, Medicare Payment Advisory Commission, transmitting the June 1999 Report to the Congress: Selected Medicare Issues; jointly to the Committees on Ways and Means and Commerce.

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. STUMP: Committee on Veterans' Affairs. H.R. 1663. A bill to designate as a national memorial the memorial being built at the Riverside National Cemetery in Riverside, California to honor recipients of the Medal of Honor; with amendments (Rept. 106–351). Referred to the House Calendar.

Mr. STUMP: Committee on Veterans' Affairs. House Joint Resolution 65. Resolution

commending the World War II veterans who fought in the Battle of the Bulge, and for other purposes; with amendments (Rept. 106–352 Pt. 1). Ordered to be printed.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1300. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote brownfields redevelopment, to reauthorize and reform the Superfund program, and for other purposes; with an amendment (Rept. 106–353 Pt. 1). Ordered to be printed.

Mr. SKEEN: Committee of Conference. Conference report on H.R. 1906. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–354). Ordered to be printed.

Mr. WOLF: Committee of Conference. Conference report on H.R. 1906. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–355). Ordered to be printed.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 317. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–356). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 318. Resolution waiving points of order to accompany the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–357). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. COBLE: Committee on the Judiciary. H.R. 354. A bill to amend title 17, United States Code, to provide protection for certain collection of information; with an amendment; referred to the Committee on Commerce for a period ending not later than October 8, 1999, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f), rule X (Rept. 106–349, Pt. 1).

Mr. BLILEY: Committee on Commerce. H.R. 1858. A bill to promote electronic commerce through improved access for consumers to electronic databases, including securities market information databases; with an amendment; referred to the Committee on the Judiciary for a period ending not later than October 8, 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 (Rept. 106–350, Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BLILEY:

H.R. 2978. A bill to extend energy conservation programs under the Energy Policy and Conservation Act through October 31, 1999; to the Committee on Commerce.

By Mr. LAZIO:

H.R. 2979. A bill to amend title XVIII of the Social Security Act to make refinements in the Medicare prospective payment system for outpatient hospital services; to the Committee on Commerce, and in addition to the Committee on 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. ALLEN (for himself, Mr. SAXTON, Mr. BALDACCI, Mrs. MALONEY of New York, Mr. GEORGE MILLER of California, Mr. BLUMENAUER, Mr. CAPUANO, Mr. DELAHUNT, Mr. HINCHEY, Mr. HOLT, Mr. KENNEDY of Rhode Island, Mr. KUCINICH, Mr. MARTINEZ, Mr. MCDERMOTT, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. VENTO, and Mr. WEYGAND):

H.R. 2980. A bill to reduce emissions of mercury, carbon dioxide, nitrogen oxides, and sulfur dioxide from fossil fuel-fired electric utility generating units operating in the United States, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, Transportation and Infrastructure, Banking and Financial Services, and Science, 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. BLILEY:

H.R. 2981. A bill to extend energy conservation programs under the Energy Policy and Conservation Act through March 31, 2000; to the Committee on Commerce.

By Mrs. MINK of Hawaii (for herself, Mr. CLAY, Mr. KILDEE, Mr. PASTOR, Ms. WOOLSEY, Mr. PAYNE, Mr. MARTINEZ, Mr. ANDREWS, Mr. OWENS, Mr. SCOTT, Mr. FORD, Mr. STARK, Ms. SANCHEZ, Mr. HINOJOSA, Mr. GEORGE MILLER of California, Mr. TIERNEY, and Mr. MENENDEZ):

H.R. 2982. A bill to provide grants to States and local educational agencies to recruit, train, and hire 100,000 school-based resource staff to help students deal with personal state of mind problems; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 2983. A bill to amend the Public Health Service Act with respect to the participation of the public in governmental decisions regarding the location of group homes established pursuant to the program of block grants for the prevention and treatment of substance abuse; to the Committee on Commerce.

By Mr. BARRETT of Nebraska:

H.R. 2984. A bill to direct the Secretary of the Interior, through the Bureau of Reclamation, to convey to the Loup Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska, property comprising the assets of the Middle Loup Division of the Missouri River Basin Project, Nebraska; to the Committee on Resources.

By Mr. BASS (for himself, Mr. BARTON of Texas, Mr. BILBRAY, Mr. CALLAHAN, Mr. CASTLE, Mr. EHLERS, Mr. ENGLISH, Mr. GANSKE, Mr. GREEN of Wisconsin, Mr. HERGER, Mrs. MORELLA, Mrs. MYRICK, Mr. NEY, Mr. SCHAFFER, Mr. THORNBERRY, Mr. UPTON, Mr. WAMP, and Mr. WHITFIELD):

H.R. 2985. A bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the responsibility, efficiency, and performance of the Federal Government; to the Committee on the Budget, and in addition to the Committee on Rules, 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 Mrs. BONO (for herself, Mr. BILBRAY, Mr. BRYANT, Mr. BUYER, Mr. CALVERT, Mr. CAMPBELL, Mr. CANNON, Mr. CRANE, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. DREIER, Mr. FOLEY, Mr. GALLEGLY, Mr. GRAHAM, Mr. GOODLATTE, Mr. HAYWORTH, Mr. HERGER, Mr. HUNTER, Mr. HYDE, Mr. JENKINS, Mr. KUYKENDALL, Mr. LEWIS of California, Mr. MCCOLLUM, Mr. GARY MILLER of California, Mr. PACKARD, Mr. POMBO, Mr. ROGAN, Mr. ROHRABACHER, Mr. SALMON, Mr. SHADEGG, Mr. SPENCE, Mr. SWEENEY, Mr. OSE, Mr. THOMAS, and Mr. RADANOVICH):

H.R. 2986. A bill to provide that an application for an injunction restraining the enforcement, operation, or execution of a State law adopted by referendum may not be granted on the ground of the unconstitutionality of such law unless the application is heard and determined by a 3-judge court; to the Committee on the Judiciary.

By Mr. CANNON (for himself, Mr. HUTCHINSON, Mr. ROGAN, Mr. MCCOLLUM, Mr. SESSIONS, Mr. PICKERING, Ms. LOFGREN, Mr. BERMAN, Mr. CANADY of Florida, Mr. GIBBONS, Mr. CALVERT, Mr. GALLEGLY, and Mr. SALMON):

H.R. 2987. A bill to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, 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. HINOJOSA (for himself, Mr. BONILLA, Mr. ORTIZ, Mr. REYES, and Mr. RODRIGUEZ):

H.R. 2988. A bill to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley; to the Committee on Resources.

By Mr. TANNER (for himself, Mr. JENKINS, Mr. FORD, and Mr. CLEMENT):

H.R. 2989. A bill to amend title XVIII of the Social Security Act to accelerate payments to hospitals under the Medicare Program with respect to costs of graduate medical education for MedicareChoice enrollees; to the Committee on Ways and Means, and in addition to the Committee on Commerce, 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. TALENT:

H.R. 2990. A bill to amend the Internal Revenue Code of 1986 to allow individuals greater access to health insurance through a health care tax deduction, a long-term care deduction, and other health-related tax incentives, to amend the Employee Retirement Income Security Act of 1974 to provide access to and choice in health care through association health plans, to amend the Public Health Service Act to create new pooling opportunities for small employers to obtain greater access to health coverage through HealthMarts, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and

Education and the Workforce, 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. COX (for himself and Mr. SESSIONS):

H. Con. Res. 190. Concurrent resolution urging the United States to seek a global consensus supporting a moratorium on tariffs and on special, multiple, and discriminatory taxation of electronic commerce; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 170: Mr. WAXMAN.

H.R. 218: Mr. BLILEY.

H.R. 323: Mr. DIAZ-BALART.

H.R. 357: Mr. REYES.

H.R. 363: Mr. PALLONE.

H.R. 371: Mr. WATT of North Carolina, Mr. TIAHRT, and Mr. WELDON of Pennsylvania.

H.R. 443: Ms. BALDWIN, Mr. BARCIA, Mr. FRANKS of New Jersey, Mr. TOWNS, and Mr. PHELPS.

H.R. 521: Mr. ROTHMAN.

H.R. 721: Mr. GOODLATTE.

H.R. 750: Mr. TERRY and Mr. THOMPSON of California.

H.R. 838: Mr. MS. PELOSI and Mr. RUSH.

H.R. 870: Mr. VITTER.

H.R. 914: Mr. WATT of North Carolina.

H.R. 961: Mr. OWENS and Mr. HINOJOSA.

H.R. 976: Ms. MCCARTHY of Missouri.

H.R. 1041: Mr. VITTER.

H.R. 1070: Mr. BEREUTER.

H.R. 1071: Mr. MARTINEZ.

H.R. 1178: Mr. TIAHRT, Mr. DEFAZIO, Mr. WALDEN of Oregon, and Mr. WELDON of Florida.

H.R. 1180: Mrs. MINK of Hawaii, Mrs. FOWLER, and Mr. SALMON.

H.R. 1195: Mr. HAYWORTH, Mr. HILLIARD, Mr. BURTON of Indiana, Mr. TOOMEY, Mr. PETRI, Mr. LIPINSKI, and Mr. CUMMINGS.

H.R. 1221: Mr. SHERWOOD.

H.R. 1271: Mr. CONYERS, Mr. PAYNE, Mr. LEWIS of Georgia, Mr. JACKSON of Illinois, and Mr. WAXMAN.

H.R. 1283: Mr. SESSIONS, Mr. PETERSON of Pennsylvania, Mr. TALENT, Mr. MCCOLLUM, Mr. WAMP, and Mr. CAMP.

H.R. 1300: Mrs. NAPOLITANO and Mr. MCCOLLUM.

H.R. 1305: Mrs. CLAYTON.

H.R. 1322: Mr. CALVERT.

H.R. 1355: Mr. EVANS.

H.R. 1399: Mr. CUMMINGS and Mr. MOAKLEY.

H.R. 1456: Mrs. MALONEY of New York.

H.R. 1485: Mr. LANTOS and Mr. TIERNEY.

H.R. 1494: Mr. WELDON of Pennsylvania.

H.R. 1496: Mrs. NORTHUP and Mr. HOSTETTLER.

H.R. 1520: Mr. GALLEGLY, Mr. LUCAS of Oklahoma, and Mr. MCINTOSH.

H.R. 1592: Mr. BOSWELL and Mr. RYAN of Wisconsin.

H.R. 1630: Mr. BLUMENAUER.

H.R. 1640: Mr. BLAGOJEVICH, Ms. SLAUGHTER, Mr. LEVIN, Mr. MATSUI, Mr. LEWIS of Georgia, and Mr. CARDIN.

H.R. 1650: Mr. HASTINGS of Washington and Mr. REYNOLDS.

H.R. 1689: Mr. PALLONE.

H.R. 1746: Mr. LINDER.

H.R. 1791: Mr. EVANS.

H.R. 1876: Mr. MCINTOSH, Mr. BARR of Georgia, Mr. SCHAFFER, Mr. SANDLIN, Mr. BRADY of Texas, and Mr. GOODE.

H.R. 2059: Mrs. KELLY.

H.R. 2162: Mr. STUPAK.

H.R. 2235: Mrs. MEEK of Florida, Mr. SPRATT, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2260: Mr. ISAKSON.

H.R. 2265: Mr. BECERRA, Mr. METCALF, Mr. MCHUGH, Mr. CRAMER, and Mr. WYNN.

H.R. 2282: Mr. HILL of Montana.

H.R. 2286: Ms. MCCARTHY of Missouri.

H.R. 2418: Mrs. THURMAN, Mr. BOYD, and Mr. MATSUI.

H.R. 2420: Mr. HINOJOSA, Mr. JACKSON of Illinois, Mr. CALVERT, Mr. RODRIGUEZ, and Mr. GIBBONS.

H.R. 2498: Ms. GRANGER, Mrs. FOWLER, and Mr. BILIRAKIS.

H.R. 2544: Mrs. CUBIN.

H.R. 2548: Mr. MARTINEZ, Mr. PRICE of North Carolina, and Mr. SOUDER.

H.R. 2622: Mr. HILL of Montana, Mr. SHERWOOD, and Mr. FLETCHER.

H.R. 2640: Ms. STABENOW, Mr. STUPAK, Mr. EWING, and Mr. DINGELL.

H.R. 2662: Mr. HINCHEY.

H.R. 2697: Mr. ENGLISH and Mr. STUPAK.

H.R. 2698: Mr. CALVERT.

H.R. 2709: Mr. COBURN, Mr. SWEENEY, Mr. HOBSON, Mr. DEMINT, Mr. PICKETT, Mr. GARY MILLER of California, Mrs. KELLY, Mr. MASCARA, and Mr. CANADY of Florida.

H.R. 2720: Mr. BURR of North Carolina and Mr. BARRETT of Wisconsin.

H.R. 2723: Mr. THOMPSON of California, Mr. VENTO, Mr. HOLDEN, Mr. CUMMINGS, Mr. SMITH of New Jersey, Mr. SAXTON, Mr. MCNULTY, Mr. PRICE of North Carolina, Mr. BECERRA, Mr. RODRIGUEZ, Mr. HILLIARD, Mr. FALEOMAVEAGE, Mr. SAWYER, and Mr. KIND.

H.R. 2725: Mr. HILL of Montana.

H.R. 2726: Mr. REYES.

H.R. 2788: Mr. BEREUTER.

H.R. 2807: Mr. BOUCHER and Ms. RIVERS.

H.R. 2808: Mr. WU.

H.R. 2814: Mr. EVANS, Mr. Gilman, and Mr. CALVERT.

H.R. 2824: Mr. SMITH of New Jersey.

H.R. 2838: Ms. MCKINNEY.

H.R. 2877: Ms. LOFGREN.

H.J. Res. 65: Mr. ROGAN.

H. Con. Res. 77: Mr. KINGSTON.

H. Con Res. 89: Mr. HOLDEN, Mr. SAXTON, Mr. LATHAM, Mr. THUNE, Mr. OSE, Mr. SKELTON, Mr. MCKEON, Mr. UDALL of New Mexico, Mr. KIND, Mr. LAFALCE, and Mr. ROEMER.

H. Con. Res. 186: Mr. STUMP, Mr. SESSIONS, and Mr. DIAZ-BALART.

H. Con. Res. 189: Mr. PETERSON of Minnesota, Mrs. TAUSCHER, and Mr. THOMPSON of California.

H. Res. 17: Ms. BERKLEY.

H. Res. 134: Mr. LIPINSKI, Mr. HOUGHTON, Mr. INSLEE, Ms. DEGETTE, Mrs. MYRICK, Mr. OXLEY, and Mr. CONDIT.

H. Res. 224: Mr. MANZULLO.

H. Res. 287: Mr. WU, Mr. KENNEDY of Rhode Island, Ms. VELAZQUEZ, and Mr. MCNULTY.

H. Res. 303: Mr. FOSSELLA, Mr. MCCRERY, Mr. ROYCE, Mr. EHLERS, Mr. COOKSEY, Mr. BUYER, Mr. BURR of North Carolina, Mr. FRANKS of New Jersey, Mr. CHABOT, Ms. GRANGER, Mr. SOUDER, Mr. WELDON of Pennsylania, Mr. GUTKNECHT, Mr. MANZULLO, and Mr. TANCREDO.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1760: Mrs. BIGGERT.

CONFERENCE REPORT ON H.R. 2084, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. WOLF submitted the following conference report and statement on the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes:

CONFERENCE REPORT (H.REPT. 106–355)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2084) ''making appropriations for the Department of Transportation and related agencies 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 Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, $1,867,000.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, $600,000.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $9,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY

For necessary expenses of the Office of the Assistant Secretary for Policy, $2,824,000.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, $7,650,000: Provided, That notwithstanding any other provision of law, there may be credited to this appropriation up to $1,250,000 in funds received in user fees.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $6,870,000, including not to exceed $45,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $2,039,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $17,767,000.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses of the Office of Public Affairs, $1,800,000.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, $1,102,000.

BOARD OF CONTRACT APPEALS

For necessary expenses of the Board of Contract Appeals, $520,000.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $1,222,000.

OFFICE OF INTELLIGENCE AND SECURITY

For necessary expenses of the Office of Intelligence and Security, $1,454,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $5,075,000.

OFFICE OF INTERMODALISM

For necessary expenses of the Office of Intermodalism, $1,062,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $7,200,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $3,300,000.

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed $148,673,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That the preceding limitation shall not apply to activities associated with departmental Year 2000 conversion activities: Provided further, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of direct loans, $1,500,000, as authorized by 49 U.S.C. 332: 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 these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $13,775,000. In addition, for administrative expenses to carry out the direct loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $2,900,000, of which $2,635,000 shall remain available until September 30, 2001: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $2,781,000,000, of which $300,000,000 shall be available for defense-related activities; and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That none of the funds appropriated in this or any other Act shall be available for pay for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839: Provided further, That up to $615,000 in user fees collected pursuant to section 1111 of Public Law 104–324 shall be credited to this appropriation as offsetting collections in fiscal year 2000: Provided further, That notwithstanding any other provision of law, the Commandant of the Coast Guard may transfer certain parcels of real property located at Sitka, Japonski Island, Alaska to the State of Alaska for the purpose of airport expansion, provided that the Commandant determines that the Coast Guard has been indemnified for any loss, damage, or destruction of any structures or other improvements on the lands to be conveyed. No other provision of law shall otherwise make the real property improvements on Japonski Island ineligible for Federal funding by virtue of any consideration received by the Coast Guard for such improvements: Provided further, That none of the funds in this Act shall be available for the Coast Guard to plan, finalize, or implement any regulation that would promulgate new maritime user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That the Secretary of Transportation may use any surplus funds that are made available to the Secretary, to the maximum extent practicable, for drug interdiction activities of the Coast Guard.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $389,326,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $134,560,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2004; $44,210,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2002; $51,626,000 shall be available for other equipment, to remain available until September 30, 2002; $63,800,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2002; $50,930,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2001; and $44,200,000 for the Integrated Deepwater Systems program, to remain available until September 30, 2002: Provided, That the Commandant of the Coast Guard is authorized to dispose of, by sale at fair market value, all rights, title, and interest of any United States entity on behalf of the Coast Guard in HU–25 aircraft and Coast Guard property, and improvements thereto, in South Haven, Michigan; ESMT Manasquan, New Jersey; Petaluma, California; ESMT Portsmouth, New Hampshire; Station Clair Flats, Michigan; and Aids to Navigation Team Huron, Ohio: Provided further, That all proceeds from the sale of properties listed under this heading, and from the sale of HU–25 aircraft, shall be credited to this appropriation as offsetting collections and made available only for the Integrated Deepwater Systems program, to remain available for obligation until September 30, 2002: Provided further, That obligations made pursuant to the provisions of this Act for the Integrated Deepwater Systems program may not exceed $50,000,000 during fiscal year 2000: Provided further, That upon initial submission to the Congress of the fiscal year 2001 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard which includes funding for each budget line item for fiscal years 2001 through 2005, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $17,000,000, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $15,000,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $730,327,000.

RESERVE TRAINING

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $72,000,000: Provided, That no more than $21,500,000 of funds made available under this heading may be transferred to Coast Guard ''Operating expenses'' or otherwise made available to reimburse the Coast Guard for financial support of the Coast Guard Reserve: Provided further, That none of the funds in this Act may be used by the Coast Guard to assess direct charges on the Coast Guard Reserves for items or activities which were not so charged during fiscal year 1997.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $19,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, and carrying out the provisions of subchapter I of chapter 471 of title 49, United States Code, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $5,900,000,000 from the Airport and Airway Trust Fund: Provided, That none of the funds in this Act shall be available for the Federal Aviation Administration to plan, finalize, or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, $5,000,000 shall be for the

contract tower cost-sharing program and $600,000 shall be for the Centennial of Flight Commission: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: Provided further, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: Provided further, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a multiyear lease greater than 5 years in length or greater than $100,000,000 in value unless such lease is specifically authorized by the Congress and appropriations have been provided to fully cover the Federal Government's contingent liabilities: Provided further, That no more than $24,162,700 of funds appropriated to the Federal Aviation Administration in this Act may be used for activities conducted by, or coordinated through, the Transportation Administrative Service Center: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Transportation Administrative Service Center: Provided further, That none of the funds in this Act may be used for the Federal Aviation Administration (FAA) to sign a lease for satellite services related to the global positioning system (GPS) wide area augmentation system until the administrator of the FAA certifies in writing to the House and Senate Committees on Appropriations that FAA has conducted a lease versus buy analysis which indicates that such lease will result in the lowest overall cost to the agency.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, $2,075,000,000, of which $1,780,000,000 shall remain available until September 30, 2002, and of which $295,000,000 shall remain available until September 30, 2000: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2001 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2001 through 2005, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: Provided further, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a capital lease agreement unless appropriations have been provided to fully cover the Federal Government's contingent liabilities at the time the lease agreement is signed.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the amount provided under this heading in Public Law 105–66, $30,000,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $156,495,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2002: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for administration of such programs; for administration of programs under section 40117; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $1,750,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $1,950,000,000 in fiscal year 2000, notwithstanding section 47117(h) of title 49, United States Code: Provided further, That notwithstanding any other provision of law, not more than $45,000,000 of funds limited under this heading shall be obligated for administration : Provided further, That, notwithstanding any other provision of law, in the event of a lapse in authorization of the grants program under this heading, funding available under Federal Aviation Administration, ''Operations'' may be obligated for administration during the time period of the lapse in authorization, at the rate corresponding to the maximum annual obligation level of $45,000,000: Provided further, That total obligations from all sources in fiscal year 2000 for administration may not exceed $45,000,000.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration not to exceed $376,072,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: Provided, That $70,484,000 shall be available to carry out the functions and operations of the Office of Motor Carriers: Provided further, That of the funds available under section 104(a) of title 23, United States Code: $6,000,000 shall be available for Commercial Remote Sensing Products and Spatial Information Technologies under section 5113 of Public Law 105–178, as amended; $5,000,000 shall be available for Nationwide Differential Global Positioning System program, as authorized; $8,000,000 shall be available for National Historic Covered Bridge Preservation Program under section 1224 of Public Law 105–178, as amended; $15,000,000 shall be available to the University of Alabama in Tuscaloosa, Alabama, for research activities at the Transportation Research Institute and to construct a building to house the Institute, and shall remain available until expended; $18,300,000 shall be available for the Indian Reservation Roads Program under section 204 of title 23, United States Code; $16,400,000 shall be available for the Public Lands Highways Program under section 204 of title 23, United States Code; $11,000,000 shall be available for the Park Roads and Parkways Program under section 204 of title 23, United States Code; $1,300,000 shall be available for the Refuge Road Program under section 204 of title 23, United States Code; $10,000,000 shall be available for the Transportation and Community and System Preservation pilot program under section 1221 of Public Law 105–178; and $7,500,000 shall be available for ''Child Passenger Protection Education Grants'' under section 2003(b) of Public Law 105–178, as amended.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $27,701,350,000 for Federal-aid highways and highway safety construction programs for fiscal year 2000: Provided, That within the $27,701,350,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $391,450,000 shall be available for the implementation or execution of programs for transportation research (sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204–5209 of Public Law 105–178) for fiscal year 2000; not more than $20,000,000 shall be available for the implementation or execution of programs for the Magnetic Levitation Transportation Technology Deployment Program (section 1218 of Public Law 105–178) for fiscal year 2000, of which not to exceed $1,000,000 shall be available to the Federal Railroad Administration for administrative expenses and technical assistance in connection with such program; not more than $31,000,000 shall be available for the implementation or execution of programs for the Bureau of Transportation Statistics (section 111 of title 49, United States Code) for fiscal year 2000: Provided further, That within the $211,200,000 obligation limitation on Intelligent Transportation Systems, the following sums shall be made available for Intelligent Transportation System projects in the following specified areas:

Albuquerque, New Mexico, $2,000,000;
Arapahoe County, Colorado, $1,000,000;
Branson, Missouri, $1,000,000;
Central Pennsylvania, $1,000,000;
Charlotte, North Carolina, $1,000,000;
Chicago, Illinois, $1,000,000;
City of Superior and Douglas County, Wisconsin, $1,000,000;
Clay County, Missouri, $300,000;
Clearwater, Florida, $3,500,000;
College Station, Texas, $1,000,000;
Central Ohio, $1,000,000;
Commonwealth of Virginia, $4,000,000;
Corpus Christi, Texas, $1,500,000;
Delaware River, Pennsylvania, $1,000,000;

Fairfield, California, $750,000;
Fargo, North Dakota, $1,000,000;
Florida Bay County, Florida, $1,000,000;
Fort Worth, Texas, $2,500,000;
Grand Forks, North Dakota, $500,000;
Greater Metropolitan Capital Region, DC, $5,000,000;
Greater Yellowstone, Montana, $1,000,000;
Houma, Louisiana, $1,000,000;
Houston, Texas, $1,500,000;
Huntsville, Alabama, $500,000;
Inglewood, California, $1,000,000;
Jefferson County, Colorado, $1,500,000;
Kansas City, Missouri, $1,000,000;
Las Vegas, Nevada, $2,800,000;
Los Angeles, California, $1,000,000;
Miami, Florida, $1,000,000;
Mission Viejo, California, $1,000,000;
Monroe County, New York, $1,000,000;
Nashville, Tennessee, $1,000,000;
Northeast Florida, $1,000,000;
Oakland, California, $500,000;
Oakland County, Michigan, $1,000,000;
Oxford, Mississippi, $1,500,000;
Pennsylvania Turnpike, Pennsylvania, $2,500,000;
Pueblo, Colorado, $1,000,000;
Puget Sound, Washington, $1,000,000;
Reno/Tahoe, California/Nevada, $500,000;
Rensselaer County, New York, $1,000,000;
Sacramento County, California, $1,000,000;
Salt Lake City, Utah, $3,000,000;
San Francisco, California, $1,000,000;
Santa Clara, California, $1,000,000;
Santa Teresa, New Mexico, $1,000,000;
Seattle, Washington, $2,100,000;
Shenandoah Valley, Virginia, $2,500,000;
Shreveport, Louisiana, $1,000,000;
Silicon Valley, California, $1,000,000;
Southeast Michigan, $2,000,000;
Spokane, Washington, $500,000;
St. Louis, Missouri, $1,000,000;
State of Alabama, $1,300,000;
State of Alaska, $3,000,000;
State of Arizona, $1,000,000;
State of Colorado, $1,500,000;
State of Delaware, $2,000,000;
State of Idaho, $2,000,000;
State of Illinois, $1,500,000;
State of Maryland, $2,000,000;
State of Minnesota, $7,000,000;
State of Montana, $1,000,000;
State of Nebraska, $500,000;
State of Oregon, $1,000,000;
State of Texas, $4,000,000;
State of Vermont rural systems, $1,000,000;
States of New Jersey and New York, $2,000,000;
Statewide Transcom/Transmit upgrades, New Jersey, $4,000,000;
Tacoma Puyallup, Washington, $500,000;
Thurston, Washington, $1,000,000;
Towamencin, Pennsylvania, $600,000;
Wausau-Stevens Point-Wisconsin Rapids, Wisconsin, $1,500,000;
Wayne County, Michigan, $1,000,000:

Provided further, That, notwithstanding Public Law 105–178 as amended, funds authorized under section 110 of title 23, United States Code, for fiscal year 2000 shall be apportioned based on each State's percentage share of funding provided for under section 105 of title 23, United States Code, for fiscal year 2000, except that before such apportionments are made, $90,000,000 shall be set aside for projects authorized under section 1602 of Public Law 105–178 as amended, and $8,000,000 shall be set aside for the Woodrow Wilson Memorial Bridge project authorized by section 404 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 as amended. Of the funds to be apportioned under section 110 for fiscal year 2000, the Secretary shall ensure that such funds are apportioned for the Interstate Maintenance program, the National Highway system program, the bridge program, the surface transportation program, and the congestion mitigation and air quality program in the same ratio that each State is apportioned funds for such program in fiscal year 2000 but for this section: Provided further, That, notwithstanding any other provision of law, the Secretary shall, at the request of the State of Nevada, transfer up to $10,000,000 of Minimum Guarantee apportionments, and an equal amount of obligation authority, to the State of California for use on High Priority Project No. 829 ''Widen I–15 in San Bernardino County'', section 1602 of Public Law 105–178.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $26,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 31102, $105,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $105,000,000 for ''Motor Carrier Safety Grants''.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $87,400,000 of which $62,928,000 shall remain available until September 30, 2002: Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2000 are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, $2,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 410, and 411 to remain available until expended, $206,800,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2000, are in excess of $206,800,000 for programs authorized under 23 U.S.C. 402, 405, 410, and 411 of which $152,800,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402, $10,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405, $36,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Grants'' under 23 U.S.C. 410, $8,000,000 shall be for the ''State Highway Safety Data Grants'' under 23 U.S.C. 411: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: Provided further, That not to exceed $7,640,000 of the funds made available for section 402, not to exceed $500,000 of the funds made available for section 405, not to exceed $1,800,000 of the funds made available for section 410, and not to exceed $400,000 of the funds made available for section 411 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, U.S.C.: Provided further, That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $94,288,000, of which $6,800,000 shall remain available until expended: Provided, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: Provided further, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $22,464,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2000.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, $27,200,000, to remain available until expended.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $10,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

RHODE ISLAND RAIL DEVELOPMENT

For the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, $10,000,000 to be matched by the State of Rhode Island or its designee on a dollar-for-dollar basis and to remain available until expended: Provided, That none of the funds made available under this head shall be obligated until the enactment of authorizing legislation for the ''Rhode Island Rail Development'' program.

CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For necessary expenses of capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), $571,000,000 to remain available until expended: Provided, That the Secretary shall not obligate more than $228,400,000 prior to September 30, 2000.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $12,000,000: Provided, That no more than $60,000,000 of budget authority shall be available for these purposes: Provided further, That the Federal Transit Administration will reimburse the Department of Transportation Inspector General $1,500,000 for costs associated with the audit and review of new fixed guideway systems.

FORMULA GRANTS

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $619,600,000, to remain available until expended: Provided, That no more than $3,098,000,000 of budget authority shall be available for these purposes: Provided further, That notwithstanding section 3008 of Public Law 105–178, the $50,000,000 to carry out 49 U.S.C. 5308 shall be transferred to and merged with funding provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under ''Federal Transit Administration, Capital investment grants''.

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: Provided, That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $21,000,000, to remain available until expended: Provided, That no more than $107,000,000 of budget authority shall be available for these purposes: Provided further, That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)); $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315); $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)); $49,632,000 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305); $10,368,000 is available for state planning (49 U.S.C. 5313(b)); and $29,500,000 is available for the national planning and research program (49 U.S.C. 5314): Provided further, That of the total budget authority made available for the national planning and research program, the Federal Transit Administration shall provide the following amounts for the projects and activities listed below:

Zinc-air battery bus technology demonstration, $1,000,000;

Electric vehicle information sharing and technology transfer program, $750,000;

Portland, ME independent transportation network, $500,000;

Wheeling, WV mobility study, $250,000;

Project ACTION, $3,000,000;

Washoe County, NV transit technology, $1,250,000;

Massachusetts Bay Transit Authority advanced electric transit buses and related infrastructure, $1,500,000;

Palm Springs, CA fuel cell buses, $1,000,000;

Gloucester, MA intermodal technology center, $1,500,000;

Southeastern Pennsylvania Transit Authority advanced propulsion control system, $3,000,000;

Advanced transportation and alternative fuel technology consortium (CALSTART), $3,250,000;

Safety and security programs, $5,450,000;

International program, $1,000,000;

Santa Barbara Electric Transit Institute, $500,000;

Hennepin County community transportation, Minnesota, $1,000,000;

Pittsfield economic development authority electric bus program, $1,350,000; and

Citizens for Modern Transit, Missouri, $300,000.

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $4,929,270,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: Provided, That $2,478,400,000 shall be paid to the Federal Transit Administration's formula grants account: Provided further, That $86,000,000 shall be paid to the Federal Transit Administration's transit planning and research account: Provided further, That $48,000,000 shall be paid to the Federal Transit Administration's administrative expenses account: Provided further, That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: Provided further, That $60,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: Provided further, That $1,960,800,000 shall be paid to the Federal Transit Administration's capital investment grants account.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $490,200,000, to remain available until expended: Provided, That no more than $2,451,000,000 of budget authority shall be available for these purposes: Provided further, That notwithstanding any other provision of law, there shall be available for fixed guideway modernization, $980,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $490,200,000, together with $50,000,000 transferred from ''Federal Transit Administration, Formula grants'', to be available for the following projects in amounts specified below:

No.	State	Project	Conference
1	Alaska	Anchorage Ship Creek intermodal facility	$4,500,000
2	Alaska	Fairbanks intermodal rail/bus transfer facility	2,000,000
3	Alaska	Juneau downtown mass transit facility	1,500,000
4	Alaska	North Star Borough-Fairbanks intermodal facility	3,000,000
5	Alaska	Wasilla intermodal facility	1,000,000
6	Alaska	Whittier intermodal facility and pedestrian overpass	1,155,000
7	Alabama	Alabama statewide rural bus needs	2,500,000
8	Alabama	Baldwin Rural Area Transportation System buses	1,000,000
9	Alabama	Birmingham intermodal facility	2,000,000
10	Alabama	Birmingham-Jefferson County buses	1,250,000
11	Alabama	Cullman, buses	500,000
12	Alabama	Dothan Wiregrass Transit Authority vehicles and transit facility	1,000,000
13	Alabama	Escambia County buses and bus facility	100,000
14	Alabama	Gees Bend Ferry facilities, Wilcox County	100,000
15	Alabama	Marshall County, buses	500,000
16	Alabama	Huntsville Airport international intermodal center	3,500,000
17	Alabama	Huntsville, intermodal facility	1,250,000
18	Alabama	Huntsville Space and Rocket Center intermodal center	3,500,000
19	Alabama	Jasper buses	50,000
20	Alabama	Jefferson State Community College/University of Montevallo pedestrian walkway	200,000
21	Alabama	Mobile waterfront terminal complex	5,000,000
22	Alabama	Montgomery Union Station intermodal center and buses	3,500,000
23	Alabama	Valley bus and bus facilities	110,000
24	Arkansas	Arkansas Highway and Transit Department buses	2,000,000
25	Arkansas	Arkansas state safety and preventative maintenance facility	800,000
26	Arkansas	Fayetteville, University of Arkansas Transit System buses	500,000
27	Arkansas	Hot Springs, transportation depot and plaza	1,560,000
28	Arkansas	Little Rock, Central Arkansas Transit buses	300,000
29	Arizona	Phoenix bus and bus facilities	3,750,000

No.	State	Project	Conference
30	Arizona	Phoenix South Central Avenue transit facility	500,000
31	Arizona	San Luis, bus	70,000
32	Arizona	Tucson buses	2,555,000
33	Arizona	Yuma paratransit buses	125,000
34	California	California Mountain Area Regional Transit Authority fueling stations	80,000
35	California	Culver City, CityBus buses	1,250,000
36	California	Davis, Unitrans transit maintenance facility	625,000
37	California	Healdsburg, intermodal facility	1,000,000
38	California	I–5 Corridor intermodal transit centers	1,250,000
39	California	Livermore automatic vehicle locator program	1,000,000
40	California	Lodi, multimodal facility	850,000
41	California	Los Angeles County Metropolitan transportation authority buses	3,000,000
42	California	Los Angeles County Foothill Transit buses and HEV vehicles	1,750,000
43	California	Los Angeles Municipal Transit Operators Coalition	2,250,000
44	California	Los Angeles, Union Station Gateway Intermodal Transit Center	1,250,000
45	California	Maywood, Commerce, Bell, Cudahy, California buses and bus facilities	800,000
46	California	Modesto, bus maintenance facility	625,000
47	California	Monterey, Monterey-Salinas buses	625,000
48	California	Orange County, bus and bus facilities	2,000,000
49	California	Perris bus maintenance facility	1,250,000
50	California	Redlands, trolley project	800,000
51	California	Sacramento CNG buses	1,250,000
52	California	San Bernardino Valley, CNG buses	1,000,000
53	California	San Bernardino train station	3,000,000
54	California	San Diego North County buses and CNG fueling station	3,000,000
55	California	Contra Costa County Connection buses	250,000
56	California	San Francisco, Islais Creek maintenance facility	1,250,000
57	California	Santa Barbara buses and bus facility	1,750,000
58	California	Santa Clarita bus maintenance facility	1,250,000
59	California	Santa Cruz buses and bus facilities	1,755,000
60	California	Santa Maria Valley/Santa Barbara County, buses	240,000
61	California	Santa Rosa/Cotati, Intermodal Transportation Facilities	750,000
62	California	Westminster senior citizen vans	150,000
63	California	Windsor, Intermodal Facility	750,000
64	California	Woodland Hills, Warner Center Transportation Hub	625,000
65	Colorado	Boulder/Denver, RTD buses	625,000
66	Colorado	Colorado Association of Transit Agencies	8,000,000
67	Colorado	Denver, Stapleton Intermodal Center	1,250,000
68	Connecticut	New Haven bus facility	2,250,000
69	Connecticut	Norwich buses	2,250,000
70	Connecticut	Waterbury, bus facility	2,250,000
71	Dist. of Columbia	Fuel cell bus and bus facilities program, Georgetown University	4,850,000
72	Dist. of Columbia	Washington, D.C. Intermodal Transportation Center, District	2,500,000
73	Delaware	New Castle County buses and bus facilities	2,000,000
74	Delaware	Delaware buses and bus facility	500,000
75	Florida	Daytona Beach, Intermodal Center	2,500,000
76	Florida	Gainesville hybrid-electric buses and facilities	500,000
77	Florida	Jacksonville buses and bus facilities	1,000,000
78	Florida	Lakeland, Citrus Connection transit vehicles and related equipment	1,250,000
79	Florida	Miami Beach, electric shuttle service	750,000
80	Florida	Miami-Dade Transit buses	2,750,000
81	Florida	Orlando, Lynx buses and bus facilities	2,000,000
82	Florida	Orlando, Downtown Intermodal Facility	2,500,000
83	Florida	Palm Beach, buses	1,000,000
84	Florida	Tampa HARTline buses	500,000
85	Georgia	Atlanta, MARTA buses	13,500,000
86	Georgia	Chatham Area Transit Bus Transfer Center and buses	3,500,000
87	Georgia	Georgia Regional Transportation Authority buses	2,000,000
88	Georgia	Georgia statewide buses and bus-related facilities	2,750,000
89	Hawaii	Hawaii buses and bus facilities	2,250,000
90	Hawaii	Honolulu, bus facility and buses	2,000,000
91	Iowa	Ames transit facility expansion	700,000
92	Iowa	Cedar Rapids intermodal facility	3,500,000
93	Iowa	Clinton transit facility expansion	500,000
94	Iowa	Fort Dodge, Intermodal Facility (Phase II)	885,000
95	Iowa	Iowa City intermodal facility	1,500,000
96	Iowa	Iowa statewide buses and bus facilities	2,500,000
97	Iowa	Iowa/Illinois Transit Consortium bus safety and security	1,000,000
98	Illinois	East Moline transit center	650,000
99	Illinois	Illinois statewide buses and bus-related equipment	8,200,000
100	Indiana	Gary, Transit Consortium buses	1,250,000
101	Indiana	Indianapolis buses	5,000,000
102	Indiana	South Bend Urban Intermodal Transportation Facility	1,250,000
103	Indiana	West Lafayette bus transfer station/terminal (Wabash Landing)	1,750,000
104	Kansas	Girard, buses and vans	700,000
105	Kansas	Johnson County, farebox equipment	250,000
106	Kansas	Kansas City buses	750,000
107	Kansas	Kansas Public Transit Association buses and bus facilities	1,500,000
108	Kansas	Girard Southeast Kansas Community Action Agency maintenance facility	480,000
109	Kansas	Topeka Transit downtown transfer facility	600,000
110	Kansas	Wichita, buses and bus facilities	2,500,000
111	Kentucky	Transit Authority of Northern Kentucky (TANK) buses	2,500,000
112	Kentucky	Kentucky (southern and eastern) transit vehicles	1,000,000
113	Kentucky	Lexington (LexTran), maintenance facility	1,000,000
114	Kentucky	River City, buses	1,500,000

No.	State	Project	Conference
115	Louisiana	Louisiana statewide buses and bus-related facilities	5,000,000
116	Massachusetts	Attleboro intermodal transit facility	500,000
117	Massachusetts	Brockton intermodal transportation center	1,100,000
118	Massachusetts	Greenfield Montague, buses	500,000
119	Massachusetts	Merrimack Valley Regional Transit Authority bus facilities	467,500
120	Massachusetts	Montachusett, bus and park-and-ride facilities	1,250,000
121	Massachusetts	Pioneer Valley, alternative fuel and paratransit vehicles	650,000
122	Massachusetts	Pittsfield intermodal center	3,600,000
123	Massachusetts	Springfield, Union Station	1,250,000
124	Massachusetts	Swampscott, buses	65,000
125	Massachusetts	Westfield, intermodal transportation facility	500,000
126	Massachusetts	Worcester, Union Station Intermodal Transportation Center	2,500,000
127	Maryland	Maryland statewide bus facilities and buses	11,500,000
128	Michigan	Detroit, transfer terminal facilities	3,963,000
129	Michigan	Detroit, EZ Ride program	287,000
130	Michigan	Menominee-Delta-Schoolcraft buses	250,000
131	Michigan	Michigan statewide buses	22,500,000
132	Michigan	Port Huron, CNG fueling station	500,000
133	Minnesota	Duluth, Transit Authority community circulation vehicles	1,000,000
134	Minnesota	Duluth, Transit Authority intelligent transportation systems	500,000
135	Minnesota	Duluth, Transit Authority Transit Hub	500,000
136	Minnesota	Greater Minnesota transit authorities	500,000
137	Minnesota	Northstar Corridor, Intermodal Facilities and buses	10,000,000
138	Minnesota	Twin Cities metropolitan buses and bus facilities	10,000,000
139	Missouri	Columbia buses and vans	500,000
140	Missouri	Southeast Missouri transportation service rural, elderly, disabled service	1,250,000
141	Missouri	Franklin County buses and bus facilities	200,000
142	Missouri	Jackson County buses and bus facilities	500,000
143	Missouri	Kansas City Area Transit Authority buses and Troost transit center	2,500,000
144	Missouri	Missouri statewide bus and bus facilities	3,500,000
145	Missouri	OATS Transit	1,500,000
146	Missouri	St. Joseph buses and vans	500,000
147	Missouri	St. Louis, buses	2,000,000
148	Missouri	St. Louis, Bi-state Intermodal Center	1,250,000
149	Missouri	Southwest Missouri State University park and ride facility	1,000,000
150	Mississippi	Harrison County multimodal center	3,000,000
151	Mississippi	Jackson, maintenance and administration facility project	1,000,000
152	Mississippi	North Delta planning and development district, buses and bus facilities	1,200,000
153	Montana	Missoula urban transportation district buses	600,000
154	North Carolina	Greensboro multimodal center	3,339,000
155	North Carolina	Greensboro, Transit Authority buses	1,500,000
156	North Carolina	North Carolina statewide buses and bus facilities	2,492,000
157	North Dakota	North Dakota statewide buses and bus-related facilities	1,000,000
158	New Hampshire	New Hampshire statewide transit systems	3,000,000
159	New Jersey	New Jersey Transit alternative fuel buses	5,000,000
160	New Jersey	New Jersey Transit jitney shuttle buses	1,750,000
161	New Jersey	Newark intermodal and arena access improvements	1,650,000
162	New Jersey	Newark, Morris & Essex Station access and buses	1,250,000
163	New Jersey	South Amboy, Regional Intermodal Transportation Initiative	1,250,000
164	New Mexico	Albuquerque West Side transit facility	2,000,000
165	New Mexico	Albuquerque, buses	1,250,000
166	New Mexico	Las Cruces buses and bus facilities	750,000
167	New Mexico	Northern New Mexico Transit Express/Park and Ride buses	2,750,000
168	New Mexico	Santa Fe, buses and bus facilities	2,000,000
169	Nevada	Clark County Regional Transportation Commission buses and bus facilities	2,500,000
170	Nevada	Lake Tahoe CNG buses	700,000
171	Nevada	Washoe County transit improvements	2,250,000
172	New York	Babylon Intermodal Center	1,250,000
173	New York	Buffalo, Auditorium Intermodal Center	2,000,000
174	New York	Dutchess County, Loop System buses	521,000
175	New York	Ithaca intermodal transportation center	1,125,000
176	New York	Ithaca, TCAT bus technology improvements	1,250,000
177	New York	Long Island, CNG transit vehicles and facilities and bus replacement	1,250,000
178	New York	Mineola/Hicksville, LIRR intermodal centers	1,250,000
179	New York	New York City Midtown West 38th Street ferry terminal	1,000,000
180	New York	New York, West 72nd St. Intermodal Station	1,750,000
181	New York	Putnam County, vans	470,000
182	New York	Rensselaer intermodal bus facility	6,000,000
183	New York	Rochester buses and bus facility	1,000,000
184	New York	Syracuse, buses	3,000,000
185	New York	Utica Union Station	2,100,000
186	New York	Westchester County DOT, articulated buses	1,250,000
187	New York	Westchester County, Bee-Line transit system fareboxes	979,000
188	New York	Westchester County, Bee-Line transit system shuttle buses	1,000,000
189	Ohio	Cleveland, Triskett Garage bus maintenance facility	625,000
190	Ohio	Dayton, Multimodal Transportation Center	4,125,000
191	Ohio	Ohio statewide buses and bus facilities	9,010,250
192	Oklahoma	Oklahoma statewide bus facilities and buses	5,000,000
193	Oregon	Corvallis buses and automated passenger information system	300,000
194	Oregon	Lane County, Bus Rapid Transit, buses and facilities	4,400,000
195	Oregon	Lincoln County Transit District buses	250,000
196	Oregon	Portland, Tri-Met bus maintenance facility	650,000
197	Oregon	Portland, Tri-Met buses	1,750,000
198	Oregon	Salem Area Mass Transit District natural gas buses	500,000
199	Oregon	Sandy buses	100,000

No.	State	Project	Conference
200	Oregon	South Metro Area Rapid Transit (SMART) maintenance facility	200,000
201	Oregon	Sunset Empire Transit District intermodal transit facility	300,000
202	Pennsylvania	Allegheny County buses	1,500,000
203	Pennsylvania	Altoona bus testing	3,000,000
204	Pennsylvania	Altoona, Metro Transit Authority buses and transit system improvements	842,000
205	Pennsylvania	Armstrong County-Mid-County, bus facilities and buses	150,000
206	Pennsylvania	Bethlehem, intermodal facility	1,000,000
207	Pennsylvania	Cambria County, bus facilities and buses	575,000
208	Pennsylvania	Centre Area Transportation Authority buses	1,250,000
209	Pennsylvania	Chester County, Paoli Transportation Center	1,000,000
210	Pennsylvania	Erie, Metropolitan Transit Authority buses	1,000,000
211	Pennsylvania	Fayette County, intermodal facilities and buses	1,270,000
212	Pennsylvania	Lackawanna County Transit System buses	600,000
213	Pennsylvania	Lackawanna County, intermodal bus facility	1,000,000
214	Pennsylvania	Mid-Mon Valley buses and bus facilities	250,000
215	Pennsylvania	Norristown, parking garage (SEPTA)	1,000,000
216	Pennsylvania	Philadelphia, Frankford Transportation Center	5,000,000
217	Pennsylvania	Philadelphia, Intermodal 30th Street Station	1,250,000
218	Pennsylvania	Reading, BARTA Intermodal Transportation Facility	1,750,000
219	Pennsylvania	Robinson, Towne Center Intermodal Facility	1,500,000
220	Pennsylvania	Somerset County bus facilities and buses	175,000
221	Pennsylvania	Towamencin Township, Intermodal Bus Transportation Center	1,500,000
222	Pennsylvania	Washington County intermodal facilities	630,000
223	Pennsylvania	Westmoreland County, Intermodal Facility	200,000
224	Pennsylvania	Wilkes-Barre, Intermodal Facility	1,250,000
225	Pennsylvania	Williamsport bus facility	1,200,000
226	Puerto Rico	San Juan Intermodal access	600,000
227	Rhode Island	Providence, buses and bus maintenance facility	3,294,000
228	South Carolina	Central Midlands COG/Columbia transit system	2,700,000
229	South Carolina	Charleston Area regional transportation authority	1,900,000
230	South Carolina	Clemson Area Transit buses and bus equipment	550,000
231	South Carolina	Greenville transit authority	500,000
232	South Carolina	Pee Dee buses and facilities	900,000
233	South Carolina	Santee-Wateree regional transportation authority	400,000
234	South Carolina	South Carolina Statewide Virtual Transit Enterprise	1,220,000
235	South Carolina	Transit Management of Spartanburg, Incorporated (SPARTA)	600,000
236	South Dakota	South Dakota statewide bus facilities and buses	1,500,000
237	Tennessee	Southern Coalition for Advanced Transportation (SCAT) (TN, GA, FL, AL) electric buses	3,500,000
238	Texas	Austin buses	1,750,000
239	Texas	Beaumont Municipal Transit System buses and bus facilities	1,000,000
240	Texas	Brazos Transit Authority buses and bus facilities	1,000,000
241	Texas	El Paso Sun Metro buses	1,000,000
242	Texas	Fort Worth bus replacement (including CNG vehicles) and paratransit vehicles	2,500,000
243	Texas	Forth Worth intermodal transportation center	3,100,000
244	Texas	Galveston buses and bus facilities	1,000,000
245	Texas	Texas statewide small urban and rural buses	5,000,000
246	Utah	Ogden Intermodal Center	800,000
247	Utah	Salt Lake City Olympics bus facilities	2,500,000
248	Utah	Salt Lake City Olympics regional park and ride lots	2,500,000
249	Utah	Salt Lake City Olympics transit bus loan project	500,000
250	Utah	Utah Transit Authority, intermodal facilities	1,500,000
251	Utah	Utah Transit Authority/Park City Transit, buses	6,500,000
252	Virginia	Alexandria, bus maintenance facility	1,000,000
253	Virginia	Richmond, GRTC bus maintenance facility	1,250,000
254	Virginia	Statewide buses and bus facilities	8,435,000
255	Vermont	Burlington multimodal center	2,700,000
256	Vermont	Chittenden County Transportation Authority buses	800,000
257	Vermont	Essex Junction multimodal station rehabilitation	500,000
258	Vermont	Killington-Sherburne satellite bus facility	250,000
259	Washington	Bremerton multimodal center—Sinclair's Landing	750,000
260	Washington	Sequim Clallam Transit multimodal center	1,000,000
261	Washington	Everett, Multimodal Transportation Center	1,950,000
262	Washington	Grant County, Grant Transit Authority	500,000
263	Washington	Grays Harbor County, buses and equipment	1,250,000
264	Washington	King County Metro King Street Station	2,000,000
265	Washington	King County Metro Atlantic and Central buses	1,500,000
266	Washington	King County park and ride expansion	1,350,000
267	Washington	Mount Vernon, buses and bus related facilities	1,750,000
268	Washington	Pierce County Transit buses and bus facilities	500,000
269	Washington	Seattle, intermodal transportation terminal	1,250,000
270	Washington	Snohomish County, Community Transit buses, equipment and facilities	1,250,000
271	Washington	Spokane, HEV buses	1,500,000
272	Washington	Tacoma Dome Station	250,000
273	Washington	Vancouver Clark County (C–TRAN) bus facilities	1,000,000
274	Washington	Washington State DOT combined small transit system buses and bus facilities	2,000,000
275	Wisconsin	Milwaukee County, buses	6,000,000
276	Wisconsin	Wisconsin statewide bus facilities and buses	14,250,000
277	West Virginia	Huntington intermodal facility	12,000,000
278	West Virginia	Parkersburg, intermodal transportation facility	4,500,000
279	West Virginia	West Virginia Statewide Intermodal Facility and buses	5,000,000;

and there shall be available for new fixed guideway systems $980,400,000, to be available as follows:

$10,400,000 for Alaska or Hawaii ferry projects;

$45,142,000 for the Atlanta, Georgia, North line extension project;

$1,000,000 for the Austin, Texas capital metro northwest/north central corridor project;

$4,750,000 for the Baltimore central LRT double track project;

$3,000,000 for the Birmingham, Alabama transit corridor;

$1,000,000 for the Boston Urban Ring project;

$500,000 for the Calais, Maine branch rail line regional transit program;

$2,500,000 for the Canton-Akron-Cleveland commuter rail project;

$2,500,000 for the Charleston, South Carolina Monobeam corridor project;

$4,000,000 for the Charlotte, North Carolina, north-south corridor transitway project;

$25,000,000 for the Chicago METRA commuter rail project;

$3,500,000 for the Chicago Transit Authority Douglas branch line project;

$3,500,000 for the Chicago Transit Authority Ravenswood branch line project;

$1,000,000 for the Cincinnati northeast/northern Kentucky corridor project;

$3,500,000 for the Clark County, Nevada, fixed guideway project, together with unobligated funds provided in Public Law 103–331 for the ''Burlington to Gloucester, New Jersey line'';

$1,000,000 for the Cleveland Euclid corridor improvement project;

$1,000,000 for the Colorado Roaring Fork Valley project;

$50,000,000 for the Dallas north central light rail extension project;

$1,000,000 for the Dayton, Ohio, light rail study;

$3,000,000 for the Denver Southeast corridor project;

$35,000,000 for the Denver Southwest corridor project;

$25,000,000 for the Dulles corridor project;

$10,000,000 for the Fort Lauderdale, Florida Tri-County commuter rail project;

$1,500,000 for the Galveston, Texas rail trolley extension project;

$10,000,000 for the Girdwood, Alaska commuter rail project;

$7,000,000 for the Greater Albuquerque mass transit project;

$500,000 for the Harrisburg-Lancaster capital area transit corridor 1 commuter rail project;

$3,000,000 for the Houston advanced transit program;

$52,770,000 for the Houston regional bus project;

$1,000,000 for the Indianapolis, Indiana Northeast Downtown corridor project;

$1,000,000 for the Johnson County, Kansas, I–35 commuter rail project;

$1,000,000 for the Kenosha-Racine-Milwaukee rail extension project;

$500,000 for the Knoxville-Memphis commuter rail feasibility study;

$2,000,000 for the Long Island Railroad East Side access project;

$1,000,000 for the Los Angeles-San Diego LOSSAN corridor project;

$4,000,000 for the Los Angeles Mid-City and East Side corridors projects;

$50,000,000 for the Los Angeles North Hollywood extension project;

$1,000,000 for the Lowell, Massachusetts-Nashua, New Hampshire commuter rail project;

$703,000 for the MARC commuter rail project;

$1,500,000 for MARC expansion projects—Silver Spring intermodal and Penn-Camden rail connection;

$1,000,000 for the Massachusetts North Shore corridor project;

$2,500,000 for the Memphis, Tennessee, Medical Center rail extension project;

$1,500,000 for the Miami-Dade Transit east-west multimodal corridor project;

$1,000,000 for the Nashville, Tennessee, commuter rail project;

$99,000,000 for the New Jersey Hudson Bergen project;

$5,000,000 for the New Jersey/New York Trans-Hudson Midtown corridor;

$1,000,000 for the New Orleans Canal Street corridor project;

$12,000,000 for the Newark rail link MOS–1 project;

$1,000,000 for the Norfolk-Virginia Beach corridor project;

$4,000,000 for the Northern Indiana south shore commuter rail project;

$2,000,000 for the Oceanside-Escondido, California light rail system;

$10,000,000 for temporary and permanent Olympic transportation infrastructure investments: Provided, That these funds shall be allocated by the Secretary based on the approved transportation management plan for the Salt Lake City 2002 Winter Olympic Games: Provided further, That none of these funds shall be available for rail extensions;

$1,000,000 for the Orange County, California, transitway project;

$5,000,000 for the Orlando Lynx light rail project (phase 1);

$500,000 for the Palm Beach, Broward and Miami-Dade counties rail corridor;

$4,000,000 for the Philadelphia-Reading SETPA Schuylkill Valley metro project;

$1,000,000 for the Philadelphia SEPTA cross-county metro;

$5,000,000 for the Phoenix metropolitan area transit project;

$2,500,000 for the Pinellas County, Florida, mobility initiative project;

$10,000,000 for the Pittsburgh North Shore-central business district corridor project;

$8,000,000 for the Pittsburgh stage II light rail project;

$11,062,000 for the Portland Westside light rail transit project;

$25,000,000 for the Puget Sound RTA Link light rail project;

$5,000,000 for the Puget Sound RTA Sounder commuter rail project;

$8,000,000 for the Raleigh-Durham-Chapel Hill Triangle transit project;

$25,000,000 for the Sacramento south corridor LRT project;

$37,928,000 for the Utah north/south light rail project;

$1,000,000 for the San Bernardino, California Metrolink project;

$5,000,000 for the San Diego Mid Coast corridor project;

$20,000,000 for the San Diego Mission Valley East light rail transit project;

$65,000,000 for the San Francisco BART extension to the airport project;

$20,000,000 for the San Jose Tasman West light rail project;

$32,000,000 for the San Juan Tren Urbano project;

$3,000,000 for the Santa Fe/El Dorado, New Mexico rail link;

$53,895,000 for the South Boston piers transitway;

$1,000,000 for the South Dekalb-Lindbergh, Georgia, corridor project;

$2,000,000 for the Spokane, Washington, South Valley corridor light rail project;

$2,500,000 for the St. Louis, Missouri, MetroLink cross county corridor project;

$50,000,000 for the St. Louis-St. Clair County MetroLink light rail (phase II) extension project;

$1,000,000 for the Stamford, Connecticut fixed guideway connector;

$1,000,000 for the Stockton, California Altamont commuter rail project;

$1,000,000 for the Tampa Bay regional rail project;

$3,000,000 for the Twin Cities Transitways projects;

$42,800,000 for the Twin Cities Transitways—Hiawatha corridor project;

$2,200,000 for the Virginia Railway Express commuter rail project;

$4,750,000 for the Washington Metro-Blue Line extension-Addison Road (Largo) project;

$1,000,000 for the West Trenton, New Jersey, rail project;

$2,000,000 for the Whitehall ferry terminal reconstruction project;

$1,000,000 for the Wilmington, Delaware downtown transit connector; and

$500,000 for the Wilsonville to Washington County, Oregon connection to Westside.

DISCRETIONARY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of previous obligations incurred in carrying out 49 U.S.C. 5338(b), $1,500,000,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund.

JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $15,000,000, to remain available until expended: Provided, That no more than $75,000,000 of budget authority shall be available for these purposes.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, 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 Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $12,042,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $32,061,000, of which $645,000 shall be derived from the Pipeline Safety Fund, and of which $3,704,000 shall remain available until September 30, 2002: Provided, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $36,879,000, of which $5,479,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available

until September 30, 2002; of which $30,000,000 shall be derived from the Pipeline Safety Fund, of which $17,394,000 shall remain available until September 30, 2002; and of which $1,400,000 shall be derived from amounts previously collected under 49 U.S.C. 60301: Provided, That amounts previously collected under 49 U.S.C. 60301 shall be available for damage prevention grants to States and public education activities.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2002: Provided, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $44,840,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3) to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading shall be used to investigate pursuant to section 41712 of title 49, United States Code, relating to unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents: Provided further, That it is the sense of the Senate, that for purposes of the preceding proviso, the terms ''unfair or deceptive practices'' and ''unfair methods of competition'' include the failure to disclose to a passenger or a ticket agent whether the flight on which the passenger is ticketed or has requested to purchase a ticket is overbooked, unless the Secretary certifies such disclosure by a carrier is technologically infeasible: Provided further, That the funds made available under this heading shall be used: (1) to investigate pursuant to section 41712 of title 49, United States Code, relating to unfair or deceptive practices and unfair methods of competition by air carriers and foreign air carriers; (2) for monitoring by the Inspector General of the compliance of domestic and foreign air carriers with respect to paragraph (1) of this proviso; and (3) for the submission to the appropriate committees of Congress by the Inspector General, not later than July 15, 2000, of a report on the extent to which actual or potential barriers exist to consumer access to comparative price and service information from independent sources on the purchase of passenger air transportation: Provided further, That it is the sense of the Senate, that for purposes of the preceding proviso, the terms ''unfair or deceptive practices'' and ''unfair methods of competition'' mean the offering for sale to the public for any route, class, and time of service through any technology or means of communication a fare that is different than that offered through other technology or means of communication: Provided further, That it is the sense of the Senate that funds made available under this heading shall be used for the submission to the appropriate committees of Congress by the Inspector General a report on the extent to which air carriers and foreign air carriers deny travel to airline consumers with nonrefundable tickets from one carrier to another.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $17,000,000: Provided, That notwithstanding any other provision of law, not to exceed $1,600,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2000, to result in a final appropriation from the general fund estimated at no more than $15,400,000.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $4,633,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $57,000,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Such sums as may be necessary for fiscal year 2000 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available: (1) except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents; and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 305. None of the funds in this Act shall be available for salaries and expenses of more than 100 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. The Secretary of Transportation may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 and related legislation: Provided, That the authority provided in this section may be exercised without regard to section 3324 of title 31, United States Code.

SEC. 309. 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 issued pursuant to existing law.

SEC. 310. (a) For fiscal year 2000, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a) of title 23, United States Code, for the highway use tax evasion program, and amounts provided under section 110 of title 23, United States Code, and for the Bureau of Transportation Statistics.

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) for section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid Highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under section 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year).

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1943–1945).

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL RULE.—Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 311. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 312. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 313. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 314. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant. The FAA shall accept such equipment, which shall thereafter be operated and maintained by the FAA in accordance with agency criteria.

SEC. 315. None of the funds in this Act shall be available to award a multiyear contract for production end items that: (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any 1 year of the contract; (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the Government's liability; or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: Provided, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 316. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under ''Federal Transit Administration, Capital investment grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2002, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 317. Notwithstanding any other provision of law, any funds appropriated before October 1, 1999, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 318. None of the funds in this Act may be used to compensate in excess of 320 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2000.

SEC. 319. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be reduced by $15,000,000, which limits fiscal year 2000 TASC obligational authority for elements of the Department of Transportation funded in this Act to no more than $133,673,000: Provided, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Transportation Administrative Service Center.

SEC. 320. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Transit Planning and Research'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 321. None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act (49 U.S.C. 32901 et seq.) prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to the enactment of this section.

SEC. 322. TEMPORARY AIR SERVICE INTERRUPTIONS. (a) AVAILABILITY OF FUNDS.—Funds appropriated or otherwise made available by this Act to carry out section 47114(c)(1) of title 49, United States Code, may be available for apportionment to an airport sponsor described in subsection (b) in fiscal year 2000 in an amount equal to the amount apportioned to that sponsor in fiscal year 1999.

(b) COVERED AIRPORT SPONSORS.—An airport sponsor referred to in subsection (a) is an airport sponsor with respect to whose primary airport the Secretary of Transportation found that—

(1) passenger boardings at the airport fell below 10,000 in the calendar year used to calculate the apportionment;

(2) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate apportionments to airport sponsors in a fiscal year; and

(3) the cause of the shortfall in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.

SEC. 323. Section 3021 of Public Law 105–178 is amended in subsection (a)—

(1) in the first sentence, by striking ''single-State'';

(2) in the second sentence, by striking ''Any'' and all that follows through ''United States Code'' and inserting ''The funds made available to the State of Oklahoma and the State of Vermont to carry out sections 5307 and 5311 of title 49, United States Code''.

SEC. 324. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 325. None of the funds in this Act may be obligated or expended for employee training which: (a) does not meet identified needs for knowledge, skills and abilities bearing directly upon the performance of official duties; (b) contains elements likely to induce high levels of

emotional response or psychological stress in some participants; (c) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations; (d) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; (e) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or (f) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

SEC. 326. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegraph, telephone, letter, printed or written material, radio, television, video presentation, electronic communications, or other device, intended or designed to influence in any manner a Member of Congress or of a State legislature to favor or oppose by vote or otherwise, any legislation or appropriation by Congress or a State legislature after the introduction of any bill or resolution in Congress proposing such legislation or appropriation, or after the introduction of any bill or resolution in a State legislature proposing such legislation or appropriation: Provided, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress or to Congress, on the request of any Member, or to members of State legislature, or to a State legislature, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of business.

SEC. 327. (a) IN GENERAL.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

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

SEC. 328. Not to exceed $1,000,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees: Provided, That this limitation shall not apply to advisory committees established for the purpose of conducting negotiated rulemaking in accordance with the Negotiated Rulemaking Act, 5 U.S.C. 561–570a, or the Coast Guard's advisory council on roles and missions.

SEC. 329. Hereafter, notwithstanding any other provision of law, receipts, in amounts determined by the Secretary, collected from users of fitness centers operated by or for the Department of Transportation shall be available to support the operation and maintenance of those facilities.

SEC. 330. None of the funds in this Act shall be available to implement or enforce regulations that would result in the withdrawal of a slot from an air carrier at O'Hare International Airport under section 93.223 of title 14 of the Code of Federal Regulations in excess of the total slots withdrawn from that air carrier as of October 31, 1993 if such additional slot is to be allocated to an air carrier or foreign air carrier under section 93.217 of title 14 of the Code of Federal Regulations.

SEC. 331. Notwithstanding any other provision of law, funds made available under this Act, and any prior year unobligated funds, for the Charleston, South Carolina Monobeam Corridor Project shall be transferred to and administered under the Transit Planning and Research account, subject to such terms and conditions as the Secretary deems appropriate.

SEC. 332. Hereafter, notwithstanding 49 U.S.C. 41742, no essential air service subsidies shall be provided to communities in the 48 contiguous States that are located fewer than 70 highway miles from the nearest large or medium hub airport, or that require a rate of subsidy per passenger in excess of $200 unless such point is greater than 210 miles from the nearest large or medium hub airport.

SEC. 333. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 2000.

SEC. 334. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 335. For necessary expenses of the Amtrak Reform Council authorized under section 203 of Public Law 105–134, $750,000, to remain available until September 30, 2001: Provided, That the duties of the Amtrak Reform Council described in section 203(g)(1) of Public Law 105–134 shall include the identification of Amtrak routes which are candidates for closure or realignment, based on performance rankings developed by Amtrak which incorporate information on each route's fully allocated costs and ridership on core intercity passenger service, and which assume, for purposes of closure or realignment candidate identification, that federal subsidies for Amtrak will decline over the 4-year period from fiscal year 1999 to fiscal year 2002: Provided further, That these closure or realignment recommendations shall be included in the Amtrak Reform Council's annual report to the Congress required by section 203(h) of Public Law 105–134.

SEC. 336. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided, That no appropriation shall be increased or decreased by more than 12 percent by all such transfers: Provided further, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 337. None of the funds in this Act shall be available for activities under the Aircraft Purchase Loan Guarantee Program during fiscal year 2000.

SEC. 338. None of the funds appropriated or limited in this Act may be used to carry out the functions and operations of the Office of Motor Carriers within the Federal Highway Administration: Provided, That funds available to the Federal Highway Administration shall be transferred with the functions and operations of the Office of Motor Carriers should any of the functions and operations of that office be delegated by the Secretary outside of the Federal Highway Administration: Provided further, That notwithstanding section 104(c)(2) of title 49, United States Code, the Federal Highway Administrator shall not carry out the duties and functions vested in the Secretary under 49 U.S.C. 521(b)(5).

SEC. 339. Section 3027 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 112 Stat. 336) is amended by adding at the end the following:

''(e) GOVERNMENT SHARE FOR OPERATING ASSISTANCE TO CERTAIN SMALLER URBANIZED AREAS.—Notwithstanding 49 U.S.C. 5307(e), a grant of the Government for operating expenses of a project under 49 U.S.C. 5307(b) in fiscal years 1999 and 2000 to any recipient that is providing transit services in an urbanized area with a population between 128,000 and 128,200, as determined in the 1990 census, and that had adopted a 5-year transit plan before September 1, 1998, may not be more than 80 percent of the net project cost.''.

SEC. 340. Funds provided in Public Law 104–205 for the Griffin light rail project shall be available for alternative analysis and environmental impact studies for other transit alternatives in the Griffin corridor from Hartford to Bradley International Airport.

SEC. 341. Section 3030(c)(1)(A)(v) of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by deleting ''Light Rail''.

SEC. 342. Notwithstanding any other provision of law, the Federal share of projects funded under section 3038(g)(1)(B) of Public Law 105–178 shall not exceed 90 percent of the project cost.

SEC. 343. Of the funds made available to the Coast Guard in this Act under ''Acquisition, construction, and improvements'', $10,000,000 is only for necessary expenses to support a portion of the acquisition costs, currently estimated at $128,000,000, of a multi-mission vessel to replace the Mackinaw icebreaker in the Great Lakes, to remain available until September 30, 2005.

SEC. 344. None of the funds made available in this Act may be obligated or expended to extend a single hull tank vessel's double hull compliance date under the Oil Pollution Act of 1990 due to conversion of the vessel's single hull design by adding a double bottom or double side after August 18, 1990, unless specifically authorized by 46 U.S.C. 3703a(e).

SEC. 345. None of the funds in this Act may be used for the planning or development of the California State Route 710 Freeway extension project through South Pasadena, California (as approved in the Record of Decision on State Route 710 Freeway, issued by the United States Department of Transportation, Federal Highway Administration, on April 13, 1998).

SEC. 346. Hereafter, none of the funds made available under this Act or any other Act, may be used to implement, carry out, or enforce any regulation issued under section 41705 of title 49, United States Code, including any regulation contained in part 382 of title 14, Code of Federal Regulations, or any other provision of law (including any Act of Congress, regulation, or Executive order or any official guidance or correspondence thereto), that requires or encourages an air carrier (as that term is defined in section 40102 of title 49, United States Code) to, on intrastate or interstate air transportation (as those terms are defined in section 40102 of title 49, United States Code)—

(1) provide a peanut-free buffer zone or any other related peanut-restricted area; or

(2) restrict the distribution of peanuts,

until 90 days after submission to the Congress and the Secretary of a peer-reviewed scientific study that determines that there are severe reactions by passengers to peanuts as a result of contact with very small airborne peanut particles of the kind that passengers might encounter in an aircraft.

SEC. 347. Section 5309(g)(1)(B) of title 49, United States Code, is amended by inserting after ''Committee on Banking, Housing, and Urban Affairs of the Senate'' the following: ''and the House and Senate Committees on Appropriations''.

SEC. 348. Section 1212(g) of the Transportation Equity Act for the 21st Century (Public Law 105–178), as amended, is amended—

(1) in the subsection heading, by inserting ''and New Jersey'' after ''Minnesota''; and

(2) by inserting ''or the State of New Jersey'' after ''Minnesota''.

SEC. 349. (a) REQUIREMENT TO CONVEY.—The Commandant of the Coast Guard shall convey, without consideration, to the University of New Hampshire (in this section referred to as the ''University'') all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) located in New Castle, New Hampshire, consisting of approximately five acres and including a pier.

(b) IDENTIFICATION OF PROPERTY.—The Commandant shall determine, identify, and describe the property to be conveyed under this section.

(c) EASEMENTS, RIGHTS-OF-WAY, AND RIGHTS.—(1) The Commandant shall, in connection with the conveyance required by subsection (a), grant to the University such easements and rights-of-way as the Commandant considers necessary to permit access to the property conveyed under that subsection.

(2) The Commandant shall, in connection with such conveyance, reserve in favor of the United States such easements and rights as the Commandant considers necessary to protect the interests of the United States, including easements or rights regarding access to property and utilities.

(d) CONDITIONS OF CONVEYANCE.—The conveyance required by subsection (a) shall be subject to the following conditions:

(1) That the University not convey, assign, exchange, or encumber the property conveyed, or any part thereof, unless such conveyance, assignment, exchange, or encumbrance—

(A) is made without consideration; or

(B) is otherwise approved by the Commandant.

(2) That the University not interfere or allow interference in any manner with the maintenance or operation of Coast Guard Station Portsmouth Harbor, New Hampshire, without the express written permission of the Commandant.

(3) That the University use the property for educational, research, or other public purposes.

(e) MAINTENANCE OF PROPERTY.—The University, or any subsequent owner of the property conveyed under subsection (a) pursuant to a conveyance, assignment, or exchange referred to in subsection (d)(1), shall maintain the property in a proper, substantial, and workmanlike manner, and in accordance with any conditions established by the Commandant, pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(f) REVERSIONARY INTEREST.—All right, title, and interest in and to the property conveyed under this section (including any improvements thereon) shall revert to the United States, and the United States shall have the right of immediate entry thereon, if—

(1) the property, or any part thereof, ceases to be used for educational, research, or other public purposes by the University;

(2) the University conveys, assigns, exchanges, or encumbers the property conveyed, or part thereof, for consideration or without the approval of the Commandant;

(3) the Commandant notifies the owner of the property that the property is needed for national security purposes and a period of 30 days elapses after such notice; or

(4) any other term or condition established by the Commandant under this section with respect to the property is violated.

SEC. 350. (a) No recipient of funds made available in this Act shall disseminate driver's license personal information as defined in 18 U.S.C. 2725(3) except as provided in subsection (b) of this section or motor vehicle records as defined in 18 U.S.C. 2725(1) for any use not permitted under 18 U.S.C. 2721.

(b) No recipient of funds made available in this Act shall disseminate a person's driver's license photograph, social security number, and medical or disability information from a motor vehicle record as defined in 18 U.S.C. 2725(1) without the express consent of the person to whom such information pertains, except for uses permitted under 18 U.S.C. 2721(1), 2721(4), 2721(6), and 2721(9): Provided, That subsection (b) shall not in any way affect the use of organ donation information on an individual's driver's license or affect the administration of organ donation initiatives in the States.

(c) 18 U.S.C. 2721(b)(11) is amended by striking all after ''records'' and inserting the following: ''if the State has obtained the express consent of the person to whom such personal information pertains.''.

(d) 18 U.S.C. 2721(b)(12) is amended by striking all after ''solicitations'' and inserting the following: ''if the State has obtained the express consent of the person to whom such personal information pertains.''.

(e) No State may condition or burden in any way the issuance of a motor vehicle record as defined in 18 U.S.C. 2725(1) upon the receipt of consent described in paragraphs (b) and (c).

(f) Notwithstanding subsections (a) and (b), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

(g) EFFECTIVE DATES.—

(1) Subsections (a) and (e) shall be effective upon the date of the enactment of this Act, excluding the States of Wisconsin, South Carolina, and Oklahoma that shall be in compliance with this subsection within 90 days after the United States Supreme Court has issued a final decision on Reno vs. Condon;

(2) Subsections (b), (c), and (d) shall be effective on June 1, 2000, excluding the States of Arkansas, Montana, Nevada, North Dakota, Oregon, and Texas that shall be in compliance with subsections (b), (c), and (d) within 90 days of the next convening of the State legislature and excluding the States of Wisconsin, South Carolina, and Oklahoma that shall be in compliance within 90 days following the day of issuance of a final decision on Reno vs. Condon by the United States Supreme Court if the State legislature is in session, or within 90 days of the next convening of the State legislature following the issuance of such final decision if the State legislature is not in session.

SEC. 351. Notwithstanding any other provision of law, within the funds provided in this Act for the Federal Highway Administration and the National Highway Traffic Safety Administration, $10,000,000 may be made available for completion of the National Advanced Driving Simulator (NADS): Provided, That such funds shall be subject to reprogramming guidelines.

SEC. 352. Notwithstanding any other provision of law, section 1107(b) of Public Law 102–240 is amended by striking ''Construction of a replacement bridge at Watervale Bridge #63, Harford County, MD'' and inserting in lieu thereof the following: ''For improvements to Bottom Road Bridge, Vinegar Hill Road Bridge and Southampton Road Bridge, Harford County, MD''.

SEC. 353. (a) FINDINGS.—The Senate makes the following findings:

(1) The survival of American culture is dependent upon the survival of the sacred institution of marriage.

(2) The decennial census is required by section 2 of article 1 of the Constitution of the United States, and has been conducted in every decade since 1790.

(3) The decennial census has included marital status among the information sought from every American household since 1880.

(4) The 2000 decennial census will mark the first decennial census since 1880 in which marital status will not be a question included on the census questionnaire distributed to the majority of American households.

(5) The United States Census Bureau has removed marital status from the short form census questionnaire to be distributed to the majority of American households in the 2000 decennial census and placed that category of information on the long form census questionnaire to be distributed only to a sample of the population in that decennial census.

(6) Every year more than $100,000,000,000 in Federal funds are allocated based on the data collected by the Census Bureau.

(7) Recorded data on marital status provides a basic foundation for the development of Federal policy.

(8) Census data showing an exact account of the numbers of persons who are married, single, or divorced provides critical information which serves as an indicator on the prevalence of marriage in society.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States Census Bureau—

(1) has wrongfully decided not to include marital status on the census questionnaire to be distributed to the majority of Americans for the 2000 decennial census; and

(2) should include marital status on the short form census questionnaire to be distributed to the majority of American households for the 2000 decennial census.

SEC. 354. It is the sense of the Senate that the Secretary should expeditiously amend title 14, chapter II, part 250, Code of Federal Regulations, so as to double the applicable penalties for involuntary denied boardings and allow those passengers that are involuntarily denied boarding the option of obtaining a prompt cash refund for the full value of their airline ticket.

SEC. 355. Section 656(b) of division C of the Omnibus Consolidated Appropriations Act of 1997 is repealed.

SEC. 356. Notwithstanding any other provision of law, the amount made available pursuant to Public Law 105–277 for the Pittsburgh North Shore central business district transit options MIS project may be used to fund any aspect of preliminary engineering, costs associated with an environmental impact statement, or a major investment study for that project.

SEC. 357. (a) Notwithstanding the January 4, 1977, decision of the Secretary of Transportation that approved construction of Interstate Highway 66 between the Capital Beltway and Rosslyn, Virginia, the Commonwealth of Virginia, in accordance with existing Federal and State law, shall hereafter have authority for operation, maintenance, and construction of Interstate Route 66 between Rosslyn and the Capital Beltway, except as noted in paragraph (b).

(b) The conditions in the Secretary's January 4, 1997 decision, that exclude heavy duty trucks and permit use by vehicles bound to or from Washington Dulles International Airport in the peak direction during peak hours, shall remain in effect.

SEC. 358. NOISE BARRIERS, GEORGIA. Notwithstanding any other provision of law, the Secretary of Transportation shall approve the use of funds apportioned under paragraphs (1) and (3) of section 104(b) of title 23, United States Code, for construction of Type II noise barriers at the locations identified in section 1215(h) and items 540 and 967 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 211, 292), and at the following locations: On the east side of I–285 extending from Northlake Parkway to Chamblee

Tucker Road in Dekalb County, Georgia; and on the east side of I–185 between Macon Road and Airport Thruway.

SEC. 359. Item number 44 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 258) is amended by striking ''Saratoga'' and inserting ''North Creek''.

SEC. 360. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities.

SEC. 361. HIGH PRIORITY PROJECTS. (a) PROJECT AUTHORIZATIONS.—The table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 257–323) is amended—

(1) in item number 174 by striking ''5.375'' and inserting ''5.25'';

(2) in item 478 by striking ''2.375'' and inserting ''2.25'';

(3) in item 948 by striking ''5.375'' and inserting ''5.25'';

(4) in item 1008 by striking ''3.875'' and inserting ''3.75'';

(5) in item 1210 by striking ''6.875'' and inserting ''6.75'';

(6) by striking item 1289 and inserting the following:

''1289.	*Arkansas .....*	*Improve Highway 167 from Fordyce, Arkansas, to Saline County line*	*1.0'';*

(7) in item 1319 by striking ''0.875'' and inserting ''0.75'';

(8) in item 1420—

(A) by inserting ''and development'' after ''Conduct planning''; and

(B) by striking ''0.875'' and inserting ''0.75''; and

(9) by adding at the end the following new item:

''1851.	*Arkansas .....*	*Construction of and improvements to highway projects in the corridor designated by section 1105(c)(18)(C)(ii) of the Intermodal Surface Transportation Efficiency Act of 1991*	*5.25''.*

(b) HIGH PRIORITY CORRIDORS.—Section 1105(c)(18)(C)(ii) of the Intermodal Surface Transportation Efficiency Act of 1991 (112 Stat. 190) is amended by striking ''in the vicinity of'' and inserting ''east of Wilmar, Arkansas, and west of''.

SEC. 362. Section 3030(d)(3) of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by adding at the end the following:

''(D) Bethlehem, Pennsylvania intermodal facility.''.

SEC. 363. Section 3030(b) of the Transportation Equity Act for the 21st Century (112 Stat. 373–375) is amended by adding at the end the following:

''(71) Dane County Corridor—East-West Madison Metropolitan Area.''.

SEC. 364. Notwithstanding the provisions of 49 U.S.C. 5309(e)(6), funds appropriated under this Act for the Douglas Branch project may be used for any purpose except construction: Provided, That in evaluating the Douglas Branch project under 5309(e), the Federal Transit Administration shall use a ''no-build'' alternative that assumes the current Douglas Branch has been closed due to poor condition, and a ''TSM'' alternative which assumes the Douglas Branch has been closed due to poor condition and enhanced bus service is provided.

SEC. 365. (a) The Administrator of the Environmental Protection Agency (in this section referred to as the ''Administrator'') shall make a grant for the purpose of conducting a study for the following purposes:

(1) To develop and evaluate methods for calculating reductions in emissions of precursors of ground level ozone that are achieved within a geographic area as a result of reduced vehicle-miles-traveled in the geographic area.

(2) To develop a design for the following proposal for a pilot program:

(A) For the purpose of reducing such emissions, employers electing to participate in the pilot program would authorize and encourage telecommuting by their employees. Pursuant to methods developed and evaluated under paragraph (1), credits would be issued to the participating employers reflecting the amount of reductions in such emissions achieved through reduced vehicle-miles-traveled by their telecommuting employees.

(B) For purposes of compliance with the Clean Air Act, entities that are regulated under such Act with respect to such emissions would obtain the credits through a commercial trading and exchange forum (established for such purpose) and through direct trades and exchanges with participating employers and other persons who hold the credits.

(3) To determine whether, if the proposed pilot program were to be carried out, the program—

(A) could provide significant incentives for increasing the use of telecommuting, thereby reducing vehicle-miles-traveled and improving air quality; and

(B) could have positive effects on national, State, and local transportation and infrastructure policies, and on energy conservation and consumption.

(b) The Administrator shall ensure that the design developed under subsection (a)(2) includes recommendations for carrying out the proposed pilot program described in such subsection in each of the following geographic areas (which recommendations for an area shall be developed in consultation with State and local governments and business leaders and organizations in the designated areas): (1) The greater metropolitan region of the District of Columbia (including areas in the States of Maryland and Virginia). (2) The greater metropolitan region of Los Angeles, in the State of California. (3) The greater metropolitan region of Philadelphia, in the State of Pennsylvania (including areas in the State of New Jersey). (4) Two additional areas to be selected by the grantee under subsection (a), after consultation with the Administrator (or the designee of the Administrator).

(c) The grant under subsection (a) shall be made to the National Environmental Policy Institute (a nonprofit private entity incorporated under the laws of and located in the District of Columbia). The grant may not be made in an amount exceeding $500,000.

(d) The Administrator shall make the grant under subsection (a) not later than 45 days after the date of the enactment of this Act. The Administrator shall require that, not later than 180 days after receiving the first payment under the grant, the grantee under subsection (a) complete the study under such subsection and submit to the Administrator a report describing the methods developed and evaluated under paragraph (1) of such subsection, and containing the design required in paragraph (2) of such subsection and the determinations required in paragraph (3) of such subsection.

(e) The Administrator shall carry out this section (including subsection (b)(3)) in collaboration with the Secretary of Transportation and the Secretary of Energy.

(f) To carry out this section, $500,000 is hereby appropriated to the Department of Transportation, ''Office of the Assistant Secretary for Policy'', to be transferred to and administered by the Environmental Protection Agency, to be available until expended.

SEC. 366. Notwithstanding the Federal Airport Act (as in effect on April 3, 1956) or sections 47125 and 47153 of title 49, United States Code, and subject to subsection (b), the Secretary of Transportation may waive any term contained in the deed of conveyance dated April 3, 1956, by which the United States conveyed lands to the City of Safford, Arizona, for use by the city for airport purposes: Provided, That no waiver may be made under subsection (a) if the waiver would result in the closure of an airport.

SEC. 367. None of the funds in this Act may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than three full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 368. Funds provided in the Department of Transportation and Related Agencies Appropriations Acts for fiscal years 1998 and 1999 for an intermodal facility in Eureka, California, shall be available for the expansion and rehabilitation of a bus maintenance facility in Humboldt County, California.

SEC. 369. Notwithstanding any other provision of law, funds previously expended by the City of Moorhead and Moorhead Township on studies related to the 34th Street Corridor Project in Moorhead, Minnesota, shall be considered as the non-Federal match for obligation of funds available under section 1602, item 1404 of the Transportation Equity Act for the 21st Century, as amended, associated with a study of alternatives to rail relocation.

This Act may be cited as the ''Department of Transportation and Related Agencies Appropriations Act, 2000''.

And the Senate agree to the same.

FRANK R. WOLF,
TOM DELAY,
RALPH REGULA,
HAROLD ROGERS,
RON PACKARD,
SONNY CALLAHAN,
TODD TIAHRT,
ROBERT B. ADERHOLT,
KAY GRANGER,
BILL YOUNG,
MARTIN OLAV SABO,
JOHN W. OLVER,
ED PASTOR,
CAROLYN C. KILPATRICK,
JOSE E. SERRANO,
MIKE FORBES,
DAVID OBEY,
Managers on the Part of the House.

RICHARD C. SHELBY,
PETE V. DOMENICI,
ARLEN SPECTER,
C.S. BOND,
SLADE GORTON,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
TED STEVENS,
FRANK R. LAUTENBERG,
ROBERT BYRD,
B.A. MIKULSKI,
HARRY REID,

HERB KOHL,
PATTY MURRAY,
D.K. INOUYE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House of Representatives 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. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, submit the following joint statement to the House of Representatives and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

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

CONGRESSIONAL DIRECTIVES

The conferees agree that Executive Branch propensities cannot substitute for Congress' own statements concerning the best evidence of Congressional intentions; that is, the official reports of the Congress. Report language included by the House (House Report 106–180) or the Senate (Senate Report 106–55 accompanying the companion measure S. 1143) that is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

PROGRAM, PROJECT, AND ACTIVITY

During fiscal year 2000, for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended, with respect to funds provided for the Department of Transportation and related agencies, the terms ''program, project, and activity'' shall mean any item for which a dollar amount is contained in an appropriations Act (including joint resolutions providing continuing appropriations) or accompanying reports of the House and Senate Committees on Appropriations, or accompanying conference reports and joint explanatory statements of the committee of conference. In addition, the reductions made pursuant to any sequestration order to funds appropriated for ''Federal Aviation Administration, Facilities and equipment'' and for ''Coast Guard, Acquisition, construction, and improvements'' shall be applied equally to each ''budget item'' that is listed under said accounts in the budget justifications submitted to the House and Senate Committees on Appropriations as modified by subsequent appropriations Acts and accompanying committee reports, conference reports, or joint explanatory statements of the committee of conference. The conferees recognize that adjustments to the above allocations may be required due to changing program requirements or priorities. The conferees expect any such adjustment, if required, to be accomplished only through the normal reprogramming process.

STAFFING INCREASES PROVIDED BY CONGRESS

The conferees direct the Department of Transportation to fill expeditiously any positions added in the conference agreement, without regard to agency-specific staffing targets which may have been previously established to meet the mandated government-wide staffing reductions. The conferees support the overall staffing reductions, and have made reductions in the conference agreement that more than offset staffing increases provided for a small number of specific activities.

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

The conference agreement provides a total program level of $60,852,000 for the salaries and expenses of the various offices comprising the Office of the Secretary. A consolidated appropriations request for these offices has not been approved, rather individual appropriations have been provided for each of the offices within the Office of the Secretary, as proposed by both the House and Senate.

The conference agreement includes a provision (sec. 336) which authorizes the Secretary to transfer funds appropriated for any office in the Office of the Secretary to any other office of the Office of the Secretary, provided that no appropriation shall be increased or decreased by more than 12 percent by all such transfers and that such transfers shall be submitted for approval to the House and Senate Committees on Appropriations. None of the funds provided in this Act shall be available for any new position not specifically requested in the budget and approved by the House and Senate Committees on Appropriations.

IMMEDIATE OFFICE OF THE SECRETARY

The conference agreement provides $1,867,000 for expenses of the Immediate Office of the Secretary as proposed by the House instead of $1,900,000 as proposed by the Senate.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

The conference agreement provides $600,000 for expenses of the Immediate Office of the Deputy Secretary as proposed by the Senate instead of $612,000 as proposed by the House.

OFFICE OF THE GENERAL COUNSEL

The conference agreement provides $9,000,000 for expenses of the Office of the General Counsel as proposed by both the House and Senate. The conferees concur in the staffing reductions recommended by the House.

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY

The conference agreement provides $2,824,000 for the expenses of the Office of the Assistant Secretary for Policy instead of $2,900,000 as proposed by the Senate. The House proposed to merge this office into a new office, the office of the assistant secretary for transportation policy and intermodalism. The conference agreement deletes $50,000 for a radio navigation staff position and $50,000 for a transportation industry analyst.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

The conference agreement provides $7,650,000 for expenses of the Office of the Assistant Secretary for Aviation and International Affairs instead of $7,700,000 as proposed by the Senate and $7,632,000 as proposed by the House.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

The conference agreement provides $6,870,000 for expenses of the Office of the Assistant Secretary for Budget and Programs as proposed by the Senate instead of $6,770,000 as proposed by the House. The conferees have agreed to increase the amount available for official reception and representation expenses to $45,000, as proposed by the Senate. The House bill limited funds for such expenses to $40,000.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

The conference agreement provides $2,039,000 for expenses of the Office of the Assistant Secretary for Governmental Affairs as proposed by the House instead of $2,000,000 as proposed by the Senate.

The conference agreement includes a provision (sec. 367) that requires the Secretary of Transportation to notify the House and Senate Committees on Appropriations not less than three full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization program. In its notification to the Committees, the conferees direct the department to include: (1) the amount of the award; (2) the appropriation from which the award is being made; (3) the identification of the grantee; (4) a complete description of the project; (5) the expected date of the official announcement to be made by the department or its modal administrations; and (6) the congressional district in which the grantee is located. Moreover, the department shall not submit grant announcements for funds that are not available for obligation.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

The conference agreement provides $17,767,000 for expenses of the Office of the Assistant Secretary for Administration as proposed by the House instead of $18,600,000 as proposed by the Senate. The conferees concur in the staffing and program recommendations proposed by the House.

OFFICE OF PUBLIC AFFAIRS

The conference agreement provides $1,800,000 for expenses of the Office of Public Affairs as proposed by the Senate instead of $1,836,000 as proposed by the House.

EXECUTIVE SECRETARIAT

The conference agreement provides $1,102,000 for expenses of the Executive Secretariat as proposed by the House instead of $1,110,000 as proposed by the Senate.

BOARD OF CONTRACT APPEALS

The conference agreement provides $520,000 for expenses of the Board of Contract Appeals as proposed by the House instead of $560,000 as proposed by the Senate.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

The conference agreement provides $1,222,000 for expenses of the Office of Small and Disadvantaged Business Utilization as proposed by both the House and the Senate.

OFFICE OF INTELLIGENCE AND SECURITY

The conference agreement provides $1,454,000 for expenses of the Office of Intelligence and Security as proposed by the House. The Senate bill did not include an appropriation for this office, but recommended that funding for this office be derived from funds appropriated to the Federal Aviation Administration and the Coast Guard.

OFFICE OF THE CHIEF INFORMATION OFFICER

The conference agreement provides $5,075,000 for expenses of the Office of the Chief Information Officer instead of $5,000,000 as proposed by the House and $5,100,000 as proposed by the Senate.

OFFICE OF INTERMODALISM

The conference agreement provides an appropriation of $1,062,000 for the Office of Intermodalism. The Senate bill recommended that funds for this office be derived from funds made available to the Federal Highway Administration and the House

proposed to merge this office with the office of the assistant secretary for transportation policy. The conference agreement deletes $125,000 requested for web site development.

OFFICE OF THE ASSISTANT SECRETARY FOR TRANSPORTATION POLICY AND INTERMODALISM

The conference agreement deletes the appropriation of $3,781,000 proposed by the House for expenses of a new office, the Office of the Assistant Secretary for Transportation Policy and Intermodalism. The Senate bill contained no similar appropriation.

OFFICE OF CIVIL RIGHTS

The conference agreement includes $7,200,000 for expenses of the Office of Civil Rights as proposed by the Senate instead of $7,742,000 as proposed by the House.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

The conference agreement includes $3,300,000 for transportation planning, research and development as proposed by the Senate instead of $2,950,000 as proposed by the House. None of the funds under this heading are to be available for a center on environmental analysis and forecasting.

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

The conference agreement includes a limitation of $148,673,000 on activities of the transportation administrative service center (TASC) instead of $157,965,000 as proposed by the House and $169,953,000 as proposed by the Senate. The conferees concur in the recommendations of the House to eliminate the transportation computer center, to disallow the transfer of the National Oceanic and Atmospheric Administration's Office of Aeronautical Charting and Cartography to the TASC and to disallow requested staffing increases. The conferees have also agreed to reduce the limitation for the transportation administrative service center by amounts attributed to the departmental accounting and financial information system (DAFIS). The conferees expect the department's modal administrations to reimburse the Federal Aviation Administration directly for these services rather than using the transportation administrative service center to provide the reimbursement.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

The conference agreement includes a limitation on direct loans of $13,775,000 and provides subsidy and administrative costs totaling $1,900,000, as proposed by both the House and the Senate.

MINORITY BUSINESS OUTREACH

The conference agreement provides $2,900,000 for minority business outreach activities, as proposed by both the House and the Senate.

COAST GUARD

OPERATING EXPENSES

The conference agreement provides $2,781,000,000 for Coast Guard operating expenses instead of $2,791,000,000 as proposed by the House and $2,772,000,000 as proposed by the Senate. The conference agreement is $160,000,000 below the budget estimate. However, when this appropriation is combined with unobligated funds provided in fiscal year 1999 supplemental appropriations, the Coast Guard will have available 100 percent of its budget request. The conferees believe this will be sufficient to cover the Coast Guard's most pressing needs in the coming year. The agreement specifies that $300,000,000 of the total is available only for defense-related activities, as proposed by the House, instead of $534,000,000 proposed by the Senate. The agreement does not include language proposed by the Senate which would have allowed a transfer of up to $60,000,000 from the FAA's operating budget to augment the Coast Guard's drug interdiction activities. The bill does not include language proposed by the Senate which would have required the Coast Guard to reimburse the Office of Inspector General for Coast Guard-related audits and investigations. The bill modifies a provision proposed by the Senate to allow the Secretary to apply surplus funds to augment drug interdiction activities of the Coast Guard and includes a provision allowing the Commandant to transfer real property at Sitka, Alaska to the State of Alaska for the purpose of airport expansion.

Specific reductions.—Reductions agreed to by the conferees reflect the Coast Guard's spending plan for supplemental military personnel funds provided during fiscal year 1999 and to protect vital funding needed for field operations. Reductions are largely allocated to administrative areas.

National ballast water management program.—The conferees agree that, of the funds provided, $3,500,000 is available only to continue the national ballast water management program. The House bill included $4,000,000 for this purpose; the Senate bill included $3,000,000.

Air facilities.—The conferees agree that, of the funds provided, $3,133,000 is only to continue operations of air facilities on Long Island New York, and Muskegon, Michigan; and $5,505,000 is only for operations of a new facility to support Southern Lake Michigan, as proposed by the House. Funds for the Southern Lake Michigan facility are solely for a facility located in Waukegan, Illinois. The conferees understand that this is the Coast Guard's preferred site.

Commercial fishing vessel safety.—The conferees do not agree with House direction to allocate $1,500,000 to the commercial fishing vessel safety program.

Maritime boundary patrols, Alaska economic zone.—The conferees commend the Coast Guard's handling of several recent incursions by foreign fishing vessels, including the Gissar, along the U.S.-Russia maritime boundary. These incidents, however, highlight the need to maintain adequate Coast Guard resources in the North Pacific Ocean and Bering Sea. The conferees direct the Coast Guard to submit a report to the House and Senate Committees on Appropriations by March 1, 2000, which details the adequacy of existing enforcement resources, the availability of support assets, and strategies for more effective protection of the United States' exclusive economic zone along the U.S.-Russia maritime boundary.

St. Clair Lake Coast Guard Station.—The conferees agree that, of the funds provided, $100,000 shall be used by the Coast Guard to purchase equipment for the acquisition of ice rescue equipment, including airboats if determined to be necessary, at the St. Clair Shores Coast Guard Station in Michigan for ice rescues on Lake St. Clair and the St. Clair River.

Uniformed Services Family Health Plan.—The conferees understand that the Coast Guard has reversed its position and will continue dependent and retiree enrollment in the Uniform Services Family Health Plan (USFHP). Given this policy change, the conferees do not agree with the Senate direction to allocate $3,000,000 only for retiree and dependent enrollment in USFHP.

Training and education.—The conferees accept the recommendation and funding level of $71,793,000 as proposed by the House and the administration for training and education. The Senate proposed $70,634,000 for this budget activity.

The following table compares the House and Senate bills and the conference agreement for items in conference:

Coast Guard Fiscal Year 2000 Budget
Operating Expenses
Conference Agreement
(In Thousands of Dollars)

Program, Project & Activity	FY 2000 Estimate	FY 2000 House	FY 2000 Senate	Conference Agreement
I. Personnel Resources	**$1,879,381**	**$1,879,381**	**$1,764,109**	**$1,779,842**
A. Military pay & allowances	1,359,891	1,359,891	1,268,022	1,264,852
B. Civilian pay & benefits	220,631	220,631	211,091	220,631
C. Military health care	139,070	139,070	133,395	139,070
D. Perm. change of station	66,028	66,028	63,160	63,528
E. Training & education	71,793	71,793	70,634	71,793
F. Recruiting	10,877	10,877	6,716	8,877
G. FECA/UCX	11,091	11,091	11,091	11,091
II. Operating Funds and Unit Level Maintenance	**655,472**	**655,472**	**617,280**	**635,972**
A. Atlantic area command	109,616	109,616	104,146	103,366
B. Pacific area command	117,990	117,990	112,490	111,740
C. District commands				
1. 1st district (Boston)	40,429	40,429	40,401	40,429
2. 7th dist. (Miami)	45,454	45,454	44,555	45,454
3. 8th dist. (New Orleans)	28,483	28,483	28,483	28,483
4. 9th dist. (Cleveland)	17,418	17,418	17,418	17,418
5. 13th dist. (Seattle)	13,721	13,721	13,165	13,721
6. 14th dist. (Honolulu)	7,332	7,332	7,332	7,332
7. 17th dist. (Juneau)	20,174	20,174	20,402	20,174
D. Headquarters offices	205,871	205,871	184,674	198,871
E. HQ-managed units	42,096	42,096	37,360	42,096
F. Other activities	6,888	6,888	6,854	6,888
III. Depot-Level Maintenance	**406,186**	**406,186**	**390,611**	**405,186**
A. Aircraft maintenance	156,862	156,862	150,337	156,862
B. Electronic maintenance	38,079	38,079	35,783	38,079
C. Shore maintenance	102,792	102,792	101,478	101,792
D. Vessel maintenance	108,453	108,453	103,013	108,453
IV. Account-Wide Adjustments	**0**	**-150,039**	**0**	**-40,000**
A. Funding previously provided	0	-150,039	0	-40,000
Total	**2,941,039**	**2,791,000**	**2,772,000**	**2,781,000**

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The conference agreement includes $389,326,000 for acquisition, construction, and improvement programs of the Coast Guard instead of $410,000,000 proposed by the House and $370,426,000 proposed by the Senate. Consistent with past years and the House and Senate bills, the conference agreement distributes funds in the bill by budget activity. The agreement includes language proposed by the House requiring submission of a multiyear capital investment plan.

Distress systems modernization.—The conferees are concerned over reports that this program may be slowing down due to internal restructuring which calls for a more complex systems integration approach. The conferees note that this long-overdue program was just recently accelerated due to tragic accidents. It is important that the service modernize the current distress system without further delay.

Integrated deepwater systems.—The conference agreement provides $44,200,000 for the integrated deepwater systems program as proposed by the Senate instead of $40,000,000 as proposed by the House. The conferees agree that this should be established as a separate budget activity, since it involves assets which cut across all other aspects of the AC&I budget. The conferees do not agree with the Senate's proposal to establish a revolving fund in the Treasury for this program, but agree that the Coast Guard may supplement appropriated funds through offsetting collections from the sale of HU–25 aircraft and specific properties listed in the bill, with total fiscal year 2000 obligations not to exceed $50,000,000.

Unalaska Pier.—The Coast Guard is authorized to transfer funds and project management authority to the City of Unalaska, Alaska for purposes of renovating and extending the city dock at Unalaska.

A table showing the distribution of this appropriation by project as included in the fiscal year 2000 budget estimate, House bill, Senate bill, and the conference agreement follows:

Acquisition, Construction, and Improvements
Conference Agreement
Fiscal Year 2000

Program Name	FY 2000 Estimate	FY 2000 House	FY 2000 Senate	Conference Agreement
Vessels:	**165,760,000**	**205,560,000**	**123,560,000**	**134,560,000**
Survey and design - cutters and boats	500,000	500,000	500,000	500,000
Seagoing buoy tender (WLB) replacement	77,000,000	108,000,000	77,000,000	77,000,000
47-foot motor lifeboat (MLB) replacement project	24,360,000	24,360,000	24,360,000	24,360,000
Buoy boat replacement project (BUSL)	5,000,000	5,000,000	5,000,000	5,000,000
Polar icebreaker - USCGC Healy	1,900,000	1,900,000	1,900,000	1,900,000
Configuration management	3,700,000	3,700,000	3,700,000	3,700,000
Surface search radar replacement project	4,000,000	4,000,000	4,000,000	4,000,000
Polar class icebreaker reliability improvement program	4,100,000	4,100,000	4,100,000	4,100,000
Barracuda coastal patrol boat (CPB)	1,000,000	1,000,000	0	1,000,000
Mackinaw replacement	0	13,000,000	3,000,000	13,000,000
Deepwater capability concept exploration	44,200,000	40,000,000	0	0
Deepwater Project Revolving Fund:	**0**	**0**	**44,200,000**	**0**
Integrated Deepwater Systems:	**0**	**0**	**0**	**44,200,000**
Aircraft:	**22,110,000**	**38,310,000**	**33,210,000**	**44,210,000**
HC-130 engine conversion	0	0	1,100,000	1,100,000
HH-65A helicopter kapton rewiring	3,360,000	3,360,000	3,360,000	3,360,000
HH-65A helicopter mission computer replacement	3,650,000	3,650,000	3,650,000	3,650,000
HH-65A engine control program	0	0	10,000,000	7,000,000
HH-65 conversion, AIRFAC Southern Lake Michigan	0	8,000,000	0	8,000,000
Long range search aircraft capability preservation	5,900,000	5,900,000	5,900,000	5,900,000
HU-25 A avionics improvements	2,900,000	2,900,000	2,900,000	2,900,000
HH-60J navigation upgrade	3,800,000	3,800,000	3,800,000	3,800,000
SLAR upgrade	2,500,000	2,500,000	2,500,000	2,500,000
C-130H oil debris detection/burnoff technology	0	1,200,000	0	0
HU-25 re-engining	0	7,000,000	0	6,000,000
Other Equipment:	**53,726,000**	**59,400,000**	**52,726,000**	**51,626,000**
Fleet logistics system	6,000,000	6,000,000	6,000,000	6,000,000
Ports and waterways safety system (PAWSS)	4,500,000	4,500,000	4,500,000	4,500,000
Marine information for safety and law enforcement (MISLE)	10,500,000	10,274,000	10,500,000	10,500,000
Aviation logistics management information system (ALMIS)	2,700,000	2,700,000	2,700,000	2,700,000
National distress system modernization	16,000,000	18,000,000	16,000,000	16,000,000
Personnel MIS/Jt uniform military pay system	4,400,000	4,400,000	4,400,000	4,400,000
Local notice to mariners automation	0	0	0	0
Defense message system implementation	3,477,000	3,477,000	3,477,000	3,477,000
Commercial satellite communications	4,049,000	4,049,000	4,049,000	4,049,000
Human resources information system	1,100,000	0	1,100,000	
Loran-C continuation	1,000,000	6,000,000	0	0
Shore Facilities and Aids to Navigation:	**55,800,000**	**55,800,000**	**63,800,000**	**63,800,000**
Survey and design - shore projects	6,000,000	6,000,000	6,000,000	6,000,000
Minor AC&I shore construction projects	6,000,000	6,000,000	6,000,000	6,000,000
Housing	7,800,000	7,800,000	7,800,000	7,800,000
Waterways ATON projects	5,000,000	5,000,000	5,000,000	5,000,000
Air Station Kodiak, AK - renovate hanger	8,300,000	8,300,000	8,300,000	8,300,000
Air Station Elizabeth City, NC - ramp improvements	3,800,000	3,800,000	3,800,000	3,800,000
Air Station Miami, FL-renovate fixed wing hanger	3,500,000	3,500,000	3,500,000	3,500,000
Coast Guard Academy, New London, CT - educ. Facilities	5,000,000	5,000,000	5,000,000	5,000,000
Base San Juan, PR - patrol boat maintenance facility	3,100,000	3,100,000	3,100,000	3,100,000
Station Shinnecock, NY - modernize	3,500,000	3,500,000	3,500,000	3,500,000
MSO/Station Cleveland, OH - relocate	1,000,000	1,000,000	1,000,000	1,000,000
Drug interdiction assets - homeporting	2,800,000	2,800,000	2,800,000	2,800,000
Unalaska, AK - pier	0	0	8,000,000	8,000,000
Personnel and Related Support:	**52,930,000**	**50,930,000**	**52,930,000**	**50,930,000**
Direct personnel costs	51,180,000	50,180,000	51,180,000	50,180,000
Core acquisition costs	1,750,000	750,000	1,750,000	750,000
Total appropriation	**350,326,000**	**410,000,000**	**370,426,000**	**389,326,000**

ENVIRONMENTAL COMPLIANCE AND RESTORATION

The conference agreement includes $17,000,000 for environmental compliance, instead of $18,000,000 as proposed by the House and $12,450,000 as proposed by the Senate. To the maximum extent possible, the reduction should be allocated to general training and education activities, and not to site-specific projects.

ALTERATION OF BRIDGES

The conference agreement includes $15,000,000 for alteration of bridges deemed hazardous to marine navigation as proposed by the House instead of $14,000,000 proposed by the Senate. The conference agreement distributes these funds as follows:

Bridge and location	*Conference agreement*
New Orleans, LA, Florida Avenue RR/HW Bridge	$3,000,000
Brunswick, GA, Sidney Lanier Highway Bridge	7,000,000
Charleston, SC, Limehouse Bridge	1,000,000
Mobile, AL, Fourteen Mile Bridge	2,000,000
Morris, IL, EJ&E Railroad Bridge	2,000,000
Total	15,000,000

RETIRED PAY

The conference agreement includes $730,327,000 for Coast Guard retired pay as proposed by the Senate instead of $721,000,000 as proposed by the House. This is scored as a mandatory program for federal budget purposes.

RESERVE TRAINING

The conference agreement provides $72,000,000 for reserve training as proposed by both the House and the Senate. The agreement also allows the Reserves to reimburse the Coast Guard operating account up to $21,500,000 for Coast Guard support of Reserve activities. The House bill proposed a limitation of $23,000,000; the Senate bill proposed to maintain the fiscal year 1999 limitation of $20,000,000. The conferees agree that all efforts should be made to achieve and maintain a Selected Reserve level of at least 8,000 during fiscal year 2000.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

The conference agreement provides $19,000,000 for Coast Guard research, development, test, and evaluation instead of $21,039,000 as proposed by the House and $17,000,000 as proposed by the Senate. The conferees agree that within the funding provided, $500,000 is to address ship ballast water exchange issues and $500,000 is to apply submarine acoustic monitoring technology to Coast Guard counter drug operations. Each of these activities was proposed, at higher funding levels, by the Senate.

FEDERAL AVIATION ADMINISTRATION OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement provides $5,900,000,000 for operating expenses of the Federal Aviation Administration instead of no funds as proposed by the House and $5,857,450,000 as proposed by the Senate. The House-reported bill included an appropriation of $5,925,000,000, but these funds were deleted on the House floor due to lack of authorization. This appropriation is in addition to amounts made available as a mandatory appropriation of user fees in the Federal Aviation Administration Reauthorization Act of 1996 (Public Law 104–264). All funding is to be derived from the airport and airway trust fund, as proposed by the Senate and included in the House-reported bill. The conference agreement deletes the permissive transfer from the Coast Guard's operating expenses proposed by the Senate, and includes restrictions on funding for the transportation administrative service center and the office of aeronautical charting and cartography included in the House-reported bill. The bill allocates $600,000 only for the Centennial of Flight Commission, as included in the House-reported bill, and deletes the requirement for FAA to reimburse the Office of Inspector General $19,000,000 for aviation-related audits and investigations proposed by the Senate.

Transportation administrative service center limitation.—The conferees agree to limit FAA's fiscal year 2000 contribution to the transportation administrative service center (TASC) to $24,162,700 instead of $28,600,000 in the House-reported bill. The Senate included no similar limitation. The limitation is below the fiscal year 1999 level because the conferees agree to exclude costs from the calculation relating to the Departmental Accounting and Financial Information System (DAFIS). The department is encouraged to eliminate any TASC role in FAA's administration of the DAFIS system.

Limitations on leases.—The conference agreement continues limitations on multiyear leases and leases for global positioning system satellite services enacted in fiscal year 1999 and included in the House-reported bill. The Senate bill included no similar limitations.

Contribution to essential air service program.—The conferees direct FAA to transfer funds to the essential air service (EAS) and rural airport program from the ''Operations'' appropriation in the event of a shortfall in overflight user fee collections. Current law stipulates that the FAA must pay these costs if a shortfall in collections causes funding to drop below $50,000,000 for the EAS program. This has occurred in each of the past two years. In the first year, the FAA paid such expenses from the ''Operations'' appropriation. In the second year, the agency used the ''Facilities and equipment'' appropriation. The conferees believe it is more appropriate that such funds come from the operating account, given the nature of the activities being financed and FAA's original ruling. This is particularly important in fiscal year 2000, since the conference agreement provides a significant increase for FAA's operating account and flat funding for the capital appropriation.

Office of aeronautical charting and cartography.—The conferees agree with a limitation in the House-reported bill that funds for this office may not be available for activities conducted by, or coordinated through, the TASC. The conferees see no programmatic benefit to this action, and believe the proposal does not fit within the general purpose of the TASC.

The following table compares the conference agreement to the levels proposed in the House-reported and Senate bills by budget activity:

FAA Operations
Conference Agreement
Fiscal Year 2000

Budget line	FY 2000 House	FY 2000 Senate	Conference Agreement
AIR TRAFFIC SERVICES:			
Budget estimate:	4,696,487,000	$4,696,487,000	4,696,487,000
Adjustments to estimate:			
Runway incursion program	2,500,000	0	3,300,000
Host maintenance	-1,000,000	0	-1,000,000
Interim incentive pay phaseout	-12,190,000	0	0
Overtime	-5,000,000	0	-5,000,000
Controller in charge deferral	-5,600,000	0	-5,600,000
Supervisors	1,800,000	0	1,800,000
Sick leave buyback savings	-1,000,000	0	0
WIGs/GTG increases	-4,425,000	0	-4,425,000
Airspace redesign	-3,000,000	0	0
RTCA support	-135,000	0	-135,000
Contract tower cost-sharing	5,000,000	5,000,000	5,000,000
Flight service station staffing	3,967,000	0	3,967,000
NAS handoff	-12,122,000	-18,000,000	-15,000,000
Terminal leave savings	-2,000,000	0	-2,000,000
Performance award savings	-770,000	0	-770,000
Travel	-3,620,000	0	-3,620,000
MARC	2,000,000	0	2,000,000
Undistributed decrease	0	-3,741,000	-15,000,000
Rocky Mtn Emergency Center	0	1,500,000	0
FAALC transfer from ARC	0	0	6,762,000
Amount recommended:	*4,660,892,000*	*$4,681,246,000*	*4,666,766,000*
AVIATION REGULATION AND CERTIFICATION:			
Budget estimate:	667,631,000	$667,631,000	667,631,000
Adjustments to estimate:			
Aviation safety program	500,000	0	500,000
Rulemaking – hold to FY99 level	-715,000	0	-715,000
Undistributed reduction	0	-38,122,000	0
Amount recommended:	*667,416,000*	*$629,509,000*	*667,416,000*
CIVIL AVIATION SECURITY:			
Budget estimate:	144,642,000	$144,642,000	144,642,000
Adjustments to estimate:			
Allow smaller increase	0	-11,341,000	-6,000,000
Amount recommended:	*144,642,000*	*$133,301,000*	*138,642,000*
ADMINISTRATION OF AIRPORTS:			
Budget estimate:	50,608,000	$50,608,000	50,608,000
Adjustments to estimate:			
Transfer to AIP	0	-50,608,000	-50,608,000
Amount recommended:	*50,608,000*	*$0*	*0*

FAA Operations
Conference Agreement
Fiscal Year 2000

Budget line	FY 2000 House	FY 2000 Senate	Conference Agreement
RESEARCH AND ACQUISITION:			
Budget estimate:	183,740,000	$183,740,000	183,740,000
Adjustments to estimate:			
Human capital management – delete	-2,205,000	0	-2,205,000
Undistributed reduction	0	-27,207,000	-5,468,000
FAALC xfer to ATS	0	0	-6,762,000
FOB-10B	0	0	-1,000,000
Amount recommended:	*181,535,000*	*$156,533,000*	*168,305,000*
COMMERCIAL SPACE TRANSPORTATION:			
Budget estimate:	6,838,000	$6,838,000	6,838,000
Adjustments to estimate:			
Undistributed reduction	0	-692,000	0
Amount recommended:	*6,838,000*	*$6,146,000*	*6,838,000*
REGIONAL COORDINATION:			
Budget estimate:	0	$0	0
Adjustments to estimate:			
Transfer from "staff offices"	97,831,000	0	97,831,000
FOB 10B – slip in occupancy schedule	-2,000,000	0	0
Amount recommended:	*95,831,000*	*$0*	*97,831,000*
HUMAN RESOURCES:			
Budget estimate:	0	$0	0
Adjustments to estimate:			
Transfer from "staff offices"	48,736,000	0	48,736,000
Human resource management project	-1,300,000	0	0
IPPS	0	0	0
Amount recommended:	*47,436,000*	*$0*	*48,736,000*
FINANCIAL SERVICES:			
Budget estimate:	0	$0	0
Adjustments to estimate:			
Transfer from "staff offices"	42,054,000	0	42,054,000
IPPS – deferral	-6,264,000	0	0
Amount recommended:	*35,790,000*	*$0*	*42,054,000*
STAFF OFFICES:			
Budget estimate:	289,054,000	$289,054,000	289,054,000
Adjustments to estimate:			
Transfer to other budget activities	-208,244,000	0	-208,244,000
PC&B reduction	-1,500,000	0	0
Public affairs	-120,000	0	0
General counsel: +4% vs. +11%	-2,021,000	0	-2,021,000
English language proficiency	500,000	0	0

FAA Operations
Conference Agreement
Fiscal Year 2000

Budget line	FY 2000 House	FY 2000 Senate	Conference Agreement
Undistributed reduction	0	-38,339,000	0
Amount recommended:	*77,669,000*	*$250,715,000*	*78,789,000*
ACCOUNTWIDE ADJUSTMENTS:			
Budget estimate:	0	$0	0
Adjustments to estimate:			
Staffing for non-safety positions	-3,400,000	0	-3,400,000
Admin contracts-IRM planning/maint	-3,100,000	0	-3,100,000
Administrative travel	-4,200,000	0	-4,200,000
Computer-aided engineering graphics	-600,000	0	-600,000
Resources management contract	-410,000	0	-410,000
Conferencing/voice switch	-1,100,000	0	-1,100,000
Teleconferencing/videoconferencing	-2,000,000	0	-2,000,000
Y2K savings – reduction from base	-8,960,000	0	0
TASC – freeze at FY99 level	-10,200,000	0	-10,200,000
GSA rent - +8% vs. +16.8%	-6,600,000	0	0
Contract studies–hold to FY98/99 avg.	-1,500,000	0	-1,500,000
TSC work: +5% vs. +21.1%	-1,587,000	0	-1,587,000
4.8% pay raise	0	0	12,720,000
Amount recommended:	*-43,657,000*	*$0*	*-15,377,000*
Total appropriation	5,925,000,000	$5,857,450,000	5,900,000,000

Franchise fund.—The conferees agree not to allow expansion of the FAA franchise fund during fiscal year 2000.

Aircraft firefighting training.—The conferees do not agree with Senate direction allocating $1,500,000 for aircraft firefighting training at the Rocky Mountain Emergency Services Training Center.

Interagency Alaska aviation safety initiative.—The conferees are aware of the cooperative National Institute for Occupational Safety and Health approach employed by the NTSB, FAA, and other federal, state and private parties to improve safety through cooperative review and enhancement of safety procedures and practices. The conference agreement supports the FAA's participation in this interagency initiative on aviation safety in Alaska. It is the conferees' understanding that FAA's involvement in this initiative in fiscal year 2000 requires a resource commitment of approximately $250,000. The conferees anticipate similar involvement by the NTSB.

Contract tower program.—The conferees do not agree with Senate direction requiring the establishment of an air traffic control tower in Salisbury, Maryland. However, it is the conferees' understanding that the contract towers listed in the Senate report, including Salisbury, Maryland, are eligible for the existing contract tower program and should receive consideration for funding. The agency is encouraged to continue operating contract towers at locations listed in the Senate report, as long as such operations are consistent with existing program criteria and provided the locations maintain a benefit-cost ratio of at least 1.0. The conferees further direct FAA to work with local officials to establish contract towers or tower-related operational services at locations listed in the Senate report, as long as such establishment is consistent with existing program criteria.

Last year, the FAA was directed to conduct a study of extending the contract tower program to existing air traffic control towers without radar capability. The conferees understand the draft report indicates that annual savings of $30,000,000 to $50,000,000 are achievable except for a provision in the current labor agreement which requires the agency to employ a minimum level of 15,000 government air traffic controllers. The DOT Inspector General recently reported ''FAA has a responsibility to operate in a cost effective manner. By concluding that no net savings related to further expanding the contract tower program will occur, FAA is denying itself an opportunity to reduce operations costs and/or offset potential cost increases . . . FAA should revise the [draft] study's conclusions and recognize the substantial savings that expanding the federal contract tower program offers''. The DOT Inspector General is requested to review the feasibility and benefits of expanding the contract tower program, notwithstanding the current minimum staffing agreement, and report to the Congress no later than March 1, 2000.

Airspace redesign.—The conference agreement fully funds the requested $9,622,000 for costs associated with redesign of the nation's airspace. The conferees direct that none of these funds be internally reprogrammed to other purposes and that not less than $6,600,000 of the amount provided be used in direct support of the New York/New Jersey airspace redesign effort.

MARC.—Funding of $2,000,000 is provided for the Mid-America Aviation Resource Consortium, as proposed in the House-reported bill.

Outagamie County Regional Airport.—The conferees do not agree with Senate direction concerning Outagamie County Regional Airport.

Reprogrammings.—The conferees affirm the importance of the existing reprogramming reporting agreements, which request the department to submit, on a quarterly basis, line-by-line accounts of all reprogramming actions, whether below or above Congressional approval thresholds.

Cost accounting system.—The conferees agree that, in its effort to establish a new cost accounting system (CAS), the FAA shall collect source time and labor data in a manner consistent with the labor and cost allocation schemes being otherwise developed within the CAS. Any system the FAA deploys for the capture of time and labor data should be automated to the maximum extent possible, to eliminate manual error and provide for reconciliation with the CAS. The conferees encourage the agency to begin serious discussions with its labor unions regarding the need to capture time and attendance data in a manner consistent with the objectives of the CAS.

Interim incentive pay.—The conferees do not agree with the proposal of the House to begin a phaseout of interim incentive pay (IIP), and consequently restore the reduction of $12,190,000 in the House-reported bill.

Controller-in-charge.—The conference agreement accepts the position of the House-reported bill that further transition to the controller-in-charge (CIC) concept, as included in last year's labor agreement with the National Air Traffic Controllers Association (NATCA), shall be deferred during fiscal year 2000. FAA's own study in 1992 found that operational errors increased when the number of air traffic supervisors decreased. Since operational errors, air traffic volume and complexity continue to rise, the conferees agree with the House that any change in ATC floor-level supervision should be approached very cautiously. The conferees are not convinced that the necessary steps have been taken and verified to ensure the public safety if further CIC transition is allowed at this time. FAA estimates the number of supervisors at the end of fiscal year 1999 to be 2,025, which is down from approximately 2,060 the year before. The conferees expect no further decline during fiscal year 2000.

Within-grade increases/grade-to-grade increases.—Last year's NATCA agreement eliminated within-grade and grade-to-grade increases for bargaining unit employees and replaced them with performance-based increases such as an ''organizational success increase'' (OSI) and a ''quality step increase'' (QSI), to be developed as part of the agency's core compensation plan. However, since the agency has reached no agreement on how to implement the new performance increases, they have informally agreed to distribute these funds on a formula basis. This takes a step backward from performance-based compensation by replacing an experience-based increase with an automatic general increase. The conferees disapprove funding budgeted for grade increases or performance-based increases for bargaining unit members until the agency reaches agreement with NATCA on implementation of performance-based increases such as OSI and QSI. The conferees are not against OSI and QSI payments, but are against formula-based distribution of these funds.

Aviation safety program.—The conferees agree to provide an additional $500,000 for this program, as included in the House-reported bill. These and base funds included in the budget estimate are to be used exclusively for the design, production, and dissemination of training and educational materials used in the FAA's Aviation Safety Program for current pilots and aviation maintenance technicians. This activity is declared an item of special Congressional interest, and no funding should be reprogrammed to other activities without Congressional approval.

Administration of airports.—The conference agreement deletes the $50,608,000 requested for administration of airports, and includes a limitation of $45,000,000 for these activities under ''Grants-in-aid for airports''.

Integrated personnel and payroll system.—The conferees agree to provide full funding for development of the integrated personnel and payroll system (IPPS), as proposed by the Senate. The House had proposed a reduction in this program.

General pay raise.—The conference agreement provides the additional $12,720,000 required to fund a 4.8 percent general pay raise, instead of the 4.4 percent originally proposed in the budget estimate. Congress has approved a final pay raise of 4.8 percent for fiscal year 2000.

RTCA.—The conference agreement maintains the House proposal to reduce funding for the Radio Technical Commission for Aeronautics (RTCA) by $135,000. The conferees share the concern of the House that the agency should not continue, on a sole source basis, the ''consensus-building'' and program planning/implementation activities of RTCA. Although originally tasked to provide advice on aviation ''black box'' technical requirements, RTCA has recently been chartered by FAA to act more broadly, to develop industry consensus and implementation plans for a variety of agency programs, including free flight phases one and two, equipment requirements for the future national airspace system, and overall reform of the agency's certification process. The conferees share the concern of the House that such a relationship between government and industry representatives raises questions about proper government control and independence. RTCA's task forces make technical recommendations, establish schedules, locations, and funding requirements, and the agency accepts those recommendations with few or no changes. This collaborative network of agency and industry officials appears to be unusual for a federal advisory committee. Therefore, the conferees direct FAA not to use RTCA for new ''consensus-building'' activities during fiscal year 2000 and not to expand those currently underway, and direct the DOT Inspector General to conduct an investigation of the RTCA/FAA relationship and a comparison of that relationship to other federal advisory committees. This report should be completed and submitted to the Congress not later than March 1, 2000.

English language proficiency.—The conferees do not agree with the House recommendation to allocate $500,000 for the promotion of English language proficiency in international air traffic control. The FAA has used previous appropriations to establish a minimum level of English language proficiency. The agency is now working to validate this data and to raise the level of cooperation and effort in the international arena. The conferees agree that further work in this area can best be accomplished through the International Civil Aviation Organization (ICAO), whose work in this area is supported by the FAA and funded in part by the Department of State. The conferees have been assured by the FAA that the agency will continue to provide ICAO with leadership and active participation in this program.

Fractional aircraft ownership.—The conference agreement deletes, without prejudice, language included in the Senate bill relating to the introduction of fractional aircraft ownership concepts for the execution of selected air transportation requirements. The conferees are intrigued by the concept and the possibility of improving the efficiency of aircraft use by the Department of

Transportation, the various modal administrations, and several related agencies through fractional aircraft ownership concepts. The conferees direct the department to report by March 31, 2000 to the House and Senate Committees on Appropriations regarding the operational and cost advantages and tradeoffs inherent in replacing existing executive aircraft in the department's inventory with a mix of light to mid-size jets to determine the flexibility, efficiency, and cost benefits of fractional aircraft ownership or leasing for the government.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement provides $2,075,000,000 for facilities and equipment instead of $2,045,652,000 as proposed by the Senate and $2,200,000,000 as proposed by the House.

The following table provides a breakdown of the House and Senate bills and the conference agreement by program:

Facilities and Equipment
Fiscal Year 2000
Conference Agreement
(In Thousands of Dollars)

TITLE	FY 2000 Estimate	House Bill	Senate Bill	Conference Agreement
ENGINEERING DEVELOPMENT, TEST AND EVALUATION:				
ADVANCED TECHNOLOGY DEVELOPMENT & PROTOTYPING	33,166.1	33,166.1	33,166.1	26,696.3
SAFE FLIGHT 21	.0	16,000.0	.0	16,000.0
SUBTOTAL - ADV DEV/PROTOTYPING	**33,166.1**	**49,166.1**	**33,166.1**	**42,696.3**
AVIATION WEATHER SERVICES IMPROVEMENTS	23,862.0	23,862.0	21,062.0	23,862.0
EN ROUTE AUTOMATION	10,055.0	.0	10,055.0	6,000.0
OCEANIC AUTOMATION SYSTEM	10,000.0	5,000.0	10,000.0	27,000.0
AERONAUTICAL DATA LINK (ADL) APPLICATIONS	27,855.0	27,855.0	27,855.0	25,000.0
NEXT GENERATION VHF A/G COMMUNICATION SYSTEM	9,640.0	9,640.0	2,625.0	6,100.0
NAS INFORMATION SYSTEMS	500.0	.0	.0	.0
FREE FLIGHT PHASE ONE	184,800.0	179,625.0	202,800.0	179,625.0
SUBTOTAL - EN ROUTE PROGRAMS	**266,712.0**	**245,982.0**	**274,397.0**	**267,587.0**
TERMINAL AUTOMATION (STARS)	58,900.0	158,900.0	58,900.0	112,440.0
SUBTOTAL - TERMINAL PROGRAMS	**58,900.0**	**158,900.0**	**58,900.0**	**112,440.0**
AFSS VOICE SWITCH REPLACEMENT	3,000.0	3,000.0	1,000.0	1,000.0
LOCAL AREA AUGMENTATION SYSTEM FOR GPS (LAAS)	4,000.0	2,000.0	.0	.0
WIDE AREA AUGMENTATION SYSTEM (WAAS)	65,200.0	59,800.0	.0	.0
NEXT GENERATION NAVIGATION SYSTEMS	.0	.0	118,100.0	94,000.0
NEXT GENERATION LANDING SYSTEMS	.0	.0	18,000.0	20,000.0
SUBTOTAL - LANDING/NAVAIDS	**72,200.0**	**64,800.0**	**137,100.0**	**115,000.0**
FAA TECHNICAL CENTER FACILITY - BUILDING LEASE	1,322.5	1,322.5	1,322.5	1,322.5
NAS IMPROVEMENT OF SYSTEM SUPPORT LABORATORY	2,000.0	2,000.0	.0	.0
TECHNICAL CENTER FACILITIES	7,000.0	7,000.0	11,477.5	11,477.5
INDEPENDENT OPERATIONAL TEST SUPPORT	3,500.0	3,500.0	.0	.0
UTILITY PLANT MODIFICATIONS	2,477.5	2,477.5	.0	.0
SUBTOTAL, RDT&E EQUIPMENT AND FACILITIES	**16,300.0**	**16,300.0**	**12,800.0**	**12,800.0**
TOTAL ACTIVITY 1	***447,278.1***	***535,148.1***	***516,363.1***	***550,523.3***
AIR TRAFFIC CONTROL FACILITIES AND EQUIPMENT:				
EN ROUTE AUTOMATION	198,055.0	196,055.0	153,200.0	160,000.0
NEXT GENERATION WEATHER RADAR (NEXRAD)	6,900.0	6,900.0	4,900.0	4,900.0
AIR TRAFFIC OPERATIONS MANAGEMENT	1,000.0	1,000.0	.0	.0
WEATHER AND RADAR PROCESSOR (WARP)	12,872.0	15,000.0	5,800.0	15,000.0
AERONAUTICAL DATA LINK (ADL) APPLICATIONS	1,000.0	1,000.0	.0	.0
ARTCC BUILDING IMPROVEMENTS/PLANT IMPROVEMENTS	54,000.0	39,400.0	36,900.0	36,900.0
VOICE SWITCHING AND CONTROL SYSTEM (VSCS)	17,500.0	17,500.0	18,500.0	17,500.0
AIR TRAFFIC MANAGEMENT	42,000.0	42,000.0	15,000.0	15,000.0
CRITICAL COMMUNICATIONS SUPPORT	2,000.0	2,000.0	850.0	850.0
DOD BASE CLOSURE - FACILITY TRANSFER	3,900.0	3,900.0	3,300.0	3,900.0
BACK-UP EMERGENCY COMMUNICATIONS (BUEC)	4,500.0	4,500.0	1,580.0	1,580.0
AIR/GROUND COMMUNICATION RFI ELIMINATION	1,700.0	1,700.0	1,700.0	1,700.0
VOLCANO MONITOR	.0	.0	2,000.0	2,000.0
ATC BEACON INTERROGATOR (ATCBI) REPLACEMENT	45,400.0	36,806.6	23,000.0	25,000.0
ATC EN ROUTE RADAR FACILITIES	3,700.0	3,700.0	2,700.0	2,700.0
EN ROUTE COMMS AND CONTROL FACILITIES IMPROVEMENT	3,230.4	3,230.4	1,430.0	1,430.0
RCF FACILITIES - EXPAND/RELOCATE	6,700.0	6,700.0	6,700.0	6,700.0
FAA TELECOMMUNICATIONS INFRASTRUCTURE	6,100.0	6,100.0	6,100.0	6,100.0
SUBTOTAL - EN ROUTE PROGRAMS	**410,557.4**	**387,492.0**	**283,660.0**	**301,260.0**

Facilities and Equipment
Fiscal Year 2000
Conference Agreement
(In Thousands of Dollars)

TITLE	FY 2000 Estimate	House Bill	Senate Bill	Conference Agreement
TERMINAL DOPPLER WEATHER RADAR (TDWR) - PROVIDE	9,300.0	9,300.0	8,300.0	9,300.0
TERMINAL AUTOMATION (STARS)	136,340.0	.0	136,340.0	82,800.0
TERMINAL AIR TRAFFIC CONTROL FACILITIES - REPLACE	76,000.0	64,346.0	75,500.0	78,900.0
CONTROL TOWER/TRACON FACILITIES - IMPROVE	21,982.7	26,882.5	21,982.7	24,782.7
TERMINAL VOICE SWITCH REPLACEMENT (TVSR)/ETVS	9,900.0	9,900.0	10,900.0	10,900.0
EMPLOYEE SAFETY/OSHA AND ENVIRONMENTAL COMPLIANCE	29,700.0	29,700.0	22,000.0	22,000.0
CHICAGO METROPLEX	1,500.0	1,500.0	700.0	700.0
NEW AUSTIN AIRPORT AT BERGSTROM	1,500.0	1,500.0	1,500.0	1,500.0
POTOMAC METROPLEX	17,100.0	17,100.0	5,800.0	17,100.0
NORTHERN CALIFORNIA METROPLEX	31,000.0	31,000.0	17,500.0	17,500.0
ATLANTA METROPLEX	13,000.0	13,000.0	7,700.0	7,700.0
NAS INFRASTRUCTURE MANAGEMENT SYSTEM (NIMS)	8,900.0	1,539.5	5,500.0	3,520.0
AIRPORT SURVEILLANCE RADAR (ASR-9)	.0	2,400.0	5,000.0	4,000.0
AIRPORT SURFACE DETECTION EQUIPMENT	2,400.0	9,400.0	500.0	10,000.0
AIRPORT MOVEMENT AREA SAFETY SYSTEM (AMASS)	11,700.0	15,600.0	11,700.0	18,200.0
VOICE RECORDER REPLACEMENT PROGRAM	3,000.0	3,000.0	1,200.0	2,500.0
TERMINAL DIGITAL RADAR (ASR-11)	136,070.0	90,000.0	105,000.0	76,100.0
WEATHER SYSTEMS PROCESSOR	24,000.0	24,000.0	24,000.0	24,000.0
DOD/FAA ATC FACILITIES TRANSFER	1,000.0	3,900.0	1,600.0	3,000.0
PRECISION RUNWAY MONITORS	3,300.0	3,300.0	3,300.0	3,300.0
TERMINAL RADAR (ASR) - IMPROVE	3,838.8	3,838.8	3,838.8	3,838.8
TERMINAL COMMUNICATIONS IMPROVEMENTS	1,124.0	1,124.0	1,124.0	1,124.0
RCE EQUIPMENT	3,400.0	3,400.0	3,400.0	3,400.0
REMOTE RADAR CAPABILITY	.0	1,400.0	.0	900.0
SUBTOTAL - TERMINAL PROGRAMS	**546,055.5**	**367,130.8**	**474,385.5**	**427,065.5**
AUTOMATED SURFACE OBSERVING SYSTEM (ASOS)	8,080.0	8,080.0	9,900.0	9,900.0
OASIS	21,486.0	42,100.0	10,000.0	10,000.0
FLIGHT SERVICE FACILITIES IMPROVEMENT	1,577.3	1,577.3	1,364.4	1,364.4
FLIGHT SERVICE STATION MODERNIZATION	2,000.0	2,000.0	2,000.0	2,600.0
SUBTOTAL - FLIGHT SERVICE PROGRAMS	**33,143.3**	**53,757.3**	**23,264.4**	**23,864.4**
VOR	2,000.0	2,000.0	2,000.0	2,000.0
INSTRUMENT LANDING SYSTEM (ILS) - ESTABLISH/UPGRADE	8,200.0	20,000.0	.0	.0
ILS - REPLACE MARK 1A, 1B, AND 1C	1,000.0	1,000.0	.0	1,000.0
LOW LEVEL WINDSHEAR ALERT SYSTEM (LLWAS)	2,200.0	4,200.0	2,200.0	2,200.0
RUNWAY VISUAL RANGE (RVR)	2,000.0	6,300.0	2,000.0	6,300.0
WIDE AREA AUGMENTATION SYSTEM (WAAS)	42,900.0	42,900.0	.0	.0
NDB SUSTAIN	1,000.0	1,000.0	1,000.0	1,000.0
NAVIGATIONAL AND LANDING AIDS - IMPROVE	3,146.8	3,146.8	6,400.0	3,146.8
APPROACH LIGHTING SYSTEM IMPROVEMENT (ALSIP)	2,700.0	7,700.0	5,700.0	8,700.0
PRECISION APPROACH PATH INDICATORS (PAPI)	1,000.0	3,500.0	.0	3,500.0
DISTANCE MEASURING EQUIPMENT (DME)	1,200.0	4,200.0	1,200.0	1,200.0
VISUAL NAVAIDS	1,000.0	1,000.0	3,500.0	1,000.0
TRANSPONDER LANDING SYSTEMS	.0	3,000.0	.0	.0
INSTRUMENT APPROACH PROCEDURES AUTOMATION (IAPA)	900.0	900.0	900.0	900.0
GPS AERONAUTICAL BAND	17,000.0	.0	.0	.0
SUBTOTAL - LANDING AND NAVIGATIONAL AIDS	**86,246.8**	**100,846.8**	**24,900.0**	**30,946.8**
ALASKAN NAS INTERFACILITY COMM SYSTEM (ANICS)	3,600.0	3,600.0	3,600.0	3,600.0
FUEL STORAGE TANK REPLACEMENT AND MONITORING	10,500.0	10,500.0	10,500.0	10,500.0
FAA BUILDINGS AND EQUIPMENT - IMPROVE/MODERNIZE	4,000.0	4,000.0	4,000.0	4,000.0
ELECTRICAL POWER SYSTEMS - SUSTAIN/SUPPORT	17,500.0	17,500.0	17,500.0	17,500.0
AIR NAVAIDS AND ATC FACILITIES (LOCAL PROJECTS)	2,000.0	2,000.0	2,000.0	2,000.0
AIRCRAFT RELATED EQUIPMENT PROGRAM	5,000.0	5,000.0	1,840.0	1,840.0
COMPUTER AIDED ENG GRAPHICS (CAEG) REPLACEMENT	4,300.0	4,300.0	3,000.0	3,000.0
AIRPOT CABLE LOOP SYSTEMS - SUSTAIN	1,000.0	1,000.0	.0	.0

Facilities and Equipment
Fiscal Year 2000
Conference Agreement
(In Thousands of Dollars)

TITLE	FY 2000 Estimate	House Bill	Senate Bill	Conference Agreement
SUBTOTAL - OTHER ATC FACILITIES	**47,900.0**	**47,900.0**	**42,440.0**	**42,440.0**
TOTAL ACTIVITY 2	***1,123,903.0***	***957,126.9***	***848,649.9***	***825,576.7***
NON-ATC FACILITIES AND EQUIPMENT:				
NAS MANAGEMENT AUTOMATION PROGRAM (NASMAP)	1,100.0	1,100.0	800.0	800.0
HAZARDOUS MATERIALS MANAGEMENT	22,500.0	22,500.0	22,500.0	22,500.0
AVIATION SAFETY ANALYSIS SYSTEM (ASAS)	16,400.0	16,400.0	11,600.0	14,000.0
OPERATIONAL DATA MANAGEMENT SYSTEM (ODMS)	600.0	600.0	600.0	600.0
FAA EMPLOYEE HOUSING - PROVIDE	8,000.0	8,000.0	8,000.0	8,000.0
LOGISTICS SUPPORT SYSTEM AND FACILITIES	3,000.0	3,000.0	2,300.0	2,300.0
TEST EQUIPMENT - MAINTENANCE SUPPORT	1,000.0	1,000.0	1,000.0	1,000.0
INTEGRATED FLIGHT QUALITY ASSURANCE	5,000.0	5,000.0	4,000.0	3,000.0
SAFETY PERFORMANCE ANALYSIS SUBSYSTEM (SPAS)	5,200.0	5,200.0	3,500.0	5,200.0
NATIONAL AVIATION SAFETY DATA CENTER	1,500.0	1,500.0	1,500.0	1,500.0
PERFORMANCE ENHANCEMENT SYSTEM	5,000.0	5,000.0	2,000.0	5,000.0
EXPLOSIVE DETECTION SYSTEMS	97,500.0	97,500.0	100,000.0	97,500.0
FACILITY SECURITY RISK MANAGEMENT	11,500.0	11,500.0	11,500.0	11,500.0
INFORMATION SECURITY	10,325.0	10,325.0	4,000.0	7,500.0
NAS RECOVERY COMMUNICATIONS (RCOM)	1,000.0	1,000.0	1,000.0	1,000.0
SUBTOTAL - SUPPORT EQUIPMENT	**189,625.0**	**189,625.0**	**174,300.0**	**181,400.0**
AERONAUTICAL CENTER TRAINING AND SUPPORT FACILITIES	3,200.0	3,200.0	.0	.0
NATIONAL AIRSPACE SYSTEM (NAS) TRAINING FACILITIES	1,500.0	700.0	.0	.0
SUBTOTAL - TRAINING EQUIPMENT & FACILITIES	**4,700.0**	**3,900.0**	**.0**	**.0**
TOTAL ACTIVITY 3	***194,325.0***	***193,525.0***	***174,300.0***	***181,400.0***
MISSION SUPPORT:				
SYSTEM ENGINEERING AND DEVELOPMENT SUPPORT	27,300.0	27,300.0	22,200.0	22,200.0
PROGRAM SUPPORT LEASES	31,100.0	31,100.0	31,100.0	31,100.0
LOGISTICS SUPPORT SERVICES	5,600.0	5,600.0	5,600.0	5,600.0
MIKE MONRONEY AERONAUTICAL CENTER - LEASE	14,600.0	14,600.0	14,600.0	14,600.0
IN-PLANT NAS CONTRACT SUPPORT SERVICES	2,800.0	2,800.0	2,800.0	2,800.0
TRANSITION ENGINEERING SUPPORT	40,900.0	40,900.0	38,700.0	38,700.0
FREQUENCY AND SPECTRUM ENGINEERING - PROVIDE	3,000.0	3,000.0	3,000.0	3,000.0
PERMANENT CHANGE OF STATION MOVES	3,200.0	.0	3,200.0	2,500.0
FAA SYSTEM ARCHITECTURE	2,500.0	1,000.0	2,330.0	1,000.0
TECHNICAL SERVICES SUPPORT CONTRACT (TSSC)	48,800.0	40,000.0	47,143.0	40,000.0
RESOURCE TRACKING PROGRAM	1,500.0	1,500.0	1,000.0	.0
CENTER FOR ADVANCED AVIATION SYSTEM DEV. (MITRE)	63,400.0	63,400.0	60,100.0	61,000.0
TOTAL ACTIVITY 4	***244,700.0***	***231,200.0***	***231,773.0***	***222,500.0***
PERSONNEL AND RELATED EXPENSES:				
PERSONNEL AND RELATED EXPENSES	308,793.9	283,000.0	274,566.0	295,000.0
TOTAL ACTIVITY 5	***308,793.9***	***283,000.0***	***274,566.0***	***295,000.0***
TOTAL	**2,319,000.0**	**2,200,000.0**	**2,045,652.0**	**2,075,000.0**

Free flight phase one.—The following table compares the House and Senate proposed levels to the budget estimate and the conference agreement. The conference agreement represents a 94.8 percent increase over the funding level provided for fiscal year 1999.

Project	Fiscal year 1999 enacted	Fiscal year 2000—			
		Estimate	House	Senate	Conference agreement
URET	$5,800,000	$83,175,000	$80,000,000	$83,175,000	$79,000,000
Conflict Probe	41,000,000				
CTAS	3,700,000				
TMA/pFAST	30,500,000	59,825,000	59,825,000	59,825,000	59,825,000
CDM	11,200,000	29,400,000	29,400,000	29,400,000	29,400,000
SMA		6,000,000	4,000,000	6,000,000	4,000,000
Integration		6,400,000	6,400,000	6,400,000	5,400,000
DSP—NY/NJ				2,000,000	2,000,000
Safe Flight 21				16,000,000	
(Capstone)				(6,000,000)	
(Ohio Valley)				(10,000,000)	
Total	92,200,000	184,800,000	179,625,000	202,800,000	179,625,000

The conference agreement provides a total of $4,500,000 for the departure spacing program (DSP), including $2,500,000 in base funds and $2,000,000 above the budget estimate. The additional funds are to expand the program through installation of equipment at Teterboro, White Plains, New York Center, and the Air Traffic Control System Command Center.

Safe flight 21.—The conference agreement provides $16,000,000 for this program, including $6,000,000 for the Capstone Project in Alaska and $10,000,000 for the Ohio Valley Project.

Oceanic automation system.—The conferees agree to provide $27,000,000 for the oceanic automation system, and direct FAA to develop and acquire this system by traditional acquisition methods instead of by lease, as proposed by the House. The FAA's proposal to acquire this equipment through an operating lease would burden the FAA's already-strained operating budget with the requirement for an additional $100,000,000 over the first five years, which the conferees find to be unrealistic. Also, the conferees are reluctant to establish this policy in the absence of clear FAA criteria to determine when it is appropriate for modernization efforts to be funded by lease from the operations budget. Without such a policy the lines between FAA's operating and capital budgets begin to blur, just at the time when the agency is working hard to get a clearer picture of its capital assets, spending, and requirements. In addition, the agency's 1998 financial statement shows $103,000,000 in unfunded capital lease liabilities, so it is not advisable for the agency to expand in this area either. The conferees agree that oceanic system upgrades are urgently needed, and that FAA's previous acquisition programs in this area did not produce the desired results. However, these programs were developed prior to procurement reform, and under previous leadership. The conferees are confident that with its current leadership, FAA can apply procurement reform methods and learn from its past mistakes to put together an aggressive, accelerated schedule and streamlined requirements for this acquisition. The agency has stated that this effort requires little development effort, and that the requirements are well understood. This, too, supports the feasibility of an accelerated schedule. The funding provided is FAA's estimate of the amount required to execute this program in fiscal year 2000. The conferees would reconsider a lease for this program only if the agency puts forward a plan to cover in the lease the entire operation of these facilities, including air traffic control operations.

Next generation navigation systems.—The conference agreement provides $94,000,000 for next generation navigation systems, which includes $80,000,000 for further development of the GPS wide area augmentation system (WAAS), $10,000,000 for further development of the LORAN–C navigation system, and $4,000,000 for development of low-cost gyroscope technologies. The FAA is directed not to reprogram any of the LORAN–C or low-cost gyroscope funding to the WAAS program.

Wide area augmentation system.—Last year, the Senate proposed broad restrictions on the WAAS program, which were dropped in conference when program supporters argued those restrictions could cause the termination of the program. While providing continued funding, the fiscal year 1999 conference report noted ''those proponents have not been able to provide compelling assurances that this program will be cost-effective beyond the initial phase, which is expected to become operational early next year. The serious and persistent technical concerns expressed in both the House and Senate reports await resolution by the FAA at an unknown cost and in an unknown timeframe . . . The conferees intend for FAA to take a ''time out'' at this point to reassess the justification for the program beyond that point . . . Congress will be unable to adequately judge the need for future appropriations for the wide-area and local-area augmentation systems (WAAS and LAAS, respectively) until FAA completes an up-to-date alternatives analysis which looks at various combinations of existing and new, ground-based and satellite-based technologies.'' The Appropriations Committees have waited over two years for this critical analysis, and warned several times that funding cannot be supported indefinitely without it. Despite this situation, the department still has not submitted this benefit-cost analysis for Congressional review. Further, the agency's budget request assumes the program will continue well beyond phase one, ignoring the Congressional direction to take a pause in the program until clear justification is provided. The bill includes funding of $80,000,000 for the WAAS program. The conferees do not believe this program should go unrestrained in the absence of compelling financial justification. However, once these documents are submitted and reviewed, the conferees agree to consider a reprogramming request to restore funding, subject to Congressional approval at that time.

Next generation landing systems.—The conference agreement provides $20,000,000 for next generation landing systems, to be distributed as follows:

Project	*Amount*
Instrument landing systems (ILS)	$18,000,000
Transponder landing systems (TLS)	2,000,000
Total	20,000,000

Instrument landing systems.—Funding provided for instrument landing systems (ILS) shall be distributed as follows:

Project	*Amount*
Activities included in budget estimate	$6,000,000
Baton Rouge, LA	800,000
Clearwater/St. Petersburg, FL	3,500,000
Dulles International, VA	3,440,000
Harry Brown Airport, MI	500,000
Newark, NJ (LDA/glideslope)	1,160,000
Evanston, WY	500,000
St. George, AK	900,000
St. Louis Lambert, MO	700,000
McComb Airport, MS	500,000
Total	18,000,000

Instrument landing system, Pike County Airport, KY.—The conferees urge the FAA to give priority consideration to funding for an instrument landing system at the Pike County Airport in Kentucky, either using funds from this appropriation or from discretionary grants available under the Airport Improvement Program. The conferees understand that the Commonwealth of Kentucky has been working closely with FAA to obtain this system due to safety concerns brought about by the impact of weather and the mountainous terrain at this regional facility.

Transponder landing system.—The conference agreement provides $2,000,000 for the transponder landing system. The conferees agree with directions in the House report, and direct FAA to utilize fiscal year 2000 funding by contract methods, and not through continued leasing.

Local area augmentation system (LAAS).—The conferees believe that the work conducted by FAA under this program is more appropriately carried out with operating funds, since it involves review and oversight of industry development activities. The conferees have no objection to FAA's use of operating funds for this work.

Airport surface detection equipment (ASDE).—Last year's conference report expressed the concern of the conferees that ''FAA move expeditiously to develop and deploy advanced technologies to prevent runway incursions. For this reason, the conferees direct the FAA to give funding priority to advancing runway incursion technologies to the pre-production phase''. Despite this direction, however, the FAA has continued to move slowly in this program. The conference agreement provides $10,000,000 for the ASDE program, which includes $7,600,000 only for acquisition of production version low-cost ASDE systems. The FAA's appeal to the conferees requested an additional $3,100,000 for this program, but the agency planned to use those funds to buy only a single, pre-production system. The conferees reiterate that technology is available and needed now to address the worsening problem of runway incursions. Further agency delays are not acceptable. By the end of fiscal year 2000, the conferees expect the FAA to have awarded at least one contract for production low-cost ASDE systems for deployment in the highest priority airports.

Terminal air traffic control facilities replacement.—The conference agreement includes $78,900,000 for replacement of air traffic control towers and other terminal facilities. The following table compares the budget estimate, House and Senate recommended levels, and the conference agreement:

Location	Fiscal year 2000			
	Budget	House	Senate	Conference agreement
Swanton (Toledo), OH	$700,000	$700,000	$700,000	$700,000
Atlanta, GA	1,800,000	1,800,000	1,800,000	1,800,000
Boston Tracon, NH	17,600,000		17,600,000	10,000,000
Roanoke, VA	4,900,000	4,900,000	4,900,000	4,900,000
Port Columbus, OH	17,600,000	17,600,000	17,600,000	17,600,000
St. Louis, MO (ATCT)	1,600,000	1,600,000	1,600,000	1,600,000
St. Louis, MO (Tracon)	3,800,000	3,800,000	3,800,000	3,800,000
Little Rock, AR	740,000	740,000	740,000	740,000
Chicago O'Hare, IL	2,900,000	2,900,000	2,900,000	2,900,000
Chicago Midway, IL	411,000	411,000	411,000	411,000
Grand Canyon, AZ	243,000	243,000	243,000	243,000
Louisville, KY	2,200,000	2,200,000	2,200,000	2,200,000
Seattle, WA	10,270,000	10,270,000	10,270,000	10,270,000
Worcester, MA	370,000	370,000	370,000	370,000
Albany, NY	1,032,000	1,032,000	1,032,000	1,032,000
N. Las Vegas, NV	2,354,000		2,354,000	2,354,000
LaGuardia, NY	2,200,000	2,200,000	2,200,000	2,200,000
Portland, OR	50,000	50,000	50,000	50,000
Covington, KY	780,000	780,000	780,000	780,000
Birmingham, AL	1,250,000	1,250,000	1,250,000	1,250,000
Houston Hobby, TX	400,000	400,000	400,000	400,000
Pontiac, MI	600,000	600,000	600,000	600,000
Newark, NJ	2,200,000		2,200,000	2,200,000
Phoenix, AZ		5,000,000		4,000,000
Richmond, VA		3,500,000		3,000,000
Corpus Christi, TX		2,000,000	1,000,000	1,500,000
Martin State, MD			1,000,000	
Pangborn Memorial,WA			500,000	
Paine Field, WA			1,000,000	1,000,000
Billings Logan, MT			1,000,000	1,000,000
Unspecified reduction			5,000,000	
Total	76,000,000	64,346,000	75,500,000	78,900,000

Control tower tracon facilities improvement.—The conference agreement includes $2,600,000 for the cable loop relocation project at St. Louis Lambert Airport, as proposed by the House, and $200,000 for improvements at the Manchester, New Hampshire airport, as proposed by the Senate. The conferees do not provide the $2,500,000 proposed by the House for a new final approach sector at Dulles International Airport, because the FAA has implemented such a position in fiscal year 1999.

Terminal automation.—The conference agreement provides $195,240,000 for the terminal automation program, which includes the standard terminal automation replacement system (STARS), ARTS color displays, and other associated activities. This fully funds the program at the level requested in the President's budget as proposed by the Senate, instead of $165,000,000 as proposed by the House.

Air traffic management.—The conference agreement provides $15,000,000 as proposed by the Senate instead of $42,000,000 proposed by the House. The conferees believe there is merit in exploring the possibility of privatizing the traffic management function currently within the FAA in order to affect operational improvements and efficiencies, and that further significant investment in upgrading the traffic management system should be deferred until completion of this analysis. The conferees direct FAA to task the National Academy of Sciences to conduct this analysis, to be completed as soon as practicable.

Congressional directions.—The conferees do not agree with Senate directions regarding the OASIS, air navaids and ATC facilities, and NAS recovery communications programs.

ARTCC building/plant improvements.—The agreement to provide $36,900,000 for this program includes $9,600,000 to continue the Honolulu CERAP relocation project as proposed by the Senate. The House had proposed no funding for this project.

Remote radar capability.—The conference agreement provides $900,000 for this program, to be used for site analysis and site preparation activities to enable remote radar capability at Sonoma County and Napa County Airports and Livermore Municipal/Buchanan Field Airports in California.

Automated surface observing system.—The $9,900,000 provided for this program includes $2,000,000 for the commissioning of ASOS systems in rural Alaska and $100,000 for an Automated Weather Sensors System at the Sugar Land Municipal Airport in Texas.

Flight service station modernization.—The conference agreement includes $1,700,000 for the further procurement and installation of video cameras for remote weather information in remote and mountainous terrain in Alaska and $300,000 for acquisition and support of the mike-in-hand weather reporting system in rural Alaska.

GPS aeronautical band.—The conference agreement includes no funding for FAA's contribution to the development of new signals for the GPS satellite system. This was to be the first year of a $130,000,000 contribution by the FAA. The conferees are not against this effort per se. However, since most of the benefits will accrue to civil users other than aviation or the FAA, the conferees believe it is inappropriate for FAA to shoulder most of the burden, and inappropriate for aviation users to finance the activity from the airport and airway trust fund. However, the conferees would not object if the department received funding for this effort from non-DOT agencies and departments through interagency transfers, based upon a fair share of perceived civil benefits.

Automated weather information programs.—To address the issue of weather related accidents at airports, the conferees believe it is critical to upgrade the existing automated weather information programs. Therefore, the conferees expect FAA to implement product improvements and upgrades to the current systems and to report to Congress on the agency's plans to accelerate the deployment of upgrade technology upon successful demonstration of the Automated Observation for Visibility, Cloud Height, and Cloud Coverage (AOVCC) system within 90 days of enactment of this Act.

Center for Advanced Aviation Systems Development.—The conference agreement provides $61,000,000 instead of $63,400,000 as proposed by the House and $60,100,000 as proposed by the Senate. In addition, the conferees accept the House's proposed ceiling of 320 technical staff years for this organization. However, the conferees clarify that the ceiling only applies to funds provided in this Act. Staffing financed by funding from other departments and agencies does not count toward this ceiling.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

The conference agreement includes a rescission of $30,000,000 from Public Law 105–66 instead of two rescissions totaling $299,500,000 as proposed by the Senate. The House proposed no similar rescissions.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement provides $156,495,000 for FAA research, engineering, and development instead of $173,000,000 as proposed by the House and $150,000,000 as proposed by the Senate.

The following table shows the distribution of funds in the House and Senate bills and the conference agreement:

RESEARCH, ENGINEERING, AND DEVELOPMENT
Conference Agreement
Fiscal Year 2000

Program Name	FY99 Enacted	FY00 Estimate	FY00 House	FY00 Senate	Conference Agreement
System Development and Infrastructure	**15,784,000**	**17,269,000**	**16,280,000**	**17,139,000**	**17,139,000**
System planning & resource management	1,164,000	1,294,000	1,164,000	1,164,000	1,164,000
Technical laboratory facility	9,730,000	11,075,000	10,216,000	11,075,000	11,075,000
Center for Advanced Aviation System Development	4,890,000	4,900,000	4,900,000	4,900,000	4,900,000
Capacity and Air Traffic Management Technology	**0**	**16,000,000**	**0**	**4,000,000**	**0**
Safe Flight 21	0	16,000,000	0	0	0
Winglet effecicency/wake vortex	0	0	0	4,000,000	0
Weather	**18,684,000**	**15,300,000**	**20,950,000**	**16,765,000**	**19,300,000**
National laboratory program	9,118,000	8,700,000	12,000,000	0	11,000,000
In-house support	2,630,000	3,150,000	2,500,000	0	2,500,000
Center for Wind, Ice & Fog	336,000	350,000	1,000,000	0	700,000
Hazardous weather program	0	0	0	11,865,000	0
Juneau, AK	3,600,000	3,100,000	2,450,000	3,100,000	3,100,000
SOCRATES	3,000,000	0	3,000,000	1,300,000	2,000,000
Ice monitoring and detection system	0	0	0	500,000	0
Aircraft Safety Technology	**34,886,000**	**39,639,000**	**44,639,000**	**40,957,000**	**44,457,000**
Aircraft systems fire safety	4,750,000	5,528,000	5,528,000	4,750,000	4,750,000
Advanced materials/structural safety	1,734,000	2,338,000	2,338,000	2,338,000	2,338,000
Propulsion and fuel systems	2,831,000	3,126,000	3,126,000	3,126,000	3,126,000
Flight safety/atmospheric hazards research	2,619,000	3,844,000	3,844,000	3,844,000	3,844,000
Aging aircraft	14,694,000	15,998,000	20,998,000	18,094,000	21,594,000
Aircraft catastrophic failure prevention research	1,787,000	1,981,000	1,981,000	1,981,000	1,981,000
Aviation safety risk analysis	6,471,000	6,824,000	6,824,000	6,824,000	6,824,000
System Security Technology	**51,690,000**	**53,218,000**	**58,400,000**	**47,041,000**	**50,147,000**
Explosives and weapons detection & aircraft hardening	43,700,000	45,677,000	50,859,000	39,500,000	42,606,000
Airport security technology integration	2,708,000	2,285,000	2,285,000	2,285,000	2,285,000
Aviation security human factors	5,282,000	5,256,000	5,256,000	5,256,000	5,256,000
Human Factors & Aviation Medicine	**25,065,000**	**26,207,000**	**27,829,000**	**20,207,000**	**21,971,000**
Flight deck/maintenance/system integration human factors	11,000,000	10,142,000	11,000,000	9,142,000	9,142,000
Air traffic control/airway facilities human factors	10,000,000	11,236,000	12,000,000	8,000,000	8,000,000
Aeromedical research	4,065,000	4,829,000	4,829,000	3,065,000	4,829,000
Environment and Energy	**2,891,000**	**3,481,000**	**3,481,000**	**2,891,000**	**3,481,000**
Innovative/Cooperative Research	**1,000,000**	**1,421,000**	**1,421,000**	**1,000,000**	**0**
Total appropriation	*150,000,000*	*172,535,000*	*173,000,000*	*150,000,000*	*156,495,000*

Weather research.—The conferees agree to provide $19,300,000 for aviation weather research instead of $20,950,000 as proposed by the House and $16,765,000 as proposed by the Senate. The conferees direct that, of these funds, $11,000,000 is to be made available for the national laboratory program, $2,000,000 is available to continue Project Socrates, $700,000 is for the Center for Wind, Ice and Fog, and $3,100,000 is to continue the turbulence and windshear research project at Juneau, Alaska.

Explosives and weapons detection and aircraft hardening.—The conference agreement includes $42,606,000 instead of $50,859,000 as proposed by the House and $39,500,000 as proposed by the Senate. Of this amount, $3,000,000 is to continue development of the pulsed fast neutron analysis (PFNA) cargo inspection system; $1,000,000 is for the Safe Skies initiative involving research and development of explosives and chemical or biological agents currently being conducted by the Institute of Biological Detection Systems; and $1,000,000 is for a dual view x-ray cargo explosive detection system demonstration for palletized cargo at Huntsville International Airport in Alabama. The conferees also encourage the FAA to continue demonstration and testing of a blast resistant hardened container for use on narrow body commercial aircraft.

Human factors research.—The conference agreement provides $21,971,000 instead of $27,829,000 as proposed by the House and $20,207,000 as proposed by the Senate. The conferees note that recently the focus of ''ATC/AF human factors'' research has shifted away from today's human factors problems and toward problems which could occur from implementation of tomorrow's technologies. These technology development efforts have their own funding which could—and should—address these issues. The conferees do not believe RE&D funds are needed to supplement those programs, and should be reserved for addressing today's human factors issues. The conferees do not agree with the Senate's direction to withhold obligation of human factors funding until submission of data regarding relative accident rates based on pilot age. The conferees understand that the FAA has agreed to provide this data to the Senate.

Fatigue countermeasures.—The conferees are concerned that FAA has still not made available to operational air traffic controllers educational materials regarding fatigue countermeasures. The Aviation Safety Reporting System and controller studies continue to cite fatigue as a significant factor in operational errors and other aviation incidents, and FAA's counterclockwise rotation schedule often exacerbates the problem. Given this situation, making controllers aware of available countermeasures is important. The conferees encourage FAA to accelerate the development and distribution of these materials.

Winglet technology.—The conferees understand that the FAA is conducting research into the efficiency and advantages of advanced winglet technology with funding provided in fiscal year 1999. The FAA may request a reprogramming for further research in this area in fiscal year 2000, consistent with Department of Transportation reprogramming guidelines.

Aging aircraft.—Of the funding provided, $5,000,000 is to continue and expand research activities at the National Institute for Aviation Research, as proposed by the House. The conferees make clear that these funds are for research, and not for construction or equipment procurement.

Innovative/cooperative research.—The conference agreement provides no funding for this activity, which conducts ''strategic partnering'' with industry. The conferees do not find this an appropriate use of RE&D funding.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes a liquidating cash appropriation of $1,750,000,000, as proposed by the Senate instead of $1,867,000,000 as proposed by the House.

Obligation limitation.—The conferees agree to an obligation limitation of $1,950,000,000 for the ''Grants-in-aid for airports'' program instead of $2,250,000,000 as proposed by the House and $2,000,000,000 as proposed by the Senate.

Limitation on noise mitigation program.—The conference agreement deletes the limitation on the noise planning and mitigation program proposed by the Senate.

Discretionary grants award process.—The conferees expect FAA to make AIP discretionary grant announcements not more than fifteen days after submission to the office of the secretary of grant decisions, notwithstanding departmental guidelines and practices to the contrary. A recent GAO report found that, in some cases, awards were being delayed significantly in the office of the secretary due to slow administrative practices.

Priority consideration.—The conferees agree that the FAA should give priority consideration to grant applications for projects listed in the House or Senate reports, or in this statement of the managers, in the categories of discretionary grants for which they are eligible. In addition to those airports and projects listed in the House and Senate reports, the conferees agree that the following projects shall receive priority consideration:

Airport	Project
Aurora Municipal Airport, Aurora, IL	Runway reconstruction.
Tell City/Perry County Airport, Tell City, IN.	Runway extension.
Freeman Municipal Airport, Seymour, IN.	Apron/taxiway reconstruction.
Danbury Municipal, CT	Hurricane-related repair.
Upper Cumberland Regional, Sparta-Cookeville, TN.	Land acquisition and runway, taxiway, and safety improvements.
Denver International, CO	Environmental and stormwater mitigation, taxiway B–4 and runway 25/5.
Montgomery Regional, AL	Crosswind runway extension and other safety improvements.
Jackson International, MS	Air cargo apron.
Abbeyville, AL	Runway and apron extensions and other safety improvements.
Mexico Muncipal Airport, Mexico, MO	Runway extension, safety improvements, and other capacity enhancement projects.
Rock County Airport, Janesville, WI	Runway extension and reconstruction; parallel taxiway; land acquisition; and associated lighting systems.
Eastern West Virginia Regional Airport, Martinsburg, WVA.	Runway extension: planning, engineering, and construction.
Seattle-Tacoma International, WA	Capacity expansion and safety improvements.
Waterbury/Oxford Airport, CT	Rehabilitation of taxiway A.

Danbury Municipal Airport, CT.—The conferees agree that Danbury Municipal Airport should receive priority consideration for discretionary funding under the Airport Improvement Program to provide for the urgent repair of damage caused by Hurricane Floyd estimated at $2,000,000.

Waterbury/Oxford Airport, Waterbury, CT.—The conferees agree that the FAA shall give priority consideration to a discretionary grant request for the rehabilitation of taxiway A at Waterbury/Oxford Airport.

Reimbursement for instrument landing system, Louisville International Airport, KY.—The FAA is directed to honor a previous commitment made to the sponsor of Louisville International Airport and reimburse the sponsor for costs related to acquisition and installation of an instrument landing system. The House conferees understood last year that the FAA was to provide a discretionary grant for this purpose, and consequently dropped bill language requiring reimbursement. However, rather than provide reimbursement in this manner, the agency advanced to the sponsor a payment under an existing letter of intent. The conferees believe that requiring the sponsor to absorb new activities within an existing LOI does not meet the intent of reimbursement.

Administration.—The conference agreement allows FAA's expenses for administering the grants-in-aid program to be derived from this appropriation, as proposed by the Senate, instead of under the FAA's operating account. The conference agreement limits those expenses to $45,000,000, instead of $47,891,000 proposed by the Senate. The House bill included no funding for this program. The bill includes a provision allowing these expenses to be drawn from FAA's operating account in the event of a lapse in contract authorization for this program, at a rate not to exceed $45,000,000 for the fiscal year.

Low frequency noise.—The managers recognize that the issue of low frequency airport noise is increasingly of concern in residential neighborhoods near the nation's airports. The managers urge the FAA to expedite efforts to research and define this problem, and to develop low frequency noise mitigation policies that appropriately address low frequency airport noise impacts on residential neighborhoods.

GRANTS-IN-AID FOR AIRPORTS

(RESCISSION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes no rescission of contract authority as proposed by the Senate instead of $300,000,000 as proposed by the House.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement deletes the reduction in the fiscal year 1999 obligation limitation for grants-in-aid for airports proposed by the Senate. The House bill included no similar reduction.

AVIATION INSURANCE REVOLVING FUND

The conference agreement includes language proposed by the Senate authorizing continued expenditures and investments under the Aviation Insurance Revolving Fund for aviation insurance activities authorized under chapter 443 of title 49, United States Code. The House included no similar language.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

The conference agreement includes a prohibition on funding for this program as a general provision, as proposed by the House, instead of under this heading as proposed by the Senate.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement limits administrative expenses of the Federal Highway Administration (FHWA) to $376,072,000 instead of $356,380,000 as proposed by the House and $370,000,000 as proposed by the Senate. Within the overall limitation, the conference agreement includes a limitation of $70,484,000 to carry out the functions and operations of the office of motor carriers as proposed by the House instead of $55,418,000 as proposed by the Senate.

The conference agreement provides that certain sums be made available under section 104(a) of title 23, U.S.C. to carry out specified activities, as follows: $6,000,000 shall be available for commercial remote sensing products and spatial information technologies under section 5113 of Public Law 105–178, as amended; $5,000,000 shall be available for the nationwide differential

global positioning system program as authorized; $8,000,000 shall be available for the national historic covered bridge preservation program under section 1224 of Public Law 105–178, as amended; $18,300,000 shall be available for the Indian reservation roads program under section 204 of title 23, U.S.C.; $16,400,000 shall be available for the public lands highways program under section 204 of title 23, U.S.C.; $11,000,000 shall be available for the Park Roads and Parkways Program under section 204 of title 23, U.S.C.; $1,300,000 shall be available for the refuge road program under section 204 of title 23, U.S.C.; $7,500,000 shall be made available for ''Child Passenger Protection Education Grants'' under section 2003(b) of Public Law 105–178, as amended; $10,000,000 shall be available for the transportation and community and system preservation program under section 1221 of Public Law 105–178; and $15,000,000 shall be available to the University of Alabama in Tuscaloosa, Alabama, for the Transportation Research Institute.

The recommended distribution by program and activity of the funding provided for FHWA's administrative expenses is as follows:

FHWA administrative expenses (excluding OMC) ..	$300,890,000
Accountwide adjustment	−3,000,000
Eliminate funding for the human resource information system	−802,000
Eliminate funding for the community/federal information partnership program	−6,000,000
Advanced vehicle technology consortia program (section 5111 of TEA21)	5,000,000
Eliminate funding for national rural development program support	−500,000
Transportation management planning for the Salt Lake City 2002 Winter Olympic Games (section 1223 of TEA21)	5,000,000
Economic development highways initiative	5,000,000
Subtotal, FHWA (excluding OMC)	305,588,000
Motor carrier administrative expenses	61,234,000
Additional resources for federal inspectors and other safety-related activities	9,250,000
Subtotal, motor carrier expenses	70,484,000
Total, FHWA administrative expenses	376,072,000

Advanced vehicle technology consortia program.—The conference agreement provides $5,000,000 for the advanced vehicle technology consortia program. These funds shall be available to support a public/private partnership to design, develop, and deploy alternative fuel and propulsion systems focusing on medium and heavy vehicles. The conferees direct the FHWA to include with the fiscal year 2001 budget request a report that delineates a detailed strategic spending plan for the advanced vehicle consortia program. Moreover, the conferees direct that all development, demonstration and deployment projects to be funded within the advanced vehicle consortia program require at least a fifty percent non-federal match and that none of the funds provided for this program shall be used to advance magnetic levitation technology.

Transportation management planning for the Salt Lake City 2002 Winter Olympic Games.—The conference agreement includes $5,000,000 for transportation management planning for the Salt Lake City Winter Olympic Games, as authorized by section 1223(c) of TEA21. These funds shall be available for planning activities and related temporary and permanent transportation infrastructure investments based on the transportation management plan approved by the Secretary.

In addition, the conferees recommend that the Secretary give priority consideration when allocating discretionary highway funds to the following transportation projects to support the 2002 Winter Olympic Games:

I–80: Kimball Junction—modification/reconstruction

I–80: Silver Creek Junction—modification/reconstruction

SR 248 reconstruction: US 40 to Park City

Soldier Hollow Improvements: Wasatch County

I–15 reconstruction: 10800 South to 600 North

I–215: 3500 South—interchange reconfiguration

Turner-Fairbank Highway Research Center contracting.—The conferees direct the FHWA to identify and submit specific corrections it plans to take in response to the Inspector General's audit of the Turner-Fairbank Highway Research Center contracting activities to the House and Senate Committees on Appropriations by December 1, 1999.

Central Artery/Ted Williams tunnel project.—On May 24, 1999, the Inspector General reported that between 1992 and 1997, the Massachusetts Highway Department paid premiums totaling $368,700,000 for an owner-controlled insurance program on the Central Artery/Ted Williams Tunnel Project (Project) in Boston, Massachusetts. Insurance company audits showed the premiums should have been adjusted downward by a total of $166,700,000 with interest. Since ninety percent of the premium payments were made with federal funds, the federal share of the adjustments is $150,000,000. The Project intended to keep those funds, as well as other excess funds that might be paid into the insurance program through 2004, invested in its reserve trust account until the year 2017. By 2017, the balance of the reserves was projected to grow to $826,000,000. The Project's 1998 finance plan used the full future value of the reserves as a ''credit'' to off-set construction costs and keep the ''net'' cost of the Project at $10.8 billion. The Inspector General concluded that there were no documented insurance-related needs that justified the continued holding of the federal money.

In response to recommendations contained in the Inspector General's report, FHWA agreed to take action to use the accumulated adjustments and interest not needed for project costs during that time; and to issue guidance to ensure future premium adjustments are immediately returned and reserves for owner-controlled insurance programs do not exceed allowable amounts. Given FHWA's prior agreement to allow the excess premiums to be retained in investment accounts, the conferees agree that the FHWA's planned actions are reasonable. The conferees fully expect that there will be no delays in recovering excess funds or implementing the other agreed-upon actions. In particular, the conferees are concerned that guidance regarding federal funding of insurance on transportation projects must be adequate to ensure similar situations do not arise in the future. Therefore, the conferees direct the Secretary of Transportation to issue guidance to ensure: (1) the federal share of premium adjustments on all transportation projects is immediately applied to other project costs or returned to the U.S. Treasury, and (2) reserve account balances for insurance programs are adjusted annually so that reserves do not exceed the amount reasonably needed to pay outstanding claims. The conferees further direct the Inspector General, as a part of the continuing oversight of the Central Artery project, to monitor the implementation of FHWA's planned actions related to the Central Artery insurance program.

Inspector General cost reimbursements.—The conference agreement provides up to $2,000,000 for Inspector General audit cost reimbursements. These funds are transferred from FHWA's administrative takedown as authorized under section 104(a) of title 23 to the Office of Inspector General.

Office of motor carriers.—The conference agreement includes $70,484,000 for administrative expenses of the office of motor carriers as proposed by the House instead of $55,418,000 as proposed by the Senate. The conferees agree that this level is necessary to fund the critical investments in motor carrier programs as identified by the House. Within the funds provided, $200,000 shall be available to conduct the school transportation safety study and $350,000 shall be available for Operation Respond.

LIMITATION ON TRANSPORTATION RESEARCH

The conference agreement deletes the limitation on transportation research of $422,450,000 proposed by the House. The Senate bill contained no similar limitation under this heading. Funding for transportation research programs and activities is included within the overall limitation on federal-aid highways, as proposed by the Senate.

FEDERAL-AID HIGHWAYS

The conference agreement limits obligations for the federal-aid highways program to $27,701,350,000 as proposed by both the House and the Senate. The conference agreement also includes the following limitations within the overall limitation on obligations for the federal-aid highways program as proposed by the Senate: $391,450,000 for transportation research; $20,000,000 for the magnetic levitation transportation technology deployment program, of which not more than $1,000,000 shall be available to the Federal Railroad Administration for administrative expenses and technical assistance; $31,000,000 for the Bureau of Transportation Statistics; and $211,200,000 for intelligent transportation systems. The House bill contained no similar sub-limitations.

The conference agreement deletes the provision proposed by the Senate providing $10,000,000 for the national historic covered bridge preservation program from the discretionary bridge program and $5,000,000 for the nationwide differential global positioning system from funds made available for intelligent transportation systems. These set-asides are addressed under ''Federal Highway Administration, Limitation on administrative expenses''.

The conference agreement includes a provision proposed by the Senate that requires the Secretary, at the request of the State of Nevada, to transfer up to $10,000,000 of its minimum guarantee apportionments, and an equal amount of obligation authority, to the State of California for use on high priority project numbered 829 in Public Law 105–178, relating to the widening of I–15 in San Bernardino County. This provision shall, in no way, affect the formulae for distributing contract authority and obligational authority to the states. The House bill contained no similar provision.

The conference agreement also includes a provision, which after deducting $90,000,000 for high priority projects and $8,000,000 for the Woodrow Wilson Bridge, distributes revenue aligned budget authority directly to

the states consistent with each state's individual guaranteed share under section 1105 of Public Law 105–178. Such an approach maximizes resources flowing to the states.

SURFACE TRANSPORTATION RESEARCH

Within the funds provided for surface transportation research, the conference agreement includes $65,000,000 for highway research and development for the following activities:

Safety	$14,200,000
Pavements	13,050,000
Structures	15,000,000
Environment	6,200,000
Policy	4,000,000
Planning	4,000,000
Motor carrier	6,400,000
Advanced research	900,000
Highway operations	750,000
Freight	500,000
Total	65,000,000

Safety.—The conferees direct FHWA to ensure that safety research and development activities receive the same level of funding as provided in fiscal year 1999. Within the funds provided for safety research, the conferees encourage the FHWA to provide up to $100,000 to conduct research and to incorporate guidance in the National Manual of Uniform Traffic Control Device for highway/rail grade crossing pre-signal operations, and to advance a new traffic signal warrant for preemption requirements. The conferees also encourage the FHWA to provide up to $750,000 to evaluate and deploy a nationwide highway watch program to improve roadway safety.

The Secretary of Transportation is encouraged to evaluate means of improving the safety of persons present at roadside emergency scenes, including motor vehicle accidents. The study should evaluate the effectiveness of state laws designed to improve the safety of persons present at roadside emergency scenes; determine the feasibility of requiring drivers operating motor vehicles approaching a roadside emergency scene to move to the farthest lane from the emergency scene and decrease motor speed to 10 miles per hour under the posted speed limit; and collect such statistics as may be necessary to assist policy makers in addressing issues of safety at roadside emergency scenes.

Pavements.—Within the funds provided for pavements research, the conferees encourage the FHWA to provide up to $400,000 for geosynthetic material research; and up to $1,500,000 to study the potential benefits to federally funded highway projects and asphalt surfaces of early application of emulsified sealer/binder and research related to development of low cost pavement with flexibility to tolerate heaves in extreme climates. The conferees further encourage the FHWA to provide up to $1,000,000 to evaluate and promote the benefits of silica fume high performance concrete and to submit a report to the House and Senate Committees on Appropriations by September 30, 2001 of its findings. The FHWA is also encouraged to work with an academic and industry-led national consortium and to provide funding within available balances for an additional polymer additive project to demonstrate the use of polymer additives in pavement for civil infrastructure purposes, and researchers at the University of Mississippi to develop concepts and technologies that will lead to better constructed pavements. And lastly, the FHWA is encouraged to provide up to $1,250,000 for research costs associated with constructing a segment of highway utilizing a binder composed of polymer additives and to work with the South Carolina State University and Clemson University to further research in this area.

Structures.—Within the funds provided for structures research, the conferees encourage the FHWA to provide up to $1,500,000 for the Utah Department of Transportation and the Utah Transportation Center to conduct research of load capacities of deteriorating bridges. The conferees also encourage the FHWA to provide up to $1,200,000 to develop advanced engineering and wood composites for bridge construction and to work with Cal State University at San Diego and the University of Maine. The conferees encourage the department to consider establishing an earthquake simulation facility at the Nevada test site for full-earthquake testing applications.

The conferees encourage the FHWA to provide up to $2,000,000 to establish a center of excellence at the West Virginia University Constructed Facility Center. The conferees encourage the FHWA to work with Lehigh University and its center for advanced technology for large structural systems. FHWA is also encouraged to provide up to $1,000,000 for the development of technology to prevent and mitigate alkali silica reactivity utilizing lithium salts. Lastly, FHWA is encouraged to support research into and deployment of the use of electronic control of magnets to reduce sound and vibration during major highway construction.

Environment.—Within the funds provided for environment research, the conferees encourage the FHWA to collaborate with the National Environmental Research Center on its research strategy. FHWA is also encouraged to provide up to $300,000 for native vegetation research and up to $1,000,000 to support research to examine the levels and types of fine particulate matter produced by highway sources, and to develop improved tools to predict truck travel and resulting emissions on nitrous oxides. Up to $100,000 is provided to further the PM–10 study within funds provided for highway research and development.

Policy.—The FHWA is encouraged to develop a comprehensive program of international logistics training and operational testing to enhance the movement of freight through international corridors and facilities. In addition, the FHWA is encouraged to study cross state line planning and propose tools or processes that will facilitate the preliminary planning process in the absence of a memorandum of understanding between the affected states. None of the funds provided for any surface transportation subaccount may be used to support research into sustainability.

Planning and real estate.—Within the funds provided for planning and real estate research, the conferees encourage the FHWA to be the lead agency in the next developmental phase of the National Transportation Network Analysis Capability at Los Alamos Laboratory.

Freight.—The conference agreement provides $500,000 for freight research.

Motor carrier research.—The conferees direct the FHWA to improve the budget justification materials in the area of motor carrier research. The conferees also direct that not more than $60,000 shall be available from all department funding sources for the international conference on motor carrier research. Within the funds available for motor carrier research, the conferees encourage the FHWA to provide up to $500,000 for the truck driver center initiative at Crowder College, Missouri. The FHWA is also encouraged to provide up to $1,000,000 to study the effects of shift changes on truck driver alertness.

Interstate rest areas.—The conferees encourage the FHWA to study interstate rest areas and liability and maintenance costs issues and provide recommendations as to methods for states to ensure competitive alternatives for interstate travelers and to provide uniformity, rest area signage standards, and oasis identification conformity.

Electronic control module technology.—The conferees encourage the FHWA to work with interested parties to explore a standard of protocol for electronic control module technologies for access to and the relevant data to be recorded in this area.

Technology and deployment.—The conferees direct the FHWA to respond by December 1, 1999 to each of the recommendations presented in the Transportation Research Board report on technology deployment and report to the House and Senate Committees on Appropriations how FHWA will improve its mechanisms of technology transfer and evaluations. Within the funds provided for technology and deployment, the conferees encourage FHWA to provide up to $2,000,000 for the Center for Advanced Simulation Technology in New York and Auburn University for a transportation management plan.

INTELLIGENT TRANSPORTATION SYSTEMS

The conference agreement provides a total of $211,200,000 for intelligent transportation systems (ITS), of which $113,000,000 is available for ITS deployment and $98,200,000 is for ITS research and development. Within the funds made available for intelligent transportation systems, the conference agreement provides that not less than the following sums shall be available for intelligent transportation projects in these specified areas:

Project location	*Conference*
Albuquerque, New Mexico	$2,000,000
Arapahoe County, Colorado	1,000,000
Branson, Missouri	1,000,000
Central, Pennsylvania	1,000,000
Charlotte, North Carolina	1,000,000
Chicago, Illinois	1,000,000
City of Superior and Douglas County, Wisconsin	1,000,000
Clay County, Missouri	300,000
Clearwater, Florida	3,500,000
College Station, Texas	1,000,000
Central, Ohio	1,000,000
Commonwealth of Virginia	4,000,000
Corpus Christi, Texas	1,500,000
Delaware River, Pennsylvania	1,000,000
Fairfield, California	750,000
Fargo, North Dakota	1,000,000
Florida Bay County, Florida	1,000,000
Fort Worth, Texas	2,500,000
Grand Forks, North Dakota	500,000
Greater Metropolitan Capital Region, DC	5,000,000
Greater Yellowstone, Montana	1,000,000
Houma, Louisiana	1,000,000
Houston, Texas	1,500,000
Huntsville, Alabama	500,000
Inglewood, California	1,000,000
Jefferson County, Colorado	1,500,000
Kansas City, Missouri	1,000,000
Las Vegas, Nevada	2,800,000
Los Angeles, California	1,000,000
Miami, Florida	1,000,000
Mission Viejo, California	1,000,000
Monroe County, New York	1,000,000
Nashville, Tennessee	1,000,000
Northeast Florida	1,000,000
Oakland, California	500,000
Oakland County, Michigan	1,000,000
Oxford, Mississippi	1,500,000
Pennsylvania Turnpike, Pennsylvania	2,500,000
Pueblo, Colorado	1,000,000
Puget Sound, Washington	1,000,000
Reno/Tahoe, California/Nevada	500,000
Rensselaer County, New York	1,000,000
Sacramento County, California	1,000,000
Salt Lake City, Utah	3,000,000
San Francisco, California	1,000,000
Santa Clara, California	1,000,000
Santa Teresa, New Mexico	1,000,000

Project location	Conference
Seattle, Washington	2,100,000
Shenandoah Valley, Virginia	2,500,000
Shreveport, Louisiana	1,000,000
Silicon Valley, California	1,000,000
Southeast Michigan	2,000,000
Spokane, Washington	500,000
St. Louis, Missouri	1,000,000
State of Missouri	1,000,000
State of Alabama	1,300,000
State of Alaska	3,000,000
State of Arizona	1,000,000
State of Colorado	1,500,000
State of Delaware	2,000,000
State of Idaho	2,000,000
State of Illinois	1,500,000
State of Maryland	2,000,000
State of Minnesota	7,000,000
State of Montana	1,000,000
State of Nebraska	500,000
State of Oregon	1,000,000
State of Texas	4,000,000
State of Vermont rural systems	1,000,000
States of New Jersey and New York	2,000,000
Statewide Transcom/Transmit upgrades, New Jersey	4,000,000
Tacoma Puyallup, Washington	500,000
Thurston, Washington	1,000,000
Towamencin, Pennsylvania	600,000
Wausau-Stevens Point-Wisconsin Rapids, Wisconsin	1,500,000
Wayne County, Michigan	1,000,000

Projects selected for funding shall contribute to the integration and interoperability of intelligent transportation systems, consistent with the criteria set forth in TEA21.

Shenandoah Valley, Virginia.—The conference agreement includes $2,500,000 for Intelligent Transportation Systems (ITS) in Virginia's Shenandoah Valley. The conferees are encouraged by the opportunities to improve safety with ITS programs such as the collection and distribution of real time information, installation of dynamic message signs and safety monitors, coordination of emergency response, and other systems and encourage efforts with Shenandoah University, George Mason University and Virginia Tech.

Washington, D.C.—The conference agreement includes $5,000,000 for Intelligent Transportation Systems (ITS) in the national capital region. Within the amount provided, the conferees urge funding be made available to George Mason University to develop a system which coordinates ITS responses to major capital projects in Northern Virginia.

The conference report provides $98,200,000 for ITS research and development activities, to be distributed by activity as follows:

Research and development	$47,450,000
Operational tests	6,650,000
Evaluations	7,000,000
Architecture and standards	16,400,000
Integration	10,700,000
Mainstreaming	1,000,000
Program support	9,000,000
Total	98,200,000

Within the funds for research and development, the conferees encourage the FHWA to work with Drexel University to focus on the link between intelligent transportation systems and transportation infrastructure.

Within the funds provided for evaluations, the conferees encourage the FHWA to provide up to $1,000,000 for the testing and development of a smart commercial drivers license utilizing smart card and biometric elements to enhance safety and efficiency.

The conferees encourage the FHWA to consider establishing a program to test passive technology and incorporate the results into the department's development and implementation of a national standards regime.

FERRY BOATS AND FERRY TERMINAL FACILITIES

Within the funds available for ferry boats and ferry terminal facilities, funds are to be available for the following projects and activities:

Project	Conference
Hokes Bluff, Alabama ferry	$350,000
LaPoint, Wisconsin ferry terminal	575,000
McClelland, Virgelle, and Carter ferry sites, Montana	1,500,000
New Bedford, Massachusetts ferry terminal	500,000
New London ferry terminal	800,000
North Carolina ferry system	2,000,000
Penn's landing ferry, Pennsylvania	1,500,000
Port Clinton, Ohio ferry and passenger terminal	1,000,000
Potomac River ferry	500,000
Savannah, Georgia water taxi	500,000
Seattle Elliott Bay water taxi	500,000
State of Hawaii for intra-island ferry service from Barbers Point to Honolulu Harbor	1,500,000

MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM

Within the funds available for the magnetic levitation transportation technology deployment program, funds are to be available for the following projects and activities:

Administration	$1,000,000
Segmented rail phased induction electric magnetic motor (SERAPHIM) project	1,000,000
Port Authority of Allegheny County, Pennsylvania	3,500,000
Maryland Department of Transportation	2,250,000
California-Nevada super speed train commission	2,250,000
Florida Department of Transportation	2,250,000
Greater New Orleans Expressway Commission	2,250,000
Georgia/Atlanta Regional Commission	2,250,000
State of California	2,250,000

Segmented rail phased induction electric magnetic motor (SERAPHIM) project.—The conferees have provided $1,000,000 for the SERAPHIM project from program set-asides for low speed maglev research. This technology has been identified as a potential transit option for the Colorado intermountain fixed guideway authority, Denver International Airport to Eagle County Airport corridor.

NATIONAL CORRIDOR PLANNING AND DEVELOPMENT PROGRAM

Within the funds available for the national corridor planning and development program, funds are to be available for the following projects and activities:

Project	Conference
Columbus port-of-entry realignment, Columbus, New Mexico	$1,000,000
Corridor 18, Texas	15,000,000
I–5, Washington	4,000,000
I–66, Kentucky	5,000,000
Mon-Fayette expressway, West Virginia	12,000,000
Route 2, New Hampshire, corridor planning	1,500,000
Stevenson Expressway, Chicago, Illinois	8,000,000
STH 29, Wisconsin development corridor, Chappewa Falls to Elk Mound	12,000,000

In addition, the conferees direct that $10,000,000 be available only to the states of Arizona, California, New Mexico and Texas for safety and enforcement enhancements such as portable scales, facilities, software, supplies, and equipment and leasing or purchase of land necessary to house additional OMCHS inspectors as well as to construct access and egress and other roadway improvements directly related to the efficient operation of the facilities.

TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PROGRAM

The conference agreement provides a total of $35,000,000 for the transportation and community and system preservation program, of which $10,000,000 are derived from the administrative takedown. Within the funds available for the transportation and community and system preservation program, funds are to be available for the following projects and activities:

Project	Conference
Alabama Department of Transportation Statewide Dock Inventory Assesssment	$400,000
Albuquerque Downtown Transportation Management Program	600,000
Anchorage, Alaska Ship Creek redevelopment & port access planning	500,000
Arlington County, Virginia pedestrian, bicycle access and other transit improvements	500,000
Burlington, Vermont North Street revitalization project	400,000
City of New Haven, Connecticut trolley cars	250,000
City of Warwick, Rhode Island, Station Redevelopment Planning	300,000
Community and environmental transportation acceptability program of southern California	500,000
Concord, New Hampshire ''20/20 Vision'' small community planning guide	400,000
Denver, Colorado 16th Street Pedestrian Improvements	500,000
Desert Research Institute Air Quality Study	500,000
DuPage County, Illinois transportation alternatives development	750,000
Fairbanks, Alaska Riverwalk Centennial Bridge community connector project	1,000,000
Florence, Alabama pedestrian and other transportation improvements	1,000,000
Fort Worth, Texas corridor redevelopment and transit linkages	1,500,000
Green Bay, Wisconsin pedestrian improvements and livable communities projects	750,000
Houston, Texas Main Street corridor livable communities	500,000
Jackson, Mississippi Pearl River Airport Connector Study	1,000,000
Kalispell, Montana Bus Barn Facility	400,000
Knoxville, Tennessee electric transit project	500,000
Lufkin, Texas Small Town Livability Demonstration Project	400,000
Metrowest regional transportation study, Massachusetts	250,000
Monmouth, County, New Jersey pedestrian improvements	300,000
Montclair New Jersey connection transit livable communities	250,000
Muncie, Indiana community connectors	250,000
New Rochelle, New York intermodal center	500,000
North Jersey transportation planning authority	800,000
Northwest Michigan transportation use initiative	125,000
Omaha, Nebraska ''Back to the River'' community project and pedestrian access	2,000,000

Project	Conference
Pennsylvania Avenue traffic mitigation measures	500,000
Putnam County, West Virginia—Route 35 management plan	450,000
Raton, New Mexico historic rehabilitation project	600,000
Richmond, Virginia Main Street intermodal facility	1,750,000
River Market/College Station, Arkansas livable communities	750,000
San Francisco, California civic center plaza	1,075,000
South Amboy, New Jersey regional multimodal transportation initiative	250,000
State of Oregon TCSP Program	500,000
Utah-Colorado ''Isolated Empire'' Rail Connector Study	1,000,000
White Plains, New York TRANSCENTER pedestrian improvements	1,000,000

BRIDGE DISCRETIONARY PROGRAM

Within the funds available for the bridge discretionary program, funds are to be available for the following projects and activities:

Project	Conference
Florida Memorial Bridge	$12,000,000
Hoover Dam	9,000,000
Naheola Bridge, Alabama	5,000,000
Paso Del Norte International Bridge	1,200,000
Turner Diagonal Bridge, Kansas City, Kansas	3,000,000
Union Village Bridge, Thetford and Cambridge Junction Bridge, Cambridge, Vermont	2,000,000
US 82 to Mississippi River Bridge Greenville, Washington County, Mississippi	9,000,000
Williamston-Marietta Bridge, Wood County, West Virginia	4,000,000
Witt-Penn Bridge, New Jersey	3,000,000

FEDERAL LANDS

Within the funds available for federal lands, funds are to be available for the following projects and activities:

Project	Conference
Austin Junction-Baker County Line section of US 26, Oregon	$6,500,000
Big Mountain, Montana	2,500,000
Blackstone Valley National Heritage Corridor, Rhode Island	2,000,000
Boyer Chute National Wildlife Refuge, Nebraska	1,500,000
Chincoteague National Wildlife Refuge, Virginia	1,000,000
Chugach National Forest, Bird Creek road widening and public safety project	1,000,000
Daniel Boone Parkway, Kentucky	2,000,000
Delaware River Water Gap National Recreational Area, New Jersey	3,400,000
Donlin Creek access road, Alaska	500,000
Hakalau Forest National Wildlife Refuge	400,000
Harpers Ferry National Historical Park Shoreline Drive improvements, West Virginia	2,400,000
Highway 117 feasibility study, Louisiana	500,000
Highway 323 upgrade between Alzada and Ekalaka, Montana	2,200,000
Historic Columbia River Highway state trail, Oregon	500,000
Katmai National Park, Lake Camp access	1,100,000
Kealia Pond National Wildlife Refuge	1,100,000
Kenai Fjords National Park	1,100,000
Kenai Peninsula road and trail improvements	500,000
Lemhi Pass Road, west of Clark Canyon dam, Montana	2,000,000
New Mexico Route 4 Jemez Pueblo Bypass, New Mexico	500,000
New River Gorge National River, pave and realign Cunard Road, West Virginia	960,000
North Fork Road in Columbia Falls, Montana	2,400,000
Puukohola Heiau National Historic Site	2,000,000
Snoqualmie Valley, Washington (Forest Service)	2,000,000
Soldier Hollow improvements and Bear River migratory bird refuge access road	3,000,000
SR 248, Utah	3,700,000
Timucuan Preserve Road, Florida	1,000,000
US 89, west boundary to Bishoff Canyon, Idaho	2,000,000

The conferees direct that the funds allocated above are to be derived from the FHWA's public lands discretionary program, and not from funds allocated to the National Park Service's regions.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation of $26,000,000,000 for the federal-aid highways program instead of $26,125,000,000 as proposed by the House and $26,300,000,000 as proposed by the Senate.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation of $105,000,000 for motor carrier safety grants as proposed by the House. The Senate bill provided $155,000,000.

MOTOR CARRIER SAFETY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement includes a limitation on obligations of $105,000,000 for motor carrier safety grants proposed by the House and the Senate. This agreement allocates funding in the following manner:

Basic motor carrier safety grants	$75,881,250
Performance-based incentive grants	8,431,250
Border assistance and priority initiatives	9,500,000
State training and administration	1,187,500
Information systems	3,200,000
Motor carrier analysis	1,100,000
Implementation of PRISM	4,875,000
Driver program	825,000
Total	105,000,000

Commercial drivers license program.—The Office of Motor Carriers shall work with states to assure that they have the most up-to-date driving record for people that hold a commercial driver's license (CDL) and that this information can be easily transferred. A report on the office's efforts to the House and Senate Appropriations Committees is due May 1, 2000.

Also on May 1, 2000, the FHWA shall submit a report on their planned remedies to the vulnerabilities in the CDL program, as required in the Senate report accompanying the bill.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

The conference agreement provides $87,400,000 from the general fund for highway and traffic safety activities as proposed by the House. The Senate did not provide a general fund appropriation for NHTSA's operations and research activities. Instead, the Senate provided $72,900,000 from the Highway Trust Fund for these activities.

A total of $62,928,000 shall remain available until September 30, 2002 as proposed by the House. The Senate made $48,843,000 available until September 30, 2001.

The agreement includes a provision that prohibits NHTSA from obligating or expending funds to plan, finalize, or implement any rulemakings that would add requirements pertaining to tire grading standards that are different from those standards already in effect. This provision was contained in both the House and Senate bills.

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

The conference agreement provides $72,000,000 from the highway trust fund to carry out provisions of 23 U.S.C. 403 as proposed by both the House and the Senate.

The following table summarizes the conference agreement for operations and research (general fund and highway trust fund combined) by budget activity:

Salaries and benefits	$52,643,000
Travel	1,155,000
Operating expenses	18,409,000
Contract programs:	
Safety performance	3,429,000
Safety assurance	9,045,000
Highway safety programs	37,513,000
Research and analysis	48,901,000
General administration	645,000
Grant administration reimbursements	−10,340,000
Total	161,400,000

Staffing.—The conference agreement does not provide any funding for the 14 new staff requested by NHTSA. The agency currently has a number of vacancies that need to be filled prior to hiring new staff (−$890,000).

Operating expenses.—Due to budget constraints, the conference agreement deletes all funds for the air bag on/off switch project because the requests for applications have not materialized as expected. NHTSA should report to the House and Senate Committees on Appropriations annually on the level of applications. Within the existing operating expense budget, NHTSA can fulfill legal data collection requirements for this project through the use of existing staff and funds.

Travel.—The conference agreement deletes all of the requested travel increase except $30,000. This should be used to fund travel related to international harmonization activities (−$346,000).

Human resource information system.—Funding is deleted for the human resource information system throughout the department (−$223,000).

New car assessment program.—The conference agreement provides an increase for the new car assessment program (+$223,000) to assure that NHTSA has sufficient funds to conduct enough crash tests to provide consumers information on the majority of new vehicles.

Safe Communities.—Funding has been deleted for the safe communities program, consistent with action taken by both the House and the Senate (−$1,401,000).

Drivers license identification.—Funding has been denied for the drivers license identification program, consistent with action taken by both the House and the Senate (−$264,000).

Head injury research.—Within the emergency medical services program, $750,000 shall be used to initiate the third phase of head injury prehospital protocols. The conferees encourage NHTSA to continue working with Aitkens Neuroscience Center during this phase of the program and to initiate training of emergency medical services personnel in as many states of possible.

Aggressive driving.—A total of $1,000,000 has been provided to develop and implement a regional education and driver modification program to combat aggressive driving in Maryland, Virginia, and the District of Columbia.

Rural trauma.— The conference agreement allocates $875,000 to initiate a project at the University of South Alabama on rural vehicular trauma victims, as proposed by the Senate.

Biomechanics.—At a minimum, NHTSA should continue to support the biomechanics program at the 1999 level. The conferees are very supportive of the work being conducted by the crash injury research and engineering network.

The conference agreement has also provided $1,250,000 to fund the development of a comprehensive integrated research program in injury sciences at the University of Alabama at Birmingham, as detailed in the Senate report.

State data program.—The conferees urge NHTSA to work with the State of Montana and Yellowstone County Traffic Safety Commission to develop a statewide hospital emergency department database and a statewide hospital discharge data system so that this state can begin participating in the Crash Outcome Data Evaluation System in the near future.

Grant administration.—Under TEA21, NHTSA may draw up to five percent of its administrative costs for the grant program. The conference agreement reflects a five-percent draw down.

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

The conference agreement provides $2,000,000 for the National Driver Register as proposed by both the House and the Senate. Of this funding, up to $250,000 may be used for the technology assessment authorized under section 2006 of TEA21.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides $206,800,000 to liquidate contract authorizations for highway traffic safety grants, as proposed by both the House and the Senate.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement limits obligations for highway traffic safety grants to $206,800,000 as proposed by both the House and the Senate. A total of $10,340,000 has been provided for administration of the grant programs instead of $9,973,000 as proposed by both the House and the Senate. Of this total, not more than $7,640,000 of the funds made available for section 402, not more than $500,000 of the funds made available for section 405, not more than $1,800,000 of the funds made available for section 410, and not more than $400,000 of the funds made available for section 411 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23. This language is necessary to ensure that each grant program does not contribute more than five percent of the total administrative costs.

As noted within the Federal Highway Administration, the conference agreement allocates $7,500,000 for child passenger protection education grants. The amount is the same as proposed by the Senate but the funding is not explicitly transferred, in bill language, to NHTSA as proposed by the Senate. The conferees believe that FHWA should make these funds available to NHTSA to carry out the provision of Public Law 105–178. The House bill contained no similar appropriation.

The conference agreement retains bill language, proposed by both the House and Senate, that limits technical assistance to States from section 410 to $500,000.

The conference agreement prohibits the use of funds for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for state, local, or private buildings or structures, as proposed by both the House and the Senate.

The bill includes separate obligation limitations with the following funding allocations:

State and community grants	$152,800,000
Occupant protection incentive grants	10,000,000
State highway data improvement grants	8,000,000
Alcohol incentive grants	36,000,000

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

The conference agreement appropriates $94,288,000 for safety and operations instead of $94,448,000 as proposed by the House and $91,789,000 as proposed by the Senate. Of the total amount, $6,800,000 shall remain available until expended, as proposed by the House instead of $6,700,000 as proposed by the Senate.

The following adjustments were made to the budget estimate:

Deny half-year funding for 7 new positions	−$400,000
Delete funding for human resource information system	−253,000
Reduce contract support	−250,000
Decrease funding for information technology initiative	−771,000
Credit availability study	+150,000
Operation lifesaver	+350,000
Net adjustment to budget request	−1,174,000

Restructuring and staffing flexibility implementation report.—The conferees direct FRA to provide a detailed report on the consolidation of offices of the Administrator, Railroad Safety, and the administrative activities of the research and next generation high-speed rail accounts over the first three quarters of fiscal year 2000. Using fiscal year 1999 end-of-year staffing levels as a base, the agency shall chart how staffing flexibility is implemented, detailing the movements of personnel and staff hours among administrative, research, and safety activities. In addition, comparisons between the first three quarters of fiscal year 1999 and the first three quarters of fiscal year 2000 shall be made using the following measures: number of track miles inspected; number of freight miles inspected; number of site-specific safety inspections performed; number of enforcement cases closed; and amount of civil penalty assessments collected or settled.

Fiscal year 2001 budget presentation.—The FRA is directed to provide supporting documentation in the fiscal year 2001 budget justification at the same level of detail as that specified in the fiscal year 1999 budget.

Information technology.—FRA shall submit a detailed spending plan for the agency's new information technology system, as specified in the Senate report, as part of its fiscal year 2001 budget justification.

Small railroad investment needs and financial study options.—A total of $150,000 has been provided to study small railroad investment needs and financial options; to determine the public interest benefits associated with light density rail networks in the states and their contribution to a multi-modal transportation system; and to demonstrate the relationship of light density railroad services to the statutory responsibilities of the Secretary, including those under Title 23.

Operation lifesaver.—The conference agreement increases funding for Operation Lifesaver $350,000 above the budget request, for a total program level of $950,000. This funding will support initial work on a national public service campaign to increase awareness of highway-rail grade crossing safety and trespass prevention. The conferees stress the importance of implementing a unified campaign that has the financial and technical support of the railroad industry, FRA and the law enforcement community.

Valley trains and tours.—The conferees continue to be supportive of scenic passenger rail service in Shenandoah County, Virginia and encourage FRA to continue participating in this effort with Valley trains and tours, the Commonwealth of Virginia, and Norfolk Southern.

The conference report deletes two language provisions contained in the Senate bill: (1) requiring FRA to reimburse the Department of Transportation's Inspector General $1,000,000 for the costs associated with rail audits and investigations; and (2) permitting the Administrator to transfer up to 10 percent of the funds specified for the safety and operations office. The House bill contained no similar provisions.

Bill language is included that authorizes the Secretary to receive payments from the Union Station Redevelopment Corporation, credit them to the first deed of trust, and make payments on the first deed of trust. These funds may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration and must be reimbursed from payments received by the Union Station Redevelopment Corporation. Both the House and Senate bills contained these provisions.

RAILROAD RESEARCH AND DEVELOPMENT

The conference agreement provides $22,464,000 for railroad research and development instead of $21,300,000 as proposed by the House and $22,364,000 as proposed by the Senate.

T–6.—The conference agreement provides $500,000 for the T–6 research vehicle.

Full-scale crash test.—A total of $1,800,000 has been provided for the full-scale crash test of rail passenger equipment at the Transportation Test Center.

Safety research.—A total of $1,000,000 has been allocated to four safety research programs: (1) $250,000 for the Center of Advanced Vehicle Technologies at the University of Alabama to test the interoperability of vehicle proximity alert systems; (2) $250,000 for Marshall University and the University of Nebraska to develop integrated track stability assessment and monitoring system using site-specific geo-technical/spatial parameters and remote sensing technologies; (3) $250,000 for Montana State University at Bozeman to pilot real-time diagnostic monitoring of rail rolling stock; and (4) $250,000 to the University of Missouri-Rolla to work on advanced composite materials for use in repairing and rehabilitating aging railroad bridges.

Railcar weight study.—The conferees encourage FRA to conduct a study regarding track and bridge requirements for handling 286,000–pound rail cars, as specified in the House report.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The conference agreement includes bill language proposed by both the House and Senate specifying that no new direct loans or loan guarantee commitments can be made using federal funds for the payment of any credit premium amount during fiscal year 2000. No federal appropriation is required since a non-federal infrastructure partner may contribute the subsidy amount required by the Credit Reform Act of 1990 in the form of a credit risk premium. Once received, statutorily established investigation charges are immediately available for appraisals and necessary determinations and findings.

NEXT GENERATION HIGH-SPEED RAIL

The conference agreement provides $27,200,000 for the next generation high-speed rail program instead of $22,000,000 as proposed by the House and $20,500,000 as proposed by the Senate. The following table summarizes the conference agreement by budget activity:

Train control projects:	
Illinois project	$6,500,000
Michigan project	3,000,000
Alaska project	5,000,000
Transportation safety research alliance	500,000
Non-electric locomotives:	
Advanced locomotive propulsion system	4,000,000
Prototype locomotives	3,000,000
Grade crossings and innovative technologies:	
North Carolina sealed corridor	400,000
Mitigating hazards	2,500,000
Low-cost technologies	1,100,000
Track and structures	1,200,000
Total	27,200,000

Rail-highway crossing hazard eliminations.—Under section 1103 of TEA21, an automatic set-aside of $5,250,000 a year is made available for the elimination of rail-highway crossing hazards. A limited number of rail corridors are eligible for these funds. Of these set-aside funds, the following allocations are made:

North Carolina's sealed corridor initiative	$750,000
High-speed rail corridor between Washington, D.C. and Richmond, VA	750,000
High-speed rail corridor between Mobile, AL and New Orleans, LA	1,000,000
Along the Empire Corridor between Schenectady and New York City, NY	500,000
High-speed rail corridor in Linn and Multnomah counties, OR	500,000
Along the Stampede Pass, near Yakima, WA	750,000
State of Wisconsin	750,000
Minneapolis/St. Paul to Chicago corridor	250,000

Grade crossing safety.—FRA and the Federal Highway Administration (FHWA) should work with the states to identify the ten most deadly crossings in each state and identify ways that these crossings could be closed or reconfigured to reduce the dangers. The conferees believe that focusing on the most dangerous crossings in each state would greatly reduce the likelihood of fatal accidents. FRA and FHWA shall identify those crossings and the mitigations under consideration in a report to the House and Senate Committees on Appropriations by August 1, 2000.

In addition to these activities, FRA, in conjunction with NHTSA and FHWA, should initiate an evaluation assessing the costs, benefits, and impacts of state grade crossing safety laws. These evaluations should establish the basis for FRA to develop model state laws to promote grade crossing safety.

ALASKA RAILROAD REHABILITATION

The conference agreement provides $10,000,000 for the Alaska Railroad instead of $14,000,000 as proposed by the Senate. The House bill contained no similar appropriation. This funding should be used to continue ongoing track rehabilitation.

RHODE ISLAND RAIL DEVELOPMENT

Total funding for the Rhode Island rail development project is $10,000,000 as proposed by both the House and the Senate. Language has been included which directs that obligation of these funds is subject to authorization of the program.

CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

The conference agreement provides $571,000,000 for capital grants to the National Railroad Passenger Corporation (Amtrak) as proposed by the Senate instead of $570,976,000 as proposed by the House. Bill language, as proposed by the House, is retained that limits the Secretary from obligating more than $228,400,000 of the funding provided to the National Railroad Passenger Corporation prior to September 30, 2000. The Senate bill contained no similar provision.

Vermont service.—The conferees direct Amtrak to provide a report to the Appropriations Committees on the capital costs necessary to upgrade the rail line between Hoosick Falls, New York and Burlington, Vermont to passenger rail standards no later than November 30, 1999.

Fencing along the Northeast Corridor.—The conferees recognize that Amtrak has made progress in enhancing safety along the tracks where high-speed rail will be operating. Amtrak should continue to work closely with the Northeast Corridor community, as well as state transit officials and owners of the track, to identify danger spots and install perimeter fencing along the Corridor, wherever needed. In particular, Amtrak should continue to focus on increased community coordination in urbanized areas where there have been problems or community concerns have been expressed, such as Attleboro, Foxboro, Mansfield, and Sharon, Massachusetts. Amtrak should make it a high priority to ensure that the fencing improvements for these areas be completed before high-speed rail is operational.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

The conference agreement provides $60,000,000 for administrative expenses of the Federal Transit Administration as proposed by both the House and the Senate. Within the total, the conference agreement appropriates $12,000,000 from the general fund and $48,000,000 from the Highway Trust Fund, as proposed by both the House and the Senate. The conference agreement provides that the general fund appropriation shall be available through September 30, 2000, as proposed by the House.

The agreement includes a provision that transfers $1,500,000 from funds made available for administrative expenses to the Inspector General to reimburse costs associated with audit and financial reviews of major transit projects, instead of $800,000 from project management oversight funds as proposed by the House. The Senate bill proposed that $9,000,000 from funds under this heading shall be used to reimburse the Inspector General for costs associated with audits and investigations of all transit-related issues and systems.

Full-time equivalent (FTE) staff years.—The conference agreement provides that the FTE level in fiscal year 2000 shall not rise in excess of 485 FTE, the same level as provided in fiscal year 1999. Additional staffing increases may be considered by the House and Senate Committees on Appropriations through the regular reprogramming process.

Information technology activities.—The conferees have deleted funding requested for the development of the human resources information system (−$200,000).

In addition, the conferees have deferred consideration of several information technology activities (−$2,500,000), since the FTA has not been able to inform the House and Senate Committees on Appropriations in a timely manner of the out-year financial requirements to complete systems review, development and acquisition. The House and Senate Committees on Appropriations may consider providing funds for these activities through the regular reprogramming process.

Project management oversight reviews.—The conferees agree that the FTA shall increase its financial management oversight reviews within the funds provided for section 23 activities and direct the FTA to provide not less than $4,500,000 for such financial management oversight activities in fiscal year 2000.

Full funding grant agreements.—The conference agreement includes a provision (sec. 347) that requires the FTA to notify the House and Senate Committees on Appropriations as well as the House Committee on Transportation and Infrastructure and the Senate Committee on Banking 60 days before executing a full funding grant agreement. In its notification to the House and Senate Committees on Appropriations, the conferees direct the FTA to include therein the following: (a) a copy of the proposed full funding grant agreement; (b) the total and annual federal appropriations required for that project; (c) yearly and total federal appropriations that can be reasonably planned or anticipated for future FFGAs for each fiscal year through 2003; (d) a detailed analysis of annual commitments for current and anticipated FFGAs against the program authorization; and (e) a financial analysis of the project's cost and sponsor's ability to finance, which shall be conducted by an independent examiner and shall include an assessment of the capital cost estimate and the finance plan; the source and security of all public- and private-sector financial instruments, the project's operating plan which enumerates the project's future revenue and ridership forecasts, and planned contingencies and risks associated with the project.

The conferees also direct the FTA to inform the House and Senate Committees on Appropriations before approving scope changes in any full funding grant agreement. When submitting such notification to the House and Senate Committees on Appropriations, the FTA shall include a finance plan that details how the project sponsor shall finance the costs to complete the revised project.

FTA is directed to enter into full funding grant agreements only when there are no outstanding issues which would have a material effect on the estimated cost of the project or on the local financial commitment to complete the project under the terms of the agreement. Areas which FTA should consider in ensuring that this condition is met include: the degree of certainty, and any remaining risks in, capital cost estimates and the availability of adequate contingency

funds to cover increases in capital costs due to uncertainty; any unresolved issues with respect to non-federal sources of funding for the project (e.g., the need for further legislative action, bond referenda, or other actions to finalize the availability of non-federal funds); and the need for acquisition of existing railroad rights-of-way. FTA should enter into new full funding grant agreements during the final design phase. While a specific level of final design approval cannot be specified because of differences in each project development process, the conferees agree that the agreement should be entered into only once there is no longer a risk that cost estimates are likely to change more than the estimated contingent amounts, and there is no longer a risk that a major part of the local funding will not be made available.

Bus rapid transit.—Up to $2,000,000 of funds appropriated under this heading may be used, at the discretion of the Administrator, to support on-going activities related to bus rapid transit.

FORMULA GRANTS

The conference agreement provides a total program level of $3,098,000,000 for transit formula grants, as proposed by both the House and the Senate. Within this total, the conference agreement appropriates $619,600,000 from the general fund as proposed by both the House and the Senate. The conference agreement provides that the general fund appropriation shall be available until expended.

The conference agreement provides that funding made available for the clean fuel formula grant program under this heading shall be transferred to and merged with funding provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under ''Federal Transit Administration, Capital investment grants''.

The FTA, when evaluating the local financial commitment of new rail extension or busway projects, shall consider the extent to which the projects' sponsors have used the appreciable increases in the formula grants apportionments for alternative analyses and preliminary engineering activities of such systems.

UNIVERSITY TRANSPORTATION RESEARCH

The conference agreement provides a total program level of $6,000,000 for university transportation research as proposed by both the House and the Senate. Within the total, the conference agreement appropriates $1,200,000 from the general fund as proposed by both the House and the Senate. The conference agreement provides that the general fund appropriation shall be available until expended.

TRANSIT PLANNING AND RESEARCH

The conference agreement provides a total program level of $107,000,000 for transit planning and research as proposed by both the House and the Senate. Within the total, the conference agreement appropriates $21,000,000 from the general fund as proposed by both the House and Senate. The conference agreement provides that the general fund appropriation shall be available until expended.

Within the funds appropriated for transit planning and research, $5,250,000 is provided for rural transportation assistance; $4,000,000 is provided for the National Transit Institute; $8,250,000 is provided for transit cooperative research; $49,632,000 is provided for metropolitan planning; $10,368,000 is provided for state planning and research; and $29,500,000 is provided for national planning and research.

Transit cooperative research.—The FTA is directed to conduct an assessment of the benefits of new transit investments compared with investments in maintaining existing infrastructure. Such an assessment shall be conducted using funds provided for transit cooperative research.

The transit cooperative research program is currently performing an analysis of the over-the-road bus accessibility program, which is to include data on the total capital needs of operators, compliance deadlines, and the current matching fund requirements. The House and Senate Committees on Appropriations expect that the analysis will be completed and provided to the Committees by March 1, 2000.

National planning and research.—Within the funding provided for national planning and research, the Federal Transit Administration shall make available the following amounts for the programs and activities listed below:

Zinc-air battery bus technology demonstration	$1,000,000
Electric vehicle information sharing and technology transfer program	750,000
Portland, Maine independent transportation network	500,000
Wheeling, West Virginia mobility study	250,000
Washoe County, Nevada transit technology (TEA21)	1,250,000
MBTA, Massachusetts advanced electric transit buses and related infrastructure (TEA21)	1,500,000
Palm Springs, California fuel cell buses (TEA21)	1,000,000
Gloucester, Massachusetts intermodal technology center (TEA21)	1,500,000
SEPTA, Philadelphia, Pennsylvania advanced propulsion control system (TEA21)	3,000,000
Project ACTION (TEA21)	3,000,000
Advanced transportation and alternative fueled vehicle technology consortium (CALSTART)	3,250,000
International program	1,000,000
Safety and security programs	5,450,000
Santa Barbara Electric Transit Institute	500,000
Pittsfield economic development authority electric bus program	1,350,000
Citizens for modern transit, Missouri	300,000
Hennepin County community transportation, Minnesota	1,000,000

The conference agreement deletes funding requested for an information outreach program (−$200,000).

The conferees direct the FTA to undertake a project, in partnership with the transit industry, to identify the common accident causal factors, how to collect data on those factors, and how such information collection might be incorporated into the National Transit Database safety collection process.

International program.—The conference agreement includes $1,000,000 for the international program as authorized in section 5312(e) of title 49. The conferees have provided these funds to address transportation needs in the frontline states to the Kosovo conflict.

Fuel cell bus and bus facilities program.—None of the funds available under this heading shall supplement funding provided under section 3015(b) of Public Law 105–178 for the fuel cell bus and bus facilities program.

Transit data base.—The conferees are aware that state and local governments, transit industry personnel, and academic institutions rely heavily on operational data contained in the transit data base. The publication of this data is not timely, and excludes some performance statistics that may be particularly helpful to all parties. The conferees encourage the FTA to work with the National Academy of Sciences (NAS) to design a new transit data base, comprised of operational and performance measurements and financial data necessary to fulfill FTA's statutory responsibilities in distributing formula grants, while providing meaningful data for state and local governments, transit industry personnel, and academic institutions. Special attention should be paid to developing clear instructions to grantees and employing computer-based electronic data storage and access techniques. The NAS is encouraged to consult with the American Public Transit Association in developing the new transit data base model.

FTA shall submit the recommended transit data base design to the House and Senate Committees on Appropriations and to the General Services Administration for review by May 31, 2000. FTA shall utilize existing administrative funds to implement the new transit data base design, and shall utilize the new design in the fiscal year 2001 cycle of federal grantee reports.

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides $4,929,270,000 in liquidating cash for the trust fund share of transit expenses instead of $4,638,000,000 as proposed by both the House and the Senate.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides a total program level of $2,451,000,000 for capital investment grants, as proposed by both the House and the Senate. Within the total, the conference agreement appropriates $490,200,000 from the general fund as proposed by both the House and the Senate.

Within the total program level, $980,400,000 is provided for fixed guideway modernization; $490,200,000 is provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities; and $980,400,000 is provided for new fixed guideway systems, as proposed by both the House and the Senate. Funds derived from the formula grants program totaling $50,000,000 are to be transferred and merged with funds provided for the replacement, rehabilitation and purchase of buses and related equipment and the construction of bus-related facilities under this heading.

The conference agreement deletes language proposed by the Senate that would have required the Administrator of the Federal Transit Administration, not later than 60 days after the enactment of this Act, to individually submit to the congressional transit appropriations and authorizing committees the recommended grant funding levels for the respective bus and bus-related facilities projects listed in the Senate bill. The House bill contained no similar provision.

Three-year availability of section 5309 discretionary funds.—The conference agreement includes a provision that permits the administrator to reallocate discretionary new start and bus facilities funds from projects which remain unobligated after three years. The conferees, however, direct the FTA not to reallocate funds provided in the fiscal year 1997 Department of Transportation and Related Agencies Appropriations Act for the New Orleans Streetcar project; the New York Whitehall ferry terminal project; the Hartford, Connecticut Griffin line project; the Virginia Railway Express Quantico bridge project; the New Rochelle, New York intermodal facility; the San Joaquin, California downtown transit center project; and the Hood River, Oregon bus project.

Should additional funds from previous appropriations Acts be available for reallocation, the FTA is directed to reprogram these funds after notification to and approval of the House and Senate Committees on Appropriations and only to the extent that those projects are able to fully obligate additional resources in the course of fiscal year 2000. With respect to reallocation of discretionary bus funds, the FTA is directed to reallocate funds only to those projects identified in the Department of Transportation and Related Agencies Appropriations Act, 2000, after notification to and approval of the House and Senate Committees on Appropriations.

Bus and bus facilities.—The conference agreement provides $490,200,000, together with $50,000,000 transferred from ''Federal Transit Administration, Formula grants'' and merged with funding provided under this heading for the replacement, rehabilitation and purchase of buses and related equipment and the construction of bus-related facilities. In addition, approximately $1,470,000 in recoveries is available for reallocation. Funds provided for buses and bus facilities are to be distributed as follows:

Bus and bus facilities project designations for fiscal year 2000

State and project	Conference
Alaska—Anchorage Ship Creek intermodal facility	$4,500,000
Alaska—Fairbanks intermodal rail/bus transfer facility	2,000,000
Alaska—Juneau downtown mass transit facility	1,500,000
Alaska—North Star Borough-Fairbanks intermodal facility	3,000,000
Alaska—Wasilla intermodal facility	1,000,000
Alaska—Whittier intermodal facility and pedestrian overpass	1,155,000
Alabama—Alabama statewide rural bus needs	2,500,000
Alabama—Baldwin Rural Area Transportation System buses	1,000,000
Alabama—Birmingham intermodal facility	2,000,000
Alabama—Birmingham-Jefferson County buses	1,250,000
Alabama—Cullman buses	500,000
Alabama—Dothan Wiregrass Transit Authority vehicles and transit facility	1,000,000
Alabama—Escambia County buses and bus facility	100,000
Alabama—Gees Bend Ferry facilities, Wilcox County	100,000
Alabama—Marshall County buses	500,000
Alabama—Huntsville International Airport intermodal center	3,500,000
Alabama—Huntsville intermodal facility	1,250,000
Alabama—Huntsville Space and Rocket Center intermodal center	3,500,000
Alabama—Jasper buses	50,000
Alabama—Jefferson State Community College/University of Montevallo pedestrian walkway	200,000
Alabama—Mobile waterfront terminal complex	5,000,000
Alabama—Montgomery Union Station intermodal center and buses	3,500,000
Alabama—Valley bus and bus facilities	110,000
Arkansas—Arkansas Highway and Transit Department buses	2,000,000
Arkansas—Arkansas state safety and preventative maintenance facility	800,000
Arkansas—Fayetteville, University of Arkansas Transit System buses	500,000
Arkansas—Hot Springs, transportation depot and plaza	1,560,000

Bus and bus facilities project designations for fiscal year 2000—Continued

State and project	Conference
Arkansas—Little Rock, Central Arkansas Transit buses	300,000
Arizona—Phoenix bus and bus facilities	3,750,000
Arizona—Phoenix South Central Avenue transit facility	500,000
Arizona—San Luis bus	70,000
Arizona—Tucson buses	2,555,000
Arizona—Yuma paratransit buses	125,000
California—California Mountain Area Regional Transit Authority fueling stations	80,000
California—Culver City, CityBus buses	1,250,000
California—Davis, Unitrans transit maintenance facility	625,000
California—Healdsburg, intermodal facility	1,000,000
California—I–5 Corridor intermodal transit centers	1,250,000
California—Livermore automatic vehicle locator program	1,000,000
California—Lodi multimodal facility	850,000
California—Los Angeles County Metropolitan transportation authority buses	3,000,000
California—Los Angeles County Foothill Transit buses and HEV vehicles	1,750,000
California—Los Angeles Municipal Transit Operators Coalition	2,250,000
California—Los Angeles, Union Station Gateway Intermodal Transit Center	1,250,000
California—Maywood, Commerce, Bell, Cudahy, California buses and bus facilities	800,000
California—Modesto, bus maintenance facility	625,000
California—Monterey, Monterey-Salinas buses	625,000
California—Orange County, bus and bus facilities	2,000,000
California—Perris bus maintenance facility	1,250,000
California—Redlands trolley project	800,000
California—Sacramento CNG buses	1,250,000
California—San Bernardino Valley CNG buses	1,000,000
California—San Bernardino train station	3,000,000
California—San Diego North County buses and CNG fueling station	3,000,000
California—Contra Costa County Connection buses	250,000
California—San Francisco, Islais Creek maintenance facility	1,250,000
California—Santa Barbara buses and bus facility	1,750,000
California—Santa Clarita bus maintenance facility	1,250,000
California—Santa Cruz buses and bus facilities	1,755,000
California—Santa Maria Valley/Santa Barbara County buses	240,000
California—Santa Rosa/Cotati, Intermodal Transportation Facilities	750,000
California—Westminster senior citizen vans	150,000
California—Windsor, Intermodal Facility	750,000
California—Woodland Hills, Warner Center Transportation Hub	625,000
Colorado—Boulder/Denver, RTD buses	625,000
Colorado—Colorado Association of Transit Agencies	8,000,000
Colorado—Denver, Stapleton Intermodal Center	1,250,000

Bus and bus facilities project designations for fiscal year 2000—Continued

State and project	Conference
Connecticut—New Haven bus facility	2,250,000
Connecticut—Norwich buses	2,250,000
Connecticut—Waterbury, bus facility	2,250,000
District of Columbia—Fuel cell bus and bus facilities program, Georgetown University	4,850,000
District of Columbia—Washington, D.C. Intermodal Transportation Center, District	2,500,000
Delaware—New Castle County buses and bus facilities	2,000,000
Delaware—Delaware buses and bus facility	500,000
Florida—Daytona Beach, Intermodal Center	2,500,000
Florida—Gainesville hybrid-electric buses and facilities	500,000
Florida—Jacksonville buses and bus facilities	1,000,000
Florida—Lakeland, Citrus Connection transit vehicles and related equipment	1,250,000
Florida—Miami Beach, electric shuttle service	750,000
Florida—Miami-Dade Transit buses	2,750,000
Florida—Orlando, Lynx buses and bus facilities	2,000,000
Florida—Orlando, Downtown Intermodal Facility	2,500,000
Florida—Palm Beach buses	1,000,000
Florida—Tampa HARTline buses	500,000
Georgia—Atlanta, MARTA buses	13,500,000
Georgia—Chatham Area Transit Bus Transfer Center and buses	3,500,000
Georgia—Georgia Regional Transportation Authority buses	2,000,000
Georgia—Georgia statewide buses and bus-related facilities	2,750,000
Hawaii—Hawaii buses and bus facilities	2,250,000
Hawaii—Honolulu, bus facility and buses	2,000,000
Iowa—Ames transit facility expansion	700,000
Iowa—Cedar Rapids intermodal facility	3,500,000
Iowa—Clinton transit facility expansion	500,000
Iowa—Fort Dodge, Intermodal Facility (Phase II)	885,000
Iowa—Iowa city intermodal facility	1,500,000
Iowa—Iowa statewide buses and bus facilities	2,500,000
Iowa—Iowa/Illinois Transit consortium bus safety and security	1,000,000
Illinois—East Moline transit center	650,000
Illinois—Illinois statewide buses and bus-related equipment	8,200,000
Indiana—Gary, Transit Consortium buses	1,250,000
Indiana—Indianapolis buses	5,000,000
Indiana—South Bend Urban Intermodal Transportation Facility	1,250,000
Indiana—West Lafayette bus transfer station terminal (Wabash Landing)	1,750,000
Kansas—Girard buses and vans	700,000
Kansas—Johnson County farebox equipment	250,000
Kansas—Kansas City buses	750,000
Kansas—Kansas Public Transit Association buses and bus facilities	1,500,000
Kansas—Girard, Southeast Kansas Community Action Agency maintenance facility	480,000
Kansas—Topeka Transit downtown transfer facility	600,000

Bus and bus facilities project designations for fiscal year 2000—Continued

State and project	Conference
Kansas—Wichita buses and bus facilities	2,500,000
Kentucky—Transit Authority of Northern Kentucky (TANK) buses	2,500,000
Kentucky—Kentucky (southern and eastern) transit vehicles	1,000,000
Kentucky—Lexington (LexTran) maintenance facility	1,000,000
Kentucky—River City buses	1,500,000
Louiana—Louisiana statewide buses and bus-related facilities	5,000,000
Massachusetts—Atteboro intermodal transit facility	500,000
Massachusetts—Brockton intermodal transportation center	1,100,000
Massachusetts—Greenfield Montague buses	500,000
Massachusetts—Merrimack Valley Regional Transit Authority bus facilities	467,000
Massachusetts—Montachusett buses and park-and-ride facilities	1,250,000
Massachusetts—Pioneer Valley alternative fuel and paratransit vehicles	650,000
Massachusetts—Pittsfield intermodal center	3,600,000
Massachusetts—Springfield, Union Station	1,250,000
Massachusetts—Swampscott buses	65,000
Massachusetts—Westfield intermodal transportation facility	500,000
Massachusetts—Worcester, Union Station Intermodal Transportation Center	2,500,000
Maryland—Maryland statewide bus facilities and buses	11,500,000
Michigan—Detroit, transfer terminal facilities	3,963,000
Michigan—Detroit, EZ Ride program	287,000
Michigan—Menominee-Delta-Schoolcraft buses	250,000
Michigan—Michigan statewide buses	22,500,000
Michigan—Port Huron, CNG fueling station	500,000
Minnesota—Duluth, Transit Authority community circulation vehicles	1,000,000
Minnesota—Duluth, Transit Authority intelligent transportation systems	500,000
Minnesota—Duluth, Transit Authority Transit Hub	500,000
Minnesota—Greater Minnesota transit authorities	500,000
Minnesota—Northstar Corridor, Intermodal Facilities and buses	10,000,000
Minnesota—Twin Cities metropolitan buses and bus facilities	10,000,000
Missouri—Columbia buses and vans	500,000
Missouri—Southeast Missouri transportation service rural, elderly, disabled service	1,250,000
Missouri—Franklin County buses and bus facilities	200,000
Missouri—Jackson County buses and bus facilities	500,000
Missouri—Kansas City Area Transit Authority buses and Troost transit center	2,500,000
Missouri—Missouri statewide bus and bus facilities	3,500,000
Missouri—OATS Transit	1,500,000
Missouri—St. Joseph buses and vans	500,000
Missouri—St. Louis buses	2,000,000
Missouri—St. Louis, Bi-state Intermodal Center	1,250,000
Missouri—Southwest Missouri State University park and ride facility	1,000,000
Mississippi—Harrison County multimodal center	3,000,000
Mississippi—Jackson maintenance and administration facility project	1,000,000
Mississippi—North Delta planning and development district, buses and bus facilities	1,200,000
Montana—Missoula urban transportation district buses	600,000
North Carolina—Greensboro multimodal center	3,339,000
North Carolina—Greensboro, Transit Authority buses	1,500,000
North Carolina—North Carolina statewide buses and bus facilities	2,492,000
North Dakota—North Dakota statewide buses and bus-related facilities	1,000,000
New Hampshire—New Hampshire statewide transit systems	3,000,000
New Jersey—New Jersey Transit alternative fuel buses	5,000,000
New Jersey—New Jersey Transit jitney shuttle buses	1,750,000
New Jersey—Newark intermodal and arena access improvements	1,650,000
New Jersey—Newark, Morris & Essex Station access and buses	1,250,000
New Jersey—South Amboy, Regional Intermodal Transportation Initiative	1,250,000
New Mexico—Albuquerque West Side transit facility	2,000,000
New Mexico—Albuquerque buses	1,250,000
New Mexico—Las Cruces buses and bus facilities	750,000
New Mexico—Northern New Mexico Transit Express/Park and Ride buses	2,750,000
New Mexico—Santa Fe buses and bus facilities	2,000,000
Nevada—Clark County Regional Transportation Commission buses and bus facilities	2,500,000
Nevada—Lake Tahoe CNG buses	700,000
Nevada—Washoe County transit improvements	2,250,000
New York—Babylon Intermodal Center	1,250,000
New York—Buffalo, Auditorium Intermodal Center	2,000,000
New York—Dutchess County, Loop System bases	521,000
New York—Ithaca intermodal transportation center	1,125,000
New York—Ithaca, TCAT bus technology improvements	1,250,000
New York—Long Island, CNG transit vehicles and facilities and bus replacement	1,250,000
New York—Mineola/Hicksville, LIRR intermodal centers	1,250,000
New York—New York City, Midtown West 38th Street Ferry Terminal	1,000,000
New York—New York, West 72nd St. Intermodal Station	1,750,000
New York—Putnam County vans	470,000
New York—Rensselaer intermodal bus facility	6,000,000
New York—Rochester buses and bus facility	1,000,000
New York—Syracuse buses	3,000,000
New York—Utica Union Station	2,100,000
New York—Westchester County DOT articulated buses	1,250,000
New York—Westchester County, Bee-Line transit system fareboxes	979,000
New York—Westchester County, Bee-Line transit system shuttle buses	1,000,000
Ohio—Cleveland, Triskett Garage bus maintenance facility	625,000
Ohio—Dayton, Multimodal Transportation Center	4,125,000
Ohio—Ohio statewide buses and bus facilities	9,010,250
Oklahoma—Oklahoma statewide bus facilities and buses	5,000,000
Oregon—Corvallis buses and automated passenger information system	300,000
Oregon—Lane County, Bus Rapid Transit, buses and facilities	4,400,000
Oregon—Lincoln County Transit District buses	250,000
Oregon—Portland, Tri-Met bus maintenance facility	650,000
Oregon—Portland, Tri-Met buses	1,750,000
Oregon—Salem Area Mass Transit District natural gas buses	500,000
Oregon—Sandy buses	100,000
Oregon—South Metro Area Rapid Transit (SMART) maintenance facility	200,000
Oregon—Sunset Empire Transit District intemodal transit facility	300,000
Pennsylvania—Allegheny County buses	1,500,000
Pennsylvania—Altoona bus testing	3,000,000
Pennsylvania—Altoona, Metro Transit Authority buses and transit system improvements	842,000
Pennsylvania—Armstrong County-Mid-County bus facilities and buses	150,000
Pennsylvania—Bethlehem intermodal facility	1,000,000
Pennsylvania—Cambria County, bus facilities and buses	575,000
Pennsylvania—Centre Area Transportation Authority buses	1,250,000
Pennsylvania—Chester County, Paoli Transportation Center	1,000,000
Pennsylvania—Erie, Metropolitan Transit Authority buses	1,000,000
Pennsylvania—Fayette County, Intermodal facilities and buses	1,270,000
Pennsylvania—Lackawanna County Transit System buses	600,000
Pennsylvania—Norristown parking garage (SEPTA)	1,000,000
Pennsylvania—Lackawanna County intermodal bus facility	1,000,000
Pennsylvania—Mid-Mon Valley buses and bus facilities	250,000
Pennsylvania—Philadelphia, Frankford Transportation Center	5,000,000
Pennsylvania—Philadelphia, Intermodal 30th Street Station	1,250,000
Pennsylvania—Reading, BARTA Intermodal Transportation Facility	1,750,000
Pennsylvania—Robinson, Towne Center Intermodal Facility	1,500,000
Pennsylvania—Somerset County bus facilities and buses	175,000
Pennsylvania—Towamenicin Township, Intermodal Bus Transportation Center	1,500,000
Pennsylvania—Washington County intermodal facilities	630,000
Pennsylvania—Westmoreland County, Intermodal Facility	200,000
Pennsylvania—Wilkes-Barre, Intermodal Facility	1,250,000
Pennsylvania—Williamsport bus facility	1,200,000
Puerto Rico—San Juan Intermodal access	600,000

Bus and bus facilities project designations for fiscal year 2000—Continued

State and project	Conference
Rhode Island—Providence, buses and bus maintenance facility	3,294,000
South Carolina—Central Midlands COG/Columbia transit system	2,700,000
South Carolina—Charleston Area regional transportation authority	1,900,000
South Carolina—Clemson Area Transit buses and bus equipment	550,000
South Carolina—Greenville transit authority	500,000
South Carolina—Pee Dee buses and facilities	900,000
South Carolina—Santee-Wateree regional transportation authority	400,000
South Carolina—South Carolina Statewide Virtual Transit Enterprise	1,220,000
South Carolina—Transit Management of Spartanburg, Incorporated (SPARTA)	600,000
South Dakota—South Dakota statewide bus faciities and buses	1,500,000
Tennessee—Southern Coalition for Advanced Transportation (SCAT) (TN, GA, FL, AL) electric busines	3,500,000
Texas—Austin buses	1,750,000
Texas—Beaumont Municipal Transit System buses and bus facilities	1,000,000
Texas—Brazos Transit Authority buses and bus facilities	1,000,000
Texas—El Paso Sun Metro buses	1,000,000
Texas—Fort Worth bus replacement (including CNG vehicles) and paratransit vehicles	2,500,000
Texas—Fort Worth intermodal transportation center	3,100,000
Texas—Galveston buses and bus facilities	1,000,000
Texas—Texas statewide small urban and rural buses	5,000,000
Utah—Ogden Intermodal Center	800,000
Utah—Salt Lake City Olympics bus facilities	2,500,000
Utah—Salt Lake City Olympics regional park and ride lots	2,500,000
Utah—Salt Lake City Olympics transit bus loan project	500,000
Utah—Utah Transit Authority, intermodal facilities	1,500,000
Utah—Utah Transit Authority/Park City Transit, buses	6,500,000
Virginia—Alexandria, bus maintenance facility	1,000,000
Virginia—Richmond, GRTC bus maintenance facility	1,250,000
Virginia—Virginia statewide buses and bus facilities	8,435,000
Vermont—Burlington multimodal center	2,700,000
Vermont—Chittenden County Transportation Authority buses	800,000
Vermont—Essex Junction multimodal station rehabilitation	500,000
Vermont—Killington-Sherburne satellite bus facility	250,000
Washington—Bremerton multimodal center—Sinclair's Landing	750,000
Washington—Sequim, Clallam Transit multimodal center	1,000,000
Washington—Everett, Multimodal Transportation Center	1,950,000
Washington—Grant County, Grant Transit Authority buses and bus facilities	500,000
Washington—Grays Harbor County buses and equipment	1,250,000

Bus and bus facilities project designations for fiscal year 2000—Continued

State and project	Conference
Washington—King County Metro King Street Station	2,000,000
Washington—King County Metro Atlantic and Central buses	1,500,000
Washington—King County park and ride expansion	1,350,000
Washington—Mount Vernon, buses and bus related facilities	1,750,000
Washington—Pierce County Transit buses and bus facilities	500,000
Washington—Seattle, intermodal transportation terminal	1,250,000
Washington—Snohomish County, Community Transit buses, equipment and facilities	1,250,000
Washington—Spokane HEV buses	1,500,000
Washington—Tacoma Dome Station	250,000
Washington—Vancouver Clark County (C–TRAN) bus facilities	1,000,000
Washington—Washington State DOT combined small transit system buses and bus facilities	2,000,000
Wisconsin—Milwaukee County, buses	6,000,000
Wisconsin—Wisconsin statewide bus facilities and buses	14,250,000
West Virginia—Huntington intermodal facility	12,000,000
West Virginia—Parkersburg intermodal transportation facility	4,500,000
West Virginia—West Virginia Statewide intermodal facility and buses	5,000,000

Commonwealth of Virginia.—The conference agreement includes $8,435,000 for the Commonwealth of Virginia for buses and bus facilities which shall be distributed as follows: Potomac and Rappahannock Transportation Commission fleet replacement, $1,800,000; Prince William County Agency on the Aging bus replacement, $85,000; Loudoun Transit multi-modal facility, $1,000,000; Dulles Corridor Park-and-Ride Express Bus Program, $2,000,000; Alexandria Transit Center, $1,000,000; Fair Lakes League, $200,000; Richmond Main Street Station, $2,350,000.

New fixed guideway systems.—The conference agreement provides for the following distribution of the recommended funding for new fixed guideway systems as follows:

Project	Conference
Alaska or Hawaii ferry projects	$10,400,000
Atlanta, Georgia North Line extension project	45,142,000
Austin, Texas capital metro northwest/north central corridor project	1,000,000
Baltimore central light rail double track project	4,750,000
Birmingham, Alabama Transit Corridor	3,000,000
Boston Urban Ring project	1,000,000
Calais, Maine Branch Rail Line regional transit program	500,000
Canton-Akron-Cleveland commuter rail project	2,500,000
Charleston, South Carolina Monobeam corridor project	2,500,000
Charlotte, North Carolina North-South Corridor transitway project	4,000,000
Chicago METRA commutere rail project	25,000,000
Chicago Transit Authority Douglas branch line project	3,500,000
Chicago Transit Authority Ravenswood branch line project	3,500,000
Cincinnati northeast/northern Kentucky corridor project	1,000,000
Clark County, Nevada fixed guideway project	3,500,000
Cleveland Euclid corridor improvement project	1,000,000
Colorado Roaring Fork Valley project	1,000,000
Dallas north central light rail extension project	50,000,000
Dayton, Ohio light rail study	1,000,000
Denver Southeast corridor project	3,000,000
Denver Southwest corridor project	35,000,000
Dulles corridor project	25,000,000
Fort Lauderdale, Florida Tri-County commuter rail project	10,000,000
Galveston, Texas rail trolley extension project	1,500,000
Girdwood, Alaska Commuter Rail Project	10,000,000
Greater Albuquerque mass transit project	7,000,000
Harrisburg-Lancaster capital area transit corridor 1 commuter rail project	500,000
Houston advanced transit program	3,000,000
Houston regional bus plan	52,770,000
Indianapolis, Indiana Northeast Downtown corridor project	1,000,000
Johnson County, Kansas I–35 commuter rail project	1,000,000
Kenosha-Racine-Milwaukee commuter rail project	1,000,000
Knoxville-Memphis commuter rail feasibility study	500,000
Long Island Railroad East Side access project	2,000,000
Los Angeles-San Diego LOSSAN corridor project	1,000,000
Los Angeles Mid-City and East Side corridors projects	4,000,000
Los Angeles North Hollywood Extension	50,000,000
Lowell, Massachusetts—Nashua, New Hampshire commuter rail project	1,000,000
MARC commuter rail project	703,000
MARC expansion projects: Silver Spring intermodal and Penn-Camden rail connection	1,500,000
Massachusetts North Shore corridor project	1,000,000
Memphis, Tennessee Medical Center rail extension project	2,500,000
Miami-Dade Transit east-west multimodal corridor project	1,500,000
Nashville, Tennessee commuter rail project	1,000,000
New Jersey Hudson Bergen project	99,000,000
New Jersey/New York Trans-Hudson Midtown corridor	5,000,000
New Orleans Canal Street corridor project	1,000,000
Newark rail link MOS–1 project	12,000,000
Norfolk-Virginia Beach corridor project	1,000,000
Northern Indiana south shore commuter rail project	4,000,000
Oceanside-Escondido, California light rail system	2,000,000

Project	Conference
Olympic transportation infrastructure investments	10,000,000
Orange County, California transitway project	1,000,000
Orlando Lynx light rail (phase 1) project	5,000,000
Palm Beach, Broward and Miami-Dade counties rail corridor	500,000
Philadelphia-Reading SEPTA Schuylkill Valley metro project	4,000,000
Philadelphia SEPTA cross county metro	1,000,000
Phoenix metropolitan area transit project	5,000,000
Pinellas County, Florida mobility initiative project	2,500,000
Pittsburgh North Shore-central business district corridor project	10,000,000
Pittsburgh stage II light rail project	8,000,000
Portland Westside light rail transit project	11,062,000
Puget Sound RTA Link light rail project	25,000,000
Puget Sound RTA Sounder commuter rail project	5,000,000
Raleigh-Durham-Chapel Hill triangle transit project	8,000,000
Sacramento south corridor LRT project	25,000,000
Salt Lake City, Utah north/south LRT project	37,928,000
San Bernardino, California Metrolink project	1,000,000
San Diego Mid Coast corridor project	5,000,000
San Diego Mission Valley East light rail project	20,000,000
San Francisco BART extension to the airport project	65,000,000
San Jose Tasman West Light Rail	20,000,000
San Juan Tren Urbano project	32,000,000
Santa Fe/El Dorado, New Mexico rail link	3,000,000
South Boston piers transitway	53,895,000
South Dekalb-Lindbergh, Georgia corridor project	1,000,000
Spokane, Washington south valley corridor light rail project	2,000,000
St. Louis-St. Clair County MetroLink light rail (phase 2) extension project	50,000,000
St. Louis, Missouri MetroLink cross county corridor project	2,500,000
Stamford, Connecticut fixed guideway connector	1,000,000
Stockton, California Altamont commuter rail	1,000,000
Tampa Bay regional rail project	1,000,000
Twin Cities Transitways-Hiawatha corridor project	42,800,000
Twin Cities Transitways projects	3,000,000
Virginia Railway Express commuter rail project	2,200,000
Washington Metro—Blue Line extension—Addison Road [Largo] project	4,750,000
West Trenton, New Jersey rail project	1,000,000
Whitehall ferry terminal reconstruction project	2,000,000
Wilmington, Delaware downtown transit connector	1,000,000
Wilsonville to Washington County, Oregon connection to Westside	500,000
Total	980,400,000

Atlanta-MARTA full funding grant agreement.—The Committee directs the Federal Transit Administration to amend the full funding grant agreement between the FTA and the Metropolitan Atlanta Rapid Transit Authority (MARTA). This amendment should reflect section 3030(d)(2) of TEA21, and should increase the federal share of the full funding grant agreement from $305,010,000 to $370,540,000 for 28 additional rail cars and other scope enhancements. The FTA is directed to transfer the amount of $10,670,000 from available funds previously appropriated for the Dunwoody segment of the MARTA North Line to the North Line extension project authorized under TEA21.

Dulles corridor project.—The conference agreement includes $25,000,000 for preliminary engineering and design on the Dulles corridor project.

Girdwood, Alaska commuter rail project.—The conferees recognize the transit improvements required in the Anchorage area to support the Special Olympic Winter Games in 2001, including additional rail infrastructure to support rail transit from North Anchorage to Girdwood.

Olympic transportation infrastructure investment.—The conference agreement includes $10,000,000 for temporary and permanent Olympic transportation infrastructure investments. These funds shall be allocated by the Secretary based on an approved transportation management plan for the Salt Lake City 2002 Winter Olympic Games. None of these funds are to be available for rail extensions.

Salt Lake City, Utah north/south LRT project.—The conference agreement includes $37,928,000 for the Salt Lake City, Utah north/south LRT project. The conferees agree that funds in excess of needs already appropriated for this project may be used for system enhancements, capacity improvements and other rail extensions.

San Francisco BART extension to the airport project.—For fiscal year 2000, the conferees have provided $65,000,000 for the San Francisco BART extension to the airport project. The conferees direct that none of the funds provided in this Act for the San Francisco BART extension to the airport project shall be available until (1) the project sponsor produces a finance plan that clearly delineates the full costs-to-complete as identified by the project management oversight contractor and the manner in which the sponsor expects to pay those costs; (2) the FTA conducts a final review and accepts the plan and certifies to the House and Senate Committees on Appropriations that the fiscal management of the project meets or exceeds accepted U.S. government standards; (3) the General Accounting Office and the Department of Transportation's Inspector General conduct an independent analysis of the plans and provide such analysis to the House and Senate Committees on Appropriations within 60 days of FTA accepting the plan; and (4) the House and Senate Committees on Appropriations have concluded their review of the analysis within 60 days of the transmittal of the analysis to the Committees. Lastly, the conferees direct the FTA to conduct ongoing, continual financial management reviews of this project.

San Juan Tren Urbano project.—The conference agreement provides $32,000,000 for the San Juan Tren Urbano project. The conferees direct that none of the funds provided in this Act for the San Juan Tren Urbano project shall be available until (1) the project sponsor produces a finance plan that clearly delineates the full costs-to-complete and the manner in which the sponsor expects to pay those costs; (2) the FHWA and FTA conduct a final review and accept the plan and certify to the House and Senate Committees on Appropriations that the fiscal management of the project meets or exceeds accepted U.S. government standards; (3) the General Accounting Office and the Department of Transportation's Inspector General conduct an independent analysis of the plans and provide such analysis to the House and Senate Committees on Appropriations within 60 days of FTA accepting the plan; and (4) the House and Senate Committees on Appropriations have concluded their review of the analysis within 60 days of the transmittal of the analysis to the Committees. Lastly, the conferees direct the FTA to conduct ongoing, continual financial management reviews of this project.

South Boston Piers transitway project.—For fiscal year 2000, $53,895,000 is appropriated for the South Boston Piers transitway project. The conferees direct that none of the funds provided in this Act for the South Boston Piers transitway project shall be available until (1) the project sponsor produces a finance plan that clearly delineates the full costs-to-complete and the manner in which the sponsor expects to pay those costs; (2) the FHWA and the FTA conduct a final review and accept the plan and certify to the House and Senate Committees on Appropriations that the fiscal management of the project meets or exceeds accepted U.S. government standards; (3) the General Accounting Office and the Department of Transportation's Inspector General conduct an independent analysis of the plans and provide such analysis to the House and Senate Committees on Appropriations within 60 days of FTA accepting the plan; and (4) the House and Senate Committees on Appropriations have concluded their review of the analysis within 60 days of the transmittal of the analysis to the Committees. Lastly, the conferees direct the FTA to conduct ongoing, continual financial management reviews of this project.

Virginia Railway Express commuter rail project.—The conference agreement provides $2,200,000 for the Virginia Railway Express commuter rail project, which shall be distributed as follows: Woodbridge Station improvements, $2,000,000; Quantico Station improvements, $200,000.

DISCRETIONARY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement includes $1,500,000,000 in liquidating cash for discretionary grants as proposed by both the House and the Senate.

JOB ACCESS AND REVERSE COMMUTE GRANTS

The conference agreement includes a total program level of $75,000,000 for job access and reverse commute grants. Within this total, the conference agreement appropriates $15,000,000 from the general fund. The conference agreement provides that the general fund appropriation shall be available until expended.

The conference agreement provides for the following distribution of the recommended funding for job access and reverse commute grants as follows:

Project	Conference
Albuquerque access to jobs	$1,000,000
Alliance for children and families, Alabama	1,000,000
Atlanta regional commission, Georgia	1,000,000
Central Kenai peninsula public transportation task force	500,000

Project	Conference
Chicago-DuPage area, Illinois	100,000
Dallas, Texas	1,500,000
District of Columbia	1,250,000
DuPage County, Illinois	120,000
Gary, Indiana	1,000,000
Hillsborough area regional transit authority, Florida	500,000
Indianapolis, Indiana	1,000,000
Iowa public transit association	2,700,000
JOBLINKS	1,250,000
Kansas City, Kansas JOBLINKS	850,000
Kentucky human services transportation delivery system (including Hardin County, Owensboro, Barren River, central Kentucky community action agency, Audubon area community services organization, Kentucky River Foothills express, Blue Grass Ultra-transit services, Lexington-Fayette County area), Kentucky	2,500,000
Lafayette, Indiana	200,000
Los Angeles County Metropolitan Transit Authority, California	1,000,000
Loudoun County, Virginia	300,000
Lynchburg, Virginia	100,000
Mariba, Kentucky	125,000
Matanuska-Susitna borough, Alaska	300,000
Miami Dade Transit Authority, Florida	1,100,000
Mid-America regional council, Missouri	1,000,000
Minneapolis/St. Paul, Minnesota	1,500,000
National Welfare to Work Center at the University of Illinois, Illinois	1,000,000
Northern Tier community transportation, Massachusetts	550,000
Ohio-Kentucky-Indiana regional council of governments	515,000
Palm Beach County, Florida	500,000
Philadelphia, Pennsylvania reverse commute grants	1,000,000
Pittsburgh, Pennsylvania reverse commute grants	1,000,000
San Bernardino, California	600,000
San Diego metropolitan transit development board, California	650,000
Southeast Missouri State University	600,000
Springfield, Virginia	350,000
State of Louisiana, small urbanized and rural areas	1,000,000
State of Maryland, Baltimore and Washington metropolitan areas, small urban and rural areas	3,000,000
State of Nevada	1,500,000
State of New Jersey	2,000,000
State of South Carolina	2,000,000
State of Tennessee, small urban areas	1,300,000
State of Vermont	1,385,000
State of West Virginia	1,000,000
State of Wisconsin	4,000,000
Transportation opportunities training, Chicago, Illinois	1,000,000
Troy State University, Alabama—Rosa Parks Center	1,000,000
Westchester County, New York job access support centers	1,000,000
Wichita, Kansas	725,000

District of Columbia.—The conference agreement includes $1,250,000 of which $600,000 shall be made available for bus service connecting the Georgetown business district with the WMATA rail system.

Joblinks.—The conference agreement provides $1,250,000 for Joblinks, to be used for demonstration projects, technical assistance for demonstration projects and technical assistance to small and urban and rural community providers. This assistance may include a toll-free hotline, on site technical assistance and training, preparation of technical manuals and related assistance.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

The conference agreement appropriates $12,042,000 for operations and maintenance of the Saint Lawrence Seaway Development Corporation as proposed by the House. The Senate bill provided $11,496,000.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

The conference agreement appropriates $32,061,000 for research and special programs instead of $32,361,000 as proposed by the House and $30,752,000 as proposed by the Senate. Within this total, $3,704,000 is available until September 30, 2002, as proposed by the House instead of $3,500,000 as proposed by the Senate. In addition, $645,000 of the total funding shall be derived from the Pipeline Safety Fund as proposed by the House instead of $575,000 as proposed by the Senate. The following adjustments were made to the budget estimate:

Deny funding for 6 new positions	−$300,000
Delete funding for safe foods program	−300,000
Continue to fund Garrett Morgan program in-house	−200,000
Reduction IRM contract support	−228,000
Decrease funding for hazardous materials International standards	−39,000
Hold funding for hazardous materials research at 1999 level	−34,000
Decrease round table funding	−150,000
Reduce budget and financial programs support	−28,000
Net adjustment to budget estimate	−$1,279,000

Staff positions.—The conferees have deleted six new staff positions: the Chief Information Officer, an information resource specialist, two new safe foods contract positions, and two new emergency transportation specialists. All of these reductions were contained in either the House or Senate reports.

Bill language is retained that permits up to $1,200,000 in fees be collected and deposited in the general fund of the Treasury as offsetting receipts. Also, bill language is included that permits funds received from states, counties, municipalities, other public authorities and private sources for expenses incurred for training, reports publication and dissemination, and travel expenses incurred in the performance of hazardous materials exemptions and approval functions. Both of these provisions were contained in the House and Senate bills.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

The conference agreement provides total funding of $36,879,000 for the pipeline safety program, instead of $37,392,000 as proposed by the House and $36,104,000 as proposed by the Senate. Within this total, $17,394,000 is available until September 30, 2002 instead of $17,074,000 as proposed by the House and $16,500,000 as proposed by the Senate.

Of this total, the conference agreement specifies that $5,479,000 shall be derived from the Oil Spill Liability Trust Fund, $30,000,000 from the Pipeline Safety Fund, and $1,400,000 from the reserve fund. The House bill allocated $5,494,000 from the Oil Spill Liability Trust Fund, $30,598,000 from the Pipeline Safety Fund, and $1,300,000 from the reserve fund. The Senate bill provided $4,704,000 from the Oil Spill Liability Trust Fund, $30,000,000 from the Pipeline Safety Fund, and $1,400,000 from the reserve fund.

Bill language specifies that the reserve fund should be used for damage prevention grants to states and public education. The House bill permitted the reserve fund to be used for one-call notification, public education and damage control activities, while the Senate bill allowed the reserve fund to be used for one-call notification and public education activities.

The following table reflects the total allocation for pipeline safety in fiscal year 2000:

Personnel, compensation, and benefits	$8,919,000
Administrative expenses	3,902,000
Information and analysis	1,200,000
Risk assessment and technical studies	1,250,000
Compliance	300,000
Training and information dissemination	971,000
Emergency notification	100,000
Public education	400,000
Implement Oil Pollution Act	2,443,000
Research and development	1,894,000
State grants	13,000,000
Risk management grants	500,000
One-call grants	1,000,000
Damage prevention grants	1,000,000
Total	$36,879,000

Public education.—The conference agreement has increased funding for public education to $400,000. The additional funds shall be used to leverage private sector funds to advance the national one-call campaign. In addition, the conferees direct the Office of Pipeline Safety to use existing resources to support the formation and initial operation of a non-profit organization that will further the work of ''Common Ground'' and implement other innovative approaches to advance underground damage prevention.

EMERGENCY PREPAREDNESS GRANTS

The conference agreement provides $200,000 for emergency preparedness grants as proposed by both the House and the Senate. The conference agreement deletes bill language proposed by the House that limits obligations for emergency preparedness to $14,300,000. The Senate bill carried no similar provision.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement includes $44,840,000 as proposed by the House instead of $48,000,000 as proposed by the Senate, and deletes provisions recommended by the Senate which would have derived a portion of the funding by transfer from appropriations made to the modal administrations.

The conference agreement includes provisions proposed by the Senate authorizing the

use of funds to investigate unfair or deceptive practices and unfair methods of competition by air carriers, to monitor compliance with existing laws and regulations in this area, and to conduct a study of consumer access to price and service information in air transportation. The House had no similar provisions.

The conference agreement includes a provision specifying that the Inspector General has the authority to investigate allegations of fraud by any person or entity that is subject to regulation by the Department.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

The conference agreement appropriates $17,000,000 for salaries and expenses of the Surface Transportation Board as proposed by the House instead of $15,400,000 as proposed by the Senate. In addition, the conference agreement includes language, proposed by the House, which allows the Board to offset $1,600,000 of its appropriation from fees collected during the fiscal year. The Senate bill allowed the Board to collect $1,600,000 in fees to augment its appropriation.

The conference agreement deletes language proposed by the Senate that allows any fees collected in excess of $1,600,000 in fiscal year 2000 to be available for obligation on October 1, 2000. The House bill did not contain a similar provision.

Union Pacific/Southern Pacific merger.—The conferees are aware that the Board has continuing jurisdiction over the Union Pacific/Southern Pacific merger in connection with the STB Finance Docket No. 32760. If it becomes necessary for the Board to issue a rule regarding the environmental mitigation study for Wichita, Kansas, the Board shall base its final environmental mitigation conditions for Wichita on verifiable and appropriate assumptions. If there is any material change in the bases of the assumptions on which the final mitigation for Wichita is imposed, the conferees expect the Board to exercise that jurisdiction by reexamining the final environmental mitigation measures. Also, if the Union Pacific Corporation, its divisions, or subsidiaries materially change or are unable to achieve the assumptions the Board based its final mitigation measures on, then the Board should reopen Finance Docket 32760, if requested, and prescribe additional mitigation properly reflecting these changes, if shown to be appropriate.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

The conference agreement provides $4,633,000 for the Architectural and Transportation Barriers Compliance Board as proposed by the House instead of $4,500,000 as proposed by the Senate.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

The conference agreement appropriates $57,000,000 for salaries and expenses of the National Transportation Safety Board as proposed by the House instead of $51,500,000 as proposed by the Senate. Within the funds provided, NTSB should participate in the interagency initiative on aviation safety in Alaska.

EMERGENCY FUND

The conference agreement deletes $1,000,000 provided by the Senate for the National Transportation Safety Board's emergency fund. The Board has not used any of its current emergency fund, so this appropriation is not needed. The House bill contained no similar appropriation.

TITLE III

GENERAL PROVISIONS

Sec. 301 allows funds for aircraft; motor vehicles; liability insurance; uniforms, or allowances, as authorized by law as proposed by both the House and Senate.

Sec. 302 requires pay raises to be funded within appropriated levels in this Act or previous appropriations Acts as proposed by both the House and Senate.

Sec. 303 allows funds for expenditures for primary and secondary schools and transportation for dependents of Federal Aviation Administration personnel stationed outside the continental United States as proposed by both the House and Senate.

Sec. 304 limits appropriations for services authorized by 5 U.S.C. 3109 to the rate for an Executive Level IV as proposed by both the House and Senate.

Sec. 305 prohibits funds in this Act for salaries and expenses of more than 100 political and Presidential appointees in the Department of Transportation and includes a provision that prohibits political and Presidential personnel to be assigned on temporary detail outside the Department of Transportation as proposed by both the Senate and House.

Sec. 306 prohibits pay and other expenses for non-Federal parties in regulatory or adjudicatory proceedings funded in this Act as proposed by both the House and Senate.

Sec. 307 prohibits obligations beyond the current fiscal year and prohibits transfers of funds unless expressly so provided herein as proposed by both the House and Senate.

Sec. 308 allows the Secretary of the Department of Transportation to enter into grants, cooperative agreements, and other transactions involving the Technology Reinvestment Project as proposed by both the House and Senate.

Sec. 309 limits consulting service expenditures of public record in procurement contracts as proposed by both the House and Senate.

Sec. 310 modifies the Senate language that pertains to the distribution of the Federal-aid highways program. The House proposed no similar provision.

Sec. 311 exempts previously made transit obligations from limitations on obligations as proposed by both the House and Senate.

Sec. 312 prohibits funds for the National Highway Safety Advisory Commission as proposed by both the House and Senate.

Sec. 313 prohibits funds to establish a vessel traffic safety fairway less than five miles wide between Santa Barbara and San Francisco traffic separation schemes as proposed by both the House and Senate.

Sec. 314 allows airports to transfer to the Federal Aviation Administration instrument landing systems as proposed by both the House and Senate.

Sec. 315 prohibits funds to award multiyear contracts for production end items that include certain specified provisions as proposed by both the House and Senate.

Sec. 316 allows funds for discretionary grants of the Federal Transit Administration for specific projects, except for fixed guideway modernization projects, not obligated by September 30, 2002, and other recoveries to be used for other projects under 49 U.S.C. 5309 as proposed by both the House and Senate.

Sec. 317 allows transit funds appropriated before October 1, 1999, and that remain available for expenditure to be transferred as proposed by both the House and Senate.

Sec. 318 prohibits funds to compensate in excess of 320 technical staff years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development as proposed by the House. The Senate proposed no similar provision.

Sec. 319 reduces funding by $15,000,000 for activities of the Transportation administrative service center of the Department of Transportation and limits obligation authority of the center to $133,673,000. The House proposed reducing funding by $10,000,000 for activities of the center and limiting obligation authority to $147,965,000. The Senate proposed reducing funding by $60,000,000 for activities of the center and limiting obligation authority to $169,953,000.

Sec. 320 allows funds received by the Federal Highway Administration, Federal Transit Administration, and the Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited to each agency's respective accounts as proposed by the House and Senate.

Sec. 321 prohibits funds to be used to prepare, propose, or promulgate any regulation pursuant to title V of the Motor Vehicle Information and Cost Savings Act prescribing corporate average fuel economy standards for automobiles as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to enactment of this section as proposed by the House. The Senate proposed no similar provision.

Sec. 322 makes available funds for apportionment to the sponsors of primary airports taking account of temporary air service interruptions to those airports as proposed by the Senate. The House proposed no similar provision.

Sec. 323 amends section 3021 of Public Law 105–178 that allows the States of Oklahoma and Vermont flexible use of transportation funds under sections 5307 and 5311 of title 49, United States Code. The Senate proposed amending section 3021 of Public Law 105–178 to allow the States of Oklahoma and Vermont flexible use of transportation funds under sections 5307 and 5311 of title 49, United States Code, and sections 133 and 149 of title 23, United States Code. The House proposed no similar provision.

Sec. 324 allows funds received by the Bureau of Transportation Statistics to be subject to the obligation limitation for federal-aid highways and highway safety construction as proposed by both the House and Senate.

Sec. 325 prohibits the use of funds for any type of training which: (1) does not meet needs for knowledge, skills, and abilities bearing directly on the performance of official duties; (2) could be highly stressful or emotional to the students; (3) does not provide prior notification of content and methods to be used during the training; (4) contains any religious concepts or ideas; (5) attempts to modify a person's values or lifestyle; or (6) is for AIDS awareness training, except for raising awareness of medical ramifications of AIDS and workplace rights as proposed by the House. The Senate proposed no similar provision.

Sec. 326 prohibits the use of funds in this Act for activities designed to influence Congress or a state legislature on legislation or appropriations except through proper, official channels. The House proposed prohibiting funds for activities designed to influence Congress except through proper, official channels. The Senate proposed prohibiting funds in this Act for activities designed to influence Congress, any State legislature, or grant recipient. The conference agreement does not change underlying law that gives certain agencies, such as the National Transportation Safety Board and the National Highway Traffic Safety Administration, the express authority to work with state legislatures.

Sec. 327 requires compliance with the Buy American Act as proposed by the House. The Senate proposed no similar provision.

Sec. 328 limits necessary expenses of advisory committees to $1,000,000 of the funds provided in this Act to the Department of Transportation and includes a provision that excludes advisory committees established for conducting negotiated rulemaking in accordance with the Negotiated Rulemaking Act from the limitation as proposed by the Senate. The House proposed no similar limitation or provision.

Sec. 329 permanently allows receipts collected from users of Department of Transportation fitness centers to be available to support operation and maintenance of those facilities. The House proposed a similar provision that was applicable only to fiscal year 2000.

Sec. 330 prohibits funds to implement or enforce regulations that would result in slot allocations of international operations to any carrier at O'Hare International Airport in excess of the number of slots allocated to and scheduled by that carrier as of October 31, 1993, if that slot is withdrawn from an air carrier under existing regulations as proposed by the House. The Senate proposed no similar provision.

Sec. 331 provides that funds made available under this Act and prior year unobligated funds for the Charleston, South Carolina, monobeam corridor project shall be transferred and administered under the transit planning and research account. The Senate proposed allowing capital transit grant funds provided in this Act and in Public Laws 105–277 and 105–66 to be used for any aspect of the Charleston, South Carolina, monobeam corridor project. The House proposed no similar provision.

Sec. 332 permanently limits the number of communities that receive essential air service funding by excluding points in the 48 contiguous United States that are located 70 highway miles from the nearest large or medium hub airport, or that require a subsidy in excess of $200 per passenger, unless such a point is more than 210 miles from the nearest large or medium hub airport as proposed by the Senate. The House proposed a similar provision that was applicable only to fiscal year 2000.

Sec. 333 credits to appropriations of the Department of Transportation rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources as proposed by both the House and Senate. Such funds received shall be available until December 31, 2000.

Sec. 334 authorizes the Secretary of Transportation to allow issuers of any preferred stock to redeem or repurchase preferred stock sold to the Department of Transportation as proposed by the House and Senate.

Sec. 335 provides $750,000 for the Amtrak Reform Council as proposed by the House instead of $950,000 as proposed by the Senate. Sec. 335 also includes provisions that amend section 203 of Public Law 105–134 regarding the Amtrak Reform Council's recommendations on Amtrak routes identified for closure or realignment as proposed by the Senate. The House proposed no similar provision.

Sec. 336 authorizes the Secretary of Transportation to transfer appropriations by no more than 12 percent among the offices of the Office of the Secretary as proposed by the House instead of by no more than 12 per centum as proposed by the Senate.

Sec. 337 prohibits funds in this Act for activities under the Aircraft Purchase Loan Guarantee Program as proposed by the House. The Senate proposed including this funding prohibition under Title I, Federal Aviation Administration.

Sec. 338 prohibits funds to carry out the functions and operations of the office of motor carriers within the Federal Highway Administration and allows for the transfer of motor carrier funds and certain operations outside the Federal Highway Administration. The House proposed prohibiting funds to carry out the functions and operations of the office of motor carriers within the Federal Highway Administration. The Senate proposed no similar provision.

Sec. 339 provides that grants for operating assistance in fiscal years 1999 and 2000 under sec. 5307 of title 49, United States Code, for certain urbanized areas may not be more than 80 percent of the net project cost as proposed by the House. The Senate proposed no similar provision.

Sec. 340 provides that funds provided for the Griffin light rail project in Public Law 104–205 shall be available for alternative analysis and environmental impact studies for other transit alternatives in the Griffin corridor from Hartford, Connecticut, to Bradley International Airport as proposed by the House. The Senate proposed no similar provision.

Sec. 341 amends sec. 3030(c)(1)(A)(v) of Public Law 105–178 by deleting ''light rail'' from the authorization for the Hartford City light rail connection as proposed by the House. The Senate proposed no similar provision.

Sec. 342 provides that the federal share of projects funded under the over-the-road bus accessibility program shall be 90 percent of the project cost as proposed by the House. The Senate proposed no similar provision.

Sec. 343 provides that $10,000,000 of the funding in this Act is only for the Coast Guard Mackinaw replacement vessel and is available until September 30, 2005, as proposed by the House. The Senate proposed no similar provision.

Sec. 344 prohibits the Coast Guard from obligating or expending funds provided in this Act to allow an extension of a single hull tank vessel's double hull compliance date, unless specifically authorized by 4 U.S.C. 3703a(e). The House proposed prohibiting funds to review or issue a waiver for a vessel deemed to be equipped with a double bottom or double sides. The Senate proposed no similar provision.

Sec. 345 prohibits funds in this Act for the planning or development of the California State Route 710 Freeway extension project through South Pasadena, California, as proposed by the House. The Senate proposed no similar provision.

Sec. 346 permanently prohibits the Department of Transportation from creating ''peanut-free'' zones or restricting the distribution of peanuts aboard domestic aircraft until 90 days after submission of a peer-reviewed scientific study that determines that there are severe reactions by passengers to peanuts as a result of contact with very small airborne peanut particles. The Senate proposed a similar provision that was applicable only to fiscal year 2000. The House proposed no similar provision.

Sec. 347 requires the Federal Transit Administration to inform the House and Senate Committees on Appropriations 60 days before a new full funding grant agreement is executed as proposed by the Senate. The House proposed no similar provision.

Sec. 348 amends section 1212(g) of Public Law 105–178 to provide the State of New Jersey highway project funding flexibility within the state as proposed by the Senate. The House proposed no similar provision.

Sec. 349 requires the Coast Guard to convey to the University of New Hampshire real property located in New Castle, New Hampshire, as proposed by the Senate. The House proposed no similar provision.

Sec. 350 modifies language proposed by the Senate that protects personal and related information on motor vehicle records. The Senate proposed prohibiting funds in this Act to execute a project agreement for any highway project in a state that sells drivers' license personal information and drivers' license photographs unless that state has established and implemented an opt-in process for such information and photographs. The prohibition on the sale of written personal information applies only if sold for purposes of surveys, marketing or solicitations. The House proposed no similar provision.

It is the conferees' intent that personal information, such as name, address, and telephone number, can still be distributed as specified by the Driver Protection Privacy Act and this Act.

Sec. 351 permits the reallocation of $10,000,000 from funds provided in this Act to the National Highway Traffic Safety Administration and the Federal Highway Administration for completion of the National Advanced Driving Simulator (NADS). The Senate proposed $10,000,000 from funds provided in this Act for completion of NADS. The House proposed no similar provision.

Sec. 352 amends Public Law 102–240 as it relates to highway projects in Harford County, Maryland, as proposed by the Senate. The House proposed no similar provision.

Sec. 353 expresses the sense of the Senate that the United States Census Bureau should include marital status on the short form census questionnaire to be distributed to the majority of American households for the 2000 decennial census as proposed by the Senate. The House proposed no similar provision.

Sec. 354 expresses the sense of the Senate that the penalties for involuntarily bumping airline passengers should be doubled and that such passengers should obtain a prompt cash refund for the full value of their airline ticket as proposed by the Senate. The House proposed no similar provision.

Sec. 355 repeals section 656(b) of Public Law 104–208 as it relates to state-issued drivers' licenses and comparable identification documents as proposed by the Senate. The House proposed no similar provision.

Sec. 356 allows funds provided in Public Law 105–277 for the Pittsburgh North Shore central business district transit project to be used for preliminary engineering costs, an environmental impact statement, or a major investment study for that project as proposed by the Senate. The House proposed no similar provision.

Sec. 357 conforms the January 4, 1977, federal decision to existing Federal and state laws. The House and Senate proposed no similar provision.

Sec. 358 amends section 1602 of Public Law 105–178 to allow federal highway funds to be used to retrofit noise barriers in several locations in the State of Georgia. The House and Senate proposed no similar provision.

Sec. 359 amends section 1602 of Public Law 105–178 as it pertains to a railroad corridor project in Saratoga, New York. The House and Senate proposed no similar provision.

Sec. 360 pertains to the use of funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities. The House and Senate proposed no similar provision.

Sec. 361 amends section 1602 of Public Law 105–178 and section 1105 of Public Law 102–240 pertaining to high priority corridors in the State of Arkansas.

Sec. 362 amends section 3030 of Public Law 105–178 to include the Bethlehem, Pennsylvania, intermodal facility. The House and Senate proposed no similar provision.

Sec. 363 amends section 3030(b) of Public Law 105–178 to authorize the Dane County Corridor-East-West Madison Metropolitan Area project. The House and Senate proposed no similar provision.

Sec. 364 prohibits funds for construction of the Douglas Branch project and directs the

Federal Transit Administration to use ''no build'' and ''TSM'' alternatives when evaluating the project. The House and Senate proposed no similar provision.

Sec. 365 provides $500,000 in grants to the Environmental Protection Agency to develop a pilot program which allows employers in designated regions to receive tradable air pollution credits for reduced vehicle-miles-traveled as a result of an employee telecommuting program. The House and Senate proposed no similar provision.

The conferees direct that a $500,000 grant be awarded by the Environmental Protection Agency to the National Environmental Policy Institute, a nonprofit organization in Washington, D.C. The conferees direct the Environmental Protection Agency to work closely with the grantee, the Department of Transportation, and the Department of Energy. The conferees also direct that all parties work closely with state and local governments, and business organizations and leaders in the designated regions in this provision. The House and Senate proposed no similar provision.

Sec. 366 pertains to conveyed lands by the United States to the City of Safford, Arizona, for use by the city for airport purposes. The House and Senate proposed no similar provision.

Sec. 367 prohibits funds in this Act unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than three full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations. The House and Senate proposed no similar provision.

Sec. 368 allows funds provided in fiscal years 1998 and 1999 for an intermodal facility in Eureka, California, to be available for a bus maintenance facility in Humboldt County, California. The House and Senate proposed no similar provision.

Sec. 369 relates to a study of alternatives to rail relocation in Moorhead, Minnesota. The House and Senate proposed no similar provision.

The conference agreement deletes the House provision that prohibits funds to be used to issue a final standard under docket number NHTSA 98–3945 (relating to State-Issued Drivers Licenses and Comparable Identification Documents (Sec. 656(b) of the Illegal Immigration Reform and Responsibility Act of 1996)).

The conference agreement deletes the House provision that amends the Arctic Research and Policy Act of 1984 and the Arctic Marine Living Resources Convention Act of 1984 as it pertains to Coast Guard icebreaking operations.

The conference agreement deletes the House provision that prohibits the expenditure of funds to execute a letter of intent, letter of no prejudice, or full funding grant agreement for the West-East light rail system, or any segment thereof, or a downtown connector in Salt Lake City, Utah.

The conference agreement deletes the House provision that reduces funds provided in this Act for the Transportation Administrative Service Center (TASC) by $1,000,000.

The conference agreement deletes the House provision that reduces funds provided in this Act for the Amtrak Reform Council by $300,000.

The conference agreement deletes the Senate provision that prohibits funds to be used for conducting the activities of the Surface Transportation Board other than those appropriated or from fees collected by the Board.

The conference agreement deletes the Senate provision that relates to the non-governmental share of funds for the Salt Lake City/Airport to University (West-East) light rail project.

The conference agreement deletes the Senate provision that allows the Department of Transportation to enter into a fractional aircraft ownership demonstration program. This program is addressed in the conference agreement under the Federal Aviation Administration.

The conference agreement deletes the Senate provision that expresses the sense of the Senate that the Federal Aviation Administration should develop a national policy and related procedures concerning the interface of the terminal automated radar display and information system and en route surveillance systems for visual flight rule (VFR) air traffic control towers.

The conference agreement deletes the Senate provision that prohibits funds to implement the cost sharing provisions of Sec. 5001(b) of Public Law 105–178 as it relates to fundamental properties of asphalts and modified asphalts (Sec. 5117(b)(5)).

The conference agreement deletes the Senate provision that expresses the sense of the Senate regarding the need for reimbursement to the Village of Bourbonnais and Kankakee County, Illinois, for crash rescue and cleanup incurred in relation to the March 15, 1999, Amtrak train accident.

The conference agreement deletes the Senate provision that provides that of the funds made available in this Act not less that $2,000,000 be available for Eastern West Virginia Regional Airport; not less than $400,000 for Concord, New Hampshire; and not less than $2,000,000 for Huntsville International Airport.

The conference agreement deletes the Senate provision that provides that $20,000,000 be available in fiscal year 2001 for the James A. Farley Post Office project in New York City.

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Salaries and expenses:						
Immediate Office of the Secretary	1,624	1,967	1,867	1,900	1,867	+243
Immediate Office of the Deputy Secretary	585	612	612	600	600	+15
Office of the General Counsel	8,750	9,150	9,000	9,000	9,000	+250
Office of the Assistant Secretary for Policy	2,808	2,924	.....	2,900	2,824	+16
Office of the Assistant Secretary for Aviation and International Affairs	7,650	7,732	7,632	7,700	7,650	.....
Office of the Assistant Secretary for Budget and Programs	6,349	6,790	6,770	6,870	6,870	+521
Office of the Assistant Secretary for Governmental Affairs	1,941	2,039	2,039	2,000	2,039	+98
Office of the Assistant Secretary for Administration	19,722	18,847	17,767	18,600	17,767	-1,955
Office of Public Affairs	1,565	1,836	1,836	1,800	1,800	+235
Executive Secretariat	1,047	1,102	1,102	1,110	1,102	+55
Board of Contract Appeals	561	520	520	560	520	-41
Office of Small and Disadvantaged Business Utilization	1,020	1,222	1,222	1,222	1,222	+202
Office of Intelligence and Security	1,036	1,574	1,454	.....	1,454	+418
Office of the Chief Information Officer	4,875	5,075	5,000	5,100	5,075	+200
Office of Intermodalism	957	1,187	.....	.....	1,062	+105
Office of the Assistant Secretary for Transportation Policy and Intermodalism	.....	.....	3,781	.....	.....	.....
Subtotal	60,490	62,577	60,602	59,362	60,852	+362
Y2K conversion (emergency funding)	(7,754)	.....	.....	.....	.....	(-7,754)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Office of civil rights	6,966	7,742	7,742	7,200	7,200	+234
Transportation planning, research, and development	9,000	6,275	2,950	3,300	3,300	-5,700
Transportation Administrative Service Center	(124,124)	.....	(157,965)	(169,953)	(148,673)	(+24,549)
Minority business resource center program	1,900	1,900	1,900	1,900	1,900	.....
(Limitation on direct loans)	(13,775)	(13,775)	(13,775)	(13,775)	(13,775)	.....
Minority business outreach	2,900	2,900	2,900	2,900	2,900	.....
Payments to air carriers (Airport and Airway Trust Fund) (rescission of contract authorization)	(-815)	.....	.....	.....	.....	(+815)
Total, Office of the Secretary	81,256	81,394	76,094	74,662	76,152	-5,104
Coast Guard						
Operating expenses	2,400,000	2,607,039	2,491,000	2,238,000	2,481,000	+81,000
Defense function	300,000	334,000	300,000	534,000	300,000	.....
Title I - Readiness (emergency funding)	(100,000)	.....	.....	.....	.....	(-100,000)
Title IV - Counterdrug (emergency funding)	(16,300)	.....	.....	.....	.....	(-16,300)
Y2K conversion (emergency funding)	(27,715)	.....	.....	.....	.....	(-27,715)
Y2K conversion (emergency funding)	(4,058)	.....	.....	.....	.....	(-4,058)
Emergency funding (P.L. 106-31)	(200,000)	.....	.....	.....	.....	(-200,000)
Acquisition, construction, and improvements:						
Vessels	219,923	165,760	205,560	123,560	134,560	-85,363
Aircraft	35,700	22,110	38,310	33,210	44,210	+8,510
Other equipment	36,569	53,726	59,400	52,726	51,626	+15,057
Shore facilities & aids to navigation facilities	54,823	55,800	55,800	63,800	63,800	+8,977

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Personnel and related support	48,450	52,930	50,930	52,930	50,930	+2,480
Deepwater replacement project revolving fund	.....	.....	.....	44,200	.....	.....
Integrated Deepwater Systems	.....	.....	.....	.....	44,200	+44,200
Subtotal, A C & I appropriations	395,465	350,326	410,000	370,426	389,326	-6,139
Offsetting collections (user fees)	.....	-41,000	.....	.....	.....	.....
Title I - Counterdrug (emergency funding)	(100,000)	.....	.....	.....	.....	(-100,000)
Hurricane Georges (emergency funding)	(12,600)	.....	.....	.....	.....	(-12,600)
Title IV - Counterdrug (emergency funding)	(117,400)	.....	.....	.....	.....	(-117,400)
Environmental compliance and restoration	21,000	19,500	18,000	12,450	17,000	-4,000
Alteration of bridges	14,000	.....	15,000	14,000	15,000	+1,000
Retired pay	684,000	721,000	721,000	730,327	730,327	+46,327
Reserve training	69,000	72,000	72,000	72,000	72,000	+3,000
Title I - Readiness (emergency funding)	(5,000)	.....	.....	.....	.....	(-5,000)
Research, development, test, and evaluation	12,000	21,709	21,039	17,000	19,000	+7,000
Title I - Readiness (emergency funding)	(5,000)	.....	.....	.....	.....	(-5,000)
Total, Coast Guard	3,895,465	4,084,574	4,048,039	3,988,203	4,023,653	+128,188
Federal Aviation Administration						
Operations (Airport and Airway Trust Fund)	5,562,558	6,039,000	.....	5,857,450	5,900,000	+337,442
Y2K conversion (emergency funding)	(14,946)	.....	.....	.....	.....	(-14,946)
Y2K conversion (emergency funding)	(13,852)	.....	.....	.....	.....	(-13,852)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Facilities & equipment (Airport & Airway Trust Fund)	1,900,000	2,319,000	2,200,000	2,045,652	2,075,000	+175,000
Title II - Antiterrorism (emergency funding)	(100,000)	.....	.....	.....	.....	(-100,000)
Y2K conversion (emergency funding)	(106,612)	.....	.....	.....	.....	(-106,612)
Y2K conversion (emergency funding)	(15,521)	.....	.....	.....	.....	(-15,521)
Rescission	.....	.....	.....	-299,500	-30,000	-30,000
Research, engineering, and development (Airport and Airway Trust Fund)	150,000	173,000	173,000	150,000	156,495	+6,495
Y2K conversion (emergency funding)	(147)	.....	.....	.....	.....	(-147)
Y2K conversion (emergency funding)	(220)	.....	.....	.....	.....	(-220)
Grants-in-aid for airports (Airport and Airway Trust Fund):						
(Liquidation of contract authorization)	(1,600,000)	(1,750,000)	(1,867,000)	(1,750,000)	(1,750,000)	(+150,000)
(Limitation on obligations)	(1,950,000)	(1,600,000)	(2,250,000)	(2,000,000)	(1,950,000)	.....
(Obligation limitation reduction) (P.L. 105-277)	.....	.....	.....	(-290,000)	.....	.....
Rescission of contract authority	.....	.....	-300,000	.....	.....	.....
Total, Federal Aviation Administration	7,612,558	8,531,000	2,373,000	8,053,102	8,131,495	+518,937
(Limitations on obligations)	(1,950,000)	(1,600,000)	(2,250,000)	(1,710,000)	(1,950,000)	.....
Total budgetary resources	(9,562,558)	(10,131,000)	(4,623,000)	(9,763,102)	(10,081,495)	(+518,937)
Rescission	.....	.....	-300,000	-299,500	-30,000	-30,000
Net total	(9,562,558)	(10,131,000)	(4,323,000)	(9,463,602)	(10,051,495)	(+488,937)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Federal Highway Administration						
Limitation on administrative expenses	(327,413)	(350,432)	(356,380)	(370,000)	(376,072)	(+48,659)
Limitation on transportation research	.....	.....	(422,450)	.....	.....	.....
Federal-aid highways (Highway Trust Fund):						
(Limitation on obligations)	(25,511,000)	(26,245,000)	(26,245,000)	(26,245,000)	(26,245,000)	(+734,000)
(Revenue aligned budget authority) (RABA)	.....	(1,456,350)	(1,456,350)	(1,456,350)	(1,456,350)	(+1,456,350)
(RABA transfer under Title III)	.....	(-502,120)	.....	.....	.....	.....
(Adjustment)	.....	(63,000)	.....	.....	.....	.....
Highway safety initiative (transfer to NHTSA)	.....	.....	.....	(-14,500)	.....	.....
Section 405(b) grant (transfer to NHTSA)	.....	.....	.....	(-7,500)	.....	.....
Subtotal, limitation on obligations	(25,511,000)	(27,262,230)	(27,701,350)	(27,679,350)	(27,701,350)	(+2,190,350)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(1,132,116)	(1,132,116)	(-291,931)
(Liquidation of contract authorization)	(24,000,000)	(26,000,000)	(26,125,000)	(26,300,000)	(26,000,000)	(+2,000,000)
Motor carrier safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(100,000)	(155,000)	(105,000)	(105,000)	(105,000)	(+5,000)
(Limitation on obligations)	(100,000)	(105,000)	(105,000)	(105,000)	(105,000)	(+5,000)
(RABA transfer under Title III)	.....	(50,000)	.....	.....	.....	.....
National motor carrier safety program (highway trust fund)	.....	.....	.....	50,000	.....	.....
Additional provisions - Division A P.L. 105-277:						
Surface transportation projects, Massachusetts	100,000	.....	.....	.....	.....	-100,000
Surface transportation projects, Arkansas	100,000	.....	.....	.....	.....	-100,000
Appalachian development highway system, Alabama	100,000	.....	.....	.....	.....	-100,000
Appalachian development highway system, West Va	32,000	.....	.....	.....	.....	-32,000

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
State infrastructure banks (rescission)	(-6,500)	.....	.....	.....	.....	(+6,500)
Total, Federal Highway Administration	332,000	.....	.....	50,000	.....	-332,000
(Limitations on obligations)	(25,611,000)	(27,417,230)	(27,806,350)	(27,784,350)	(27,806,350)	(+2,195,350)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(1,132,116)	(1,132,116)	(-291,931)
Total budgetary resources	(27,367,047)	(28,549,346)	(28,938,466)	(28,966,466)	(28,938,466)	(+1,571,419)
National Highway Traffic Safety Administration						
Operations and research	.....	.....	87,400	.....	87,400	+87,400
Operations and research (Highway Trust Fund)	87,400	.....	.....	72,900	.....	-87,400
Subtotal	87,400	.....	87,400	72,900	87,400	.....
Operations and research (highway trust fund):						
(Limitation on obligations)	(72,000)	(72,000)	(72,000)	(72,000)	(72,000)	.....
(RABA transfer under Title III)	.....	(125,450)	.....	.....	.....	.....
(Liquidation of contract authorization)	(72,000)	(197,450)	(72,000)	(72,000)	(72,000)	.....
Y2K conversion (emergency funding)	(752)	.....	.....	.....	.....	(-752)
(Transfer from FHA)	.....	.....	.....	(14,500)	.....	.....
National Driver Register (highway trust fund)	2,000	2,000	2,000	2,000	2,000	.....
Subtotal, Operations and research	(161,400)	(199,450)	(161,400)	(161,400)	(161,400)	.....

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Highway traffic safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(200,000)	(206,800)	(206,800)	(206,800)	(206,800)	(+6,800)
(Limitation on obligations):						
Highway safety programs (Sec. 402)	(150,000)	(152,800)	(152,800)	(152,800)	(152,800)	(+2,800)
Occupant protection incentive grants (Sec. 405)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	.....
Alcohol-impaired driving countermeasures grants (Sec. 410)	(35,000)	(36,000)	(36,000)	(36,000)	(36,000)	(+1,000)
State Highway safety data grants (Sec. 411)	(5,000)	(8,000)	(8,000)	(8,000)	(8,000)	(+3,000)
Child passenger protection education grants (transfer from FHWA)	.....	.....	.....	(7,500)	.....	.....
Total, National Highway Traffic Safety Administration	89,400	2,000	89,400	74,900	89,400	.....
(Limitations on obligations)	(272,000)	(404,250)	(278,800)	(300,800)	(278,800)	(+6,800)
Total budgetary resources	(361,400)	(406,250)	(368,200)	(375,700)	(368,200)	(+6,800)
Federal Railroad Administration						
Office of the administrator	21,215	.....	.....	.....	.....	-21,215
Railroad safety	61,488	.....	.....	.....	.....	-61,488
Safety and operations	.....	95,462	94,448	91,789	94,288	+94,288
Offsetting collections (user fees)	.....	-66,461	.....	.....	.....	.....
Subtotal	82,703	29,001	94,448	91,789	94,288	+11,585

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Railroad research and development	22,364	21,800	21,300	22,364	22,464	+100
Offsetting collections (user fees)	.....	-21,300	.....	.....	.....	.....
Pennsylvania Station Redevelopment project (advance appropriation, FY 2001)	.....	20,000	.....	20,000	.....	.....
Next generation high-speed rail	20,494	12,000	22,000	20,500	27,200	+6,706
Alaska Railroad rehabilitation	10,000	.....	.....	14,000	10,000	.....
Alaska Railroad capital improvements (Division A)	28,000	.....	.....	.....	.....	-28,000
Rhode Island Rail Development	5,000	10,000	10,000	10,000	10,000	+5,000
Capital grants to the National Railroad Passenger Corporation	609,230	570,976	570,976	571,000	571,000	-38,230
Rail initiative trust fund (Highway Trust Fund) (RABA transfer under Title III):						
(Liquidation of contract authorization)	.....	(35,400)	.....	.....	.....	.....
(Limitation on obligations)	.....	(35,400)	.....	.....	.....	.....
Total, Federal Railroad Administration	777,791	642,477	718,724	749,653	734,952	-42,839
(Limitations on obligations)	.....	(35,400)	.....	.....	.....	.....
Total budgetary resources	(777,791)	(677,877)	(718,724)	(749,653)	(734,952)	(-42,839)
Federal Transit Administration						
Administrative expenses	10,800	12,000	12,000	12,000	12,000	+1,200
Administrative expenses (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(43,200)	(48,000)	(48,000)	(48,000)	(48,000)	(+4,800)
Subtotal, Administrative expenses	(54,000)	(60,000)	(60,000)	(60,000)	(60,000)	(+6,000)
Y2K conversion (emergency funding)	(250)	.....	.....	.....	.....	(-250)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Formula grants	570,000	619,600	619,600	619,600	619,600	+49,600
Formula grants (Highway Trust Fund):						
(Limitation on obligations)	(2,280,000)	(2,478,400)	(2,478,400)	(2,478,400)	(2,478,400)	(+198,400)
(RABA transfer under Title III)	.....	(212,270)	.....	.....	.....	.....
Subtotal, Formula grants	(2,850,000)	(3,310,270)	(3,098,000)	(3,098,000)	(3,098,000)	(+248,000)
University transportation research	1,200	1,200	1,200	1,200	1,200	.....
University transportation research (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(4,800)	(4,800)	(4,800)	(4,800)	(4,800)	.....
Subtotal, University transportation research	(6,000)	(6,000)	(6,000)	(6,000)	(6,000)	.....
Transit planning and research (general fund)	19,800	21,000	21,000	21,000	21,000	+1,200
Transit planning and research (Highway Trust Fund, Mass Transit Account):						
(Limitation on obligations)	(78,200)	(86,000)	(86,000)	(86,000)	(86,000)	(+7,800)
(RABA transfer under Title III)	.....	(4,000)	.....	.....	.....	.....
Subtotal, Transit planning and research	(98,000)	(111,000)	(107,000)	(107,000)	(107,000)	(+9,000)
Rural transportation assistance	(5,250)	(5,250)	(5,250)	(5,250)	(5,250)	.....
National transit institute	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	.....
Transit cooperative research	(8,250)	(8,250)	(8,250)	(8,250)	(8,250)	.....

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Metropolitan planning	(43,842)	(49,632)	(49,632)	(49,632)	(49,632)	(+5,790)
State planning and research	(9,158)	(10,368)	(10,368)	(10,368)	(10,368)	(+1,210)
National planning and research	(27,500)	(33,500)	(29,500)	(29,500)	(29,500)	(+2,000)
Subtotal	(98,000)	(111,000)	(107,000)	(107,000)	(107,000)	(+9,000)
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(4,251,800)	(4,929,270)	(4,638,000)	(4,638,000)	(4,929,270)	(+677,470)
Capital investment grants (general fund)	451,400	490,200	490,200	490,200	490,200	+38,800
Capital investment grants (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(1,805,600)	(1,960,800)	(1,960,800)	(1,960,800)	(1,960,800)	(+155,200)
Subtotal, Capital investment grants	(2,257,000)	(2,451,000)	(2,451,000)	(2,451,000)	(2,451,000)	(+194,000)
(Fixed guideway modernization)	(902,800)	(980,400)	(980,400)	(980,400)	(980,400)	(+77,600)
(Buses and bus-related facilities)	(451,400)	(490,200)	(490,200)	(490,200)	(490,200)	(+38,800)
(New starts)	(902,800)	(980,400)	(980,400)	(980,400)	(980,400)	(+77,600)
Subtotal	(2,257,000)	(2,451,000)	(2,451,000)	(2,451,000)	(2,451,000)	(+194,000)
Mass transit capital fund (Highway Trust Fund) (liquidation of contract authorization)	(2,000,000)	.....	.....	.....	.....	(-2,000,000)
Discretionary grants (Highway Trust Fund, Mass Transit Account) (liquidation of contract authorization)	.....	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	(+1,500,000)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Job access and reverse commute grants (general fund)	35,000	15,000	15,000	15,000	15,000	-20,000
(Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(40,000)	(60,000)	(60,000)	(60,000)	(60,000)	(+20,000)
(RABA transfer under Title III)	.....	(75,000)	.....	.....	.....	.....
Subtotal, Job access and reverse commute grants	(75,000)	(150,000)	(75,000)	(75,000)	(75,000)	.....
Washington Metropolitan Area Transit Authority (general fund)	50,000	.....	.....	.....	.....	-50,000
Trust fund share of transit programs (Highway Trust Fund) (rescission of contract authorization)	(-665)	.....	.....	.....	.....	(+665)
Interstate transfer grants - transit (rescission)	(-600)	.....	.....	.....	.....	(+600)
Total, Federal Transit Administration	1,138,200	1,159,000	1,159,000	1,159,000	1,159,000	+20,800
(Limitations on obligations)	(4,251,800)	(4,929,270)	(4,638,000)	(4,638,000)	(4,638,000)	(+386,200)
Total budgetary resources	(5,390,000)	(6,088,270)	(5,797,000)	(5,797,000)	(5,797,000)	(+407,000)
Saint Lawrence Seaway Development Corporation						
Operations and maintenance (Harbor Maintenance Trust Fund)	11,496	.....	12,042	11,496	12,042	+546
Mandatory proposal	.....	(12,042)	.....	.....	.....	.....
Subtotal	(11,496)	(12,042)	(12,042)	(11,496)	(12,042)	(+546)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Research and Special Programs Administration						
Research and special programs	.....	33,340	.....	.....	32,061	+32,061
Hazardous materials safety	16,063	.....	17,813	16,960	.....	-16,063
Emergency transportation	997	.....	1,459	1,275	.....	-997
Research and technology	3,676	.....	3,547	3,297	.....	-3,676
Program and administrative support	8,544	.....	9,542	9,220	.....	-8,544
Subtotal, research and special programs	29,280	33,340	32,361	30,752	32,061	+2,781
Offsetting collections (user fees)	.....	-4,575	.....	.....	.....	.....
Y2K conversion (emergency funding)	(182)	.....	.....	.....	.....	(-182)
Y2K conversion (emergency funding)	(100)	.....	.....	.....	.....	(-100)
Pipeline safety:						
Pipeline Safety Fund	29,000	33,939	30,598	30,000	30,000	+1,000
Oil Spill Liability Trust Fund	4,248	4,248	5,494	4,704	5,479	+1,231
Pipeline safety reserve	(1,400)	.....	(1,300)	(1,400)	(1,400)	.....
Subtotal, Pipeline safety program (incl reserve)	(34,648)	(38,187)	(37,392)	(36,104)	(36,879)	(+2,231)
Y2K conversion (emergency funding)	(150)	.....	.....	.....	.....	(-150)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Emergency preparedness grants:						
Emergency preparedness fund	200	200	200	200	200	.....
(Limitation on obligations)	(11,000)	.....	(14,300)	(11,000)	.....	(-11,000)
Total, Research and Special Programs Administration	62,728	67,152	68,653	65,656	67,740	+5,012
(Limitations on obligations)	(11,000)	.....	(14,300)	(11,000)	.....	(-11,000)
Total budgetary resources	(73,728)	(67,152)	(82,953)	(76,656)	(67,740)	(-5,988)
Office of Inspector General						
Salaries and expenses	43,495	44,840	44,840	5,000	44,840	+1,345
Surface Transportation Board						
Salaries and expenses	16,000	17,000	17,000	15,400	17,000	+1,000
User fees	.....	-2,600	.....	.....	.....	.....
Offsetting collections	-2,600	-14,400	-1,600	.....	-1,600	+1,000
General Provisions						
Transportation Administrative Service Center reduction	-15,000	.....	-11,000	-60,000	-15,000	.....
Transit discretionary grants (rescission of contract authorization)	(-392,000)	.....	.....	.....	.....	(+392,000)
National Aviation Review Commission (rescission)	(-849)	.....	.....	.....	.....	(+849)
Amtrak Reform Council	450	750	450	950	750	+300
Urban discretionary grants (rescission)	(-4,026)	.....	.....	.....	.....	(+4,026)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Net total, title I, Department of Transportation	14,486,343	14,613,187	8,294,642	13,888,522	14,310,424	-175,919
Current year, FY 2000	(14,486,343)	(14,593,187)	(8,294,642)	(13,868,522)	(14,310,424)	(-175,919)
Appropriations	(14,043,239)	(14,593,187)	(8,594,642)	(14,168,022)	(14,340,424)	(+297,185)
Rescissions	(-405,455)	.....	(-300,000)	(-299,500)	(-30,000)	(+375,455)
Emergency appropriations	(848,559)	.....	.....	.....	.....	(-848,559)
Advance appropriation, FY 2001	.....	(20,000)	.....	(20,000)	.....	.....
(Limitations on obligations)	(32,095,800)	(34,386,150)	(34,987,450)	(34,444,150)	(34,673,150)	(+2,577,350)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(1,132,116)	(1,132,116)	(-291,931)
Net total budgetary resources	(48,006,190)	(50,131,453)	(44,414,208)	(49,464,788)	(50,115,690)	(+2,109,500)
TITLE II - RELATED AGENCIES						
Architectural and Transportation Barriers Compliance Board						
Salaries and expenses	3,847	4,633	4,633	4,500	4,633	+786
Y2K conversion (emergency funding)	(60)	.....	.....	.....	.....	(-60)
National Transportation Safety Board						
Salaries and expenses	53,473	57,000	57,000	51,500	57,000	+3,527
Rental payments (supplemental P.L. 160-31)	2,300	.....	.....	.....	.....	-2,300
Offsetting collections	.....	-10,000	.....	.....	.....	.....
Emergency fund	1,000	.....	.....	1,000	.....	-1,000
Total, National Transportation Safety Board	56,773	47,000	57,000	52,500	57,000	+227

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Total, title II, Related Agencies	60,680	51,633	61,633	57,000	61,633	+953
Appropriations	(60,620)	(51,633)	(61,633)	(57,000)	(61,633)	(+1,013)
Emergency appropriations	(60)	.....	.....	.....	.....	(-60)
Grand total	14,547,023	14,664,820	8,356,275	13,945,522	14,372,057	-174,966
Current year, FY 2000	(14,547,023)	(14,644,820)	(8,356,275)	(13,925,522)	(14,372,057)	(-174,966)
Appropriations	(14,103,859)	(14,644,820)	(8,656,275)	(14,225,022)	(14,402,057)	(+298,198)
Rescissions	(-405,455)	.....	(-300,000)	(-299,500)	(-30,000)	(+375,455)
Emergency appropriations	(848,619)	.....	.....	.....	.....	(-848,619)
Advance appropriation, FY 2001	.....	(20,000)	.....	(20,000)	.....	.....
(Limitation on obligations)	(32,095,800)	(34,386,150)	(34,987,450)	(34,444,150)	(34,673,150)	(+2,577,350)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(1,132,116)	(1,132,116)	(-291,931)
Net total budgetary resources	(48,066,870)	(50,183,086)	(44,475,841)	(49,521,788)	(50,177,323)	(+2,110,453)
Scorekeeping adjustments:						
Pipeline safety (OSLTF)	1,400	-5,000	-3,000	-2,000	-3,000	-4,400
General Provision (Sec. 329)	4,000	.....	.....	.....	.....	-4,000
FTA: Job access (mass transit category)	-25,000	.....	.....	.....	.....	+25,000
FTA: Job access (non-defense discretionary)	25,000	.....	.....	.....	.....	-25,000
Emergency funding	-848,619	.....	.....	.....	.....	+848,619
FY 1999 adjustments to CBO rescissions	205	.....	.....	.....	.....	-205

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Trans Admin Service Center adjustment	.....	.....	1,000	.....	.....	.....
Advance appropriations	.....	-20,000	.....	-20,000	.....	.....
Total, adjustments	-843,014	-25,000	-2,000	-22,000	-3,000	+840,014
Net grand total (including scorekeeping)	13,704,009	14,639,820	8,354,275	13,923,522	14,369,057	+665,048
Appropriations	(14,109,464)	(14,639,820)	(8,654,275)	(14,223,022)	(14,399,057)	(+289,593)
Rescissions	(-405,455)	.....	(-300,000)	(-299,500)	(-30,000)	(+375,455)
(Limitations on obligations)	(32,095,800)	(34,386,150)	(34,987,450)	(34,444,150)	(34,673,150)	(+2,577,350)
(Exempt obligations)	(1,424,047)	(1,132,116)	(1,132,116)	(1,132,116)	(1,132,116)	(-291,931)
Net grand total budgetary resources	(47,223,856)	(50,158,086)	(44,473,841)	(49,499,788)	(50,174,323)	(+2,950,467)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
RECAP BY FUNCTION						
Mandatory	684,000	721,000	721,000	730,327	730,327	+46,327
Discretionary:						
Highway category: (Limitation on obligations)	(25,883,000)	(27,821,480)	(28,085,150)	(28,085,150)	(28,085,150)	(+2,202,150)
Mass Transit category	721,200	1,159,000	1,159,000	1,159,000	1,159,000	+437,800
(Limitation on obligations)	(4,251,800)	(4,929,270)	(4,638,000)	(4,638,000)	(4,638,000)	(+386,200)
Total, Mass Transit category	4,973,000	6,088,270	5,797,000	5,797,000	5,797,000	+824,000
General purpose discretionary:						
Defense discretionary	300,000	334,000	300,000	534,000	300,000	.....
Nondefense discretionary	11,998,809	12,425,820	6,174,275	11,500,195	12,179,730	+180,921
Total, General purpose discretionary	12,298,809	12,759,820	6,474,275	12,034,195	12,479,730	+180,921
Total, Discretionary	12,298,809	12,759,820	6,474,275	12,034,195	12,479,730	+180,921

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	14,547,023
Budget estimates of new (obligational) authority, fiscal year 2000	14,664,820
House bill, fiscal year 2000	8,356,275
Senate bill, fiscal year 2000	13,945,522
Conference agreement, fiscal year 2000	14,372,057
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1999	−174,966
Budget estimates of new (obligational) authority, fiscal year 2000	−292,763
House bill, fiscal year 2000	+6,015,782
Senate bill, fiscal year 2000	+426,535

FRANK R. WOLF,
TOM DELAY,
RALPH REGULA,
HAROLD ROGERS,
RON PACKARD,
SONNY CALLAHAN,
TODD TIAHRT,
ROBERT B. ADERHOLT,
KAY GRANGER,
BILL YOUNG,
MARTIN OLAV SABO,
JOHN W. OLVER,
ED PASTOR,
CAROLYN C. KILPATRICK,
JOSE E. SERRANO,
MIKE FORBES,
DAVID OBEY,
Managers on the Part of the House.

RICHARD C. SHELBY,
PETE V. DOMENICI,
ARLEN SPECTER,
C.S. BOND,
SLADE GORTON,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
TED STEVENS,
FRANK R. LAUTENBERG,
ROBERT BYRD,
B.A. MIKULSKI,
HARRY REID,
HERB KOHL,
PATTY MURRAY,
D.K. INOUYE,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 1906, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. SKEEN submitted the following conference report and statement on the bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–354)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1906) ''making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes'', 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 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I
AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $75,000 for employment under 5 U.S.C. 3109, $15,436,000, of which, $12,600,000, to remain available until expended, shall be available only for the development and implementation of a common computing environment: Provided, That not to exceed $11,000 of this amount, along with any unobligated balances of representation funds in the Foreign Agricultural Service, shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: Provided further, That the funds made available for the development and implementation of a common computing environment shall only be available upon approval of the Committees on Appropriations and Agriculture of the House of Representatives and the Senate of a plan for the development and implementation of a common computing environment: Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104–127: Provided further, That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104–127.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $6,411,000.

NATIONAL APPEALS DIVISION

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

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $6,583,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $6,051,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $4,783,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded by this Act, $613,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for the operation, maintenance, and repair of Agriculture buildings, $140,364,000: Provided, That in the event an agency within the Department should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account.

HAZARDOUS WASTE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961, $15,700,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Waste Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $34,738,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $3,000,000, to remain available until expended.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional

Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,568,000: Provided, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations: Provided further, That not less than $2,241,000 shall be transferred to agencies funded by this Act to maintain personnel at the agency level.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $8,138,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, $65,128,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, including not to exceed $50,000 for employment under 5 U.S.C. 3109; and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $29,194,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $540,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $65,419,000: Provided, That $1,000,000 shall be transferred to and merged with the appropriation for ''Food and Nutrition Service, Food Program Administration'' for studies and evaluations: Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627, Public Law 105–113, and other laws, $99,405,000, of which up to $16,490,000 shall be available until expended for the Census of Agriculture: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL RESEARCH SERVICE

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $834,322,000: Provided, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $250,000, except for headhouses or greenhouses which shall each be limited to $1,000,000, and except for ten buildings to be constructed or improved at a cost not to exceed $500,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $250,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center, including an easement to the University of Maryland to construct the Transgenic Animal Facility which upon completion shall be accepted by the Secretary as a gift: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

In fiscal year 2000, the agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities (including land and facilities at the Beltsville Agricultural Research Center) issued by the agency, as authorized by law, and such fees shall be credited to this account and shall remain available until expended for authorized purposes.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $52,500,000, to remain available until expended (7 U.S.C. 2209b): Provided, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $180,545,000 to carry into effect the provisions of the Hatch Act (7 U.S.C. 361a–i); $21,932,000 for grants for cooperative forestry research (16 U.S.C. 582a–a7); $30,676,000 for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222), of which $1,000,000 shall be made available to West Virginia State College in Institute, West Virginia, which for fiscal year 2000 and thereafter shall be designated as an eligible institution under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222); $63,238,000 for special grants for agricultural research (7 U.S.C. 450i(c)); $13,721,000 for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)); $119,300,000 for competitive research grants (7 U.S.C. 450i(b)); $5,109,000 for the support of animal health and disease programs (7 U.S.C. 3195); $750,000 for supplemental and alternative crops and products (7 U.S.C. 3319d); $650,000 for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977 (7 U.S.C. 3318), to remain available until expended; $500,000 for the 1994 research program (7 U.S.C. 301 note); $3,000,000 for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), to remain available until expended (7 U.S.C. 2209b); $4,350,000 for higher education challenge grants (7 U.S.C. 3152(b)(1)); $1,000,000 for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), to remain available until expended (7 U.S.C. 2209b); $2,850,000 for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241); $500,000 for a secondary agriculture education program and two-year postsecondary education (7 U.S.C. 3152(h)); $4,000,000 for aquaculture grants (7 U.S.C. 3322); $8,000,000 for sustainable agriculture research and education (7 U.S.C. 5811); $9,200,000 for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, to remain available until expended (7 U.S.C. 2209b); $1,552,000 for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382; and $14,825,000 for necessary expenses of Research and Education Activities, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109; in all, $485,698,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For establishment of a Native American institutions endowment fund, as authorized by Public Law 103–382 (7 U.S.C. 301 note), $4,600,000.

EXTENSION ACTIVITIES

Payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa: For payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $276,548,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,060,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $58,695,000; payments for the pest management program under section 3(d) of the Act, $10,783,000; payments for the farm safety program under section 3(d) of the Act, $4,000,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University, as authorized by section 1447 of

Public Law 95–113 (7 U.S.C. 3222b), $12,000,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $908,000; payments for youth-at-risk programs under section 3(d) of the Act, $9,000,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $3,192,000; payments for Indian reservation agents under section 3(d) of the Act, $1,714,000; payments for sustainable agriculture programs under section 3(d) of the Act, $3,309,000; payments for rural health and safety education as authorized by section 2390 of Public Law 101–624 (7 U.S.C. 2661 note, 2662), $2,628,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University, $26,843,000, of which $1,000,000 shall be made available to West Virginia State College in Institute, West Virginia, which for fiscal year 2000 and thereafter shall be designated as an eligible institution under section 1444 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221); and for Federal administration and coordination including administration of the Smith-Lever Act, and the Act of September 29, 1977 (7 U.S.C. 341–349), and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301 note), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $12,242,000; in all, $424,922,000: Provided, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension competitive grants programs, including necessary administrative expenses, $39,541,000, as follows: payments for the water quality program, $13,000,000; payments for the food safety program, $15,000,000; payments for the national agriculture pesticide impact assessment program, $4,541,000; payments for the Food Quality Protection Act risk mitigation program for major food crop systems, $4,000,000; payments for the crops affected by Food Quality Protection Act implementation, $1,000,000; and payments for the methyl bromide transition program, $2,000,000, as authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626).

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, the Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $618,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947 (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426–426b); and to protect the environment, as authorized by law, $441,263,000, of which $4,105,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, and section 102 of the Act of September 21, 1944, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2000, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Of the total amount available under this heading in fiscal year 2000, $87,000,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $5,200,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $90,000 for employment under 5 U.S.C. 3109, $51,625,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $60,730,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Appropriations Committees.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $12,443,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,200,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 for employment under 5 U.S.C. 3109, $26,448,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,557,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Appropriations Committees.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $446,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, $649,411,000, of which no less than $544,902,000 shall be available for federal food inspection, and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102–237: Provided, That this appropriation shall not be available for shell egg surveillance under section 5(d) of the Egg Products Inspection Act (21 U.S.C. 1034(d)): Provided further, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109:

Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $572,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $794,839,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5101–5106), $3,000,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of: (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer; or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968 (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, $450,000, to remain available until expended (7 U.S.C. 2209b): Provided, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of the farmer's willful failure to follow procedures prescribed by the Federal Government: Provided further, That this amount shall be transferred to the Commodity Credit Corporation: Provided further, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $559,422,000, of which $431,373,000 shall be for guaranteed loans; operating loans, $2,397,842,000, of which $1,697,842,000 shall be for unsubsidized guaranteed loans and $200,000,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $1,028,000; for emergency insured loans, $25,000,000 to meet the needs resulting from natural disasters; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, $100,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $7,243,000, of which $2,416,000, shall be for guaranteed loans; operating loans, $70,860,000, of which $23,940,000 shall be for unsubsidized guaranteed loans and $17,620,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $21,000; and for emergency insured loans, $3,882,000 to meet the needs resulting from natural disasters.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $214,161,000, of which $209,861,000 shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs with the prior approval of the House and Senate Committees on Appropriations.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933), $64,000,000: Provided, That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make 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 programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, such sums as may be necessary, to remain available until expended (7 U.S.C. 2209b).

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 2000, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 2000, the Commodity Credit Corporation shall not expend more than $5,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961: Provided, That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation in this Act.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $693,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $661,243,000, to remain available until expended (7 U.S.C. 2209b), of which not less than $5,990,000 is for snow survey and water forecasting and not less than $9,125,000 is for operation and establishment of the plant materials centers: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e–2).

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1009), $10,368,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $110,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department,

$99,443,000, to remain available until expended (7 U.S.C. 2209b) (of which up to $15,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701 and 16 U.S.C. 1006a)): Provided, That not to exceed $47,000,000 of this appropriation shall be available for technical assistance: Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction: Provided further, That of the funds available for Emergency Watershed Protection activities, $8,000,000 shall be available for Mississippi, New Mexico, Ohio and Wisconsin for financial and technical assistance for pilot rehabilitation projects of small, upstream dams built under the Watershed and Flood Prevention Act (16 U.S.C. 1001 et seq., section 13 of the Act of December 22, 1994; Public Law 78–534; 58 Stat. 905), and the pilot watershed program authorized under the heading ''FLOOD PREVENTION'' of the Department of Agriculture Appropriation Act, 1954 (Public Law 83–156; 67 Stat. 214).

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607), the Act of April 27, 1935 (16 U.S.C. 590a–f), and the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $35,265,000, to remain available until expended (7 U.S.C. 2209b): Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized by the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $6,325,000, to remain available until expended, as authorized by that Act.

TITLE III

RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $588,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H, 381N, and 381O of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009f), $718,837,000, to remain available until expended, of which $23,150,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $631,088,000 shall be for the rural utilities programs described in section 381E(d)(2), 306C(a)(2), and 306D of such Act; and of which $64,599,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided, That of the amount appropriated for rural community programs, $6,000,000 shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, and low income rural communities to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private and public (including tribal) intermediary organizations proposing to carry out a program of technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources in an amount not less than funds provided: Provided further, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated for rural utilities programs, not to exceed $20,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico borders, including grants pursuant to section 306C of such Act; not to exceed $12,000,000 shall be for water and waste disposal systems to benefit Federally Recognized Native American Tribes, including grants pursuant to section 306C of such Act: Provided further, That the Federally Recognized Native American Tribe is not eligible for any other rural utilities programs set aside under the Rural Community Advancement Program; not to exceed $20,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act with up to one percent available to administer the program and up to one percent available to improve interagency coordination; not to exceed $16,215,000 shall be for technical assistance grants for rural waste systems pursuant to section 306(a)(14) of such Act; and not to exceed $7,300,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amount appropriated, not to exceed $45,245,000 shall be available through June 30, 2000, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $34,704,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act; of which $8,435,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided further, That any obligated and unobligated balances available from prior years for the ''Rural Utilities Assistance Program'' account shall be transferred to and merged with this account.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,300,000,000 for loans to section 502 borrowers, as determined by the Secretary, of which $3,200,000,000 shall be for unsubsidized guaranteed loans; $32,396,000 for section 504 housing repair loans; $100,000,000 for section 538 guaranteed multi-family housing loans; $25,001,000 for section 514 farm labor housing; $114,321,000 for section 515 rental housing; $5,152,000 for section 524 site loans; $7,503,000 for credit sales of acquired property, of which up to $1,250,000 may be for multi-family credit sales; and $5,000,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $113,350,000, of which $19,520,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $9,900,000; section 538 multi-family housing guaranteed loans, $480,000; section 514 farm labor housing, $11,308,000; section 515 rental housing, $45,363,000; section 524 site loans, $4,000; credit sales of acquired property, $874,000, of which up to $494,250 may be for multi-family credit sales; and section 523 self-help housing land development loans, $281,000: Provided, That of the total amount appropriated in this paragraph, $11,180,000 shall be available through June 30, 2000, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $375,879,000, which shall be transferred to and merged with the appropriation for ''Rural Housing Service, Salaries and Expenses'': Provided, That of this amount the Secretary of Agriculture may transfer up to $7,000,000 to the appropriation for ''Outreach for Socially Disadvantaged Farmers''.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $640,000,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or renewed during fiscal year 2000 shall be funded for a five-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $28,000,000, to remain available until expended (7 U.S.C. 2209b): Provided, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2000, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for housing for domestic farm labor, very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1486, 1490e, and 1490m, $45,000,000, to remain available until expended: Provided, That of the total amount appropriated, $1,200,000 shall be available through June 30, 2000, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

SALARIES AND EXPENSES

For necessary expenses of the Rural Housing Service, including administering the programs authorized by the Consolidated Farm and Rural

Development Act, title V of the Housing Act of 1949, and cooperative agreements, $61,979,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $520,000 may be used for employment under 5 U.S.C. 3109: Provided further, That the Administrator may expend not more than $10,000 to provide modest nonmonetary awards to non-USDA employees.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, $16,615,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)): 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 these funds are available to subsidize gross obligations for the principal amount of direct loans of $38,256,000: Provided further, That of the total amount appropriated, $3,216,000 shall be available through June 30, 2000, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $3,337,000 shall be transferred to and merged with the appropriation for ''Rural Business-Cooperative Service, Salaries and Expenses''.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $15,000,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $3,453,000.

Of the funds derived from interest on the cushion of credit payments in fiscal year 2000, as authorized by section 313 of the Rural Electrification Act of 1936, $3,453,000 shall not be obligated and $3,453,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $6,000,000, of which $1,500,000 shall be available for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That at least twenty-five percent of the total amount appropriated shall be made available to cooperatives or associations of cooperatives that assist small, minority producers.

SALARIES AND EXPENSES

For necessary expenses of the Rural Business-Cooperative Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act; section 1323 of the Food Security Act of 1985; the Cooperative Marketing Act of 1926; for activities relating to the marketing aspects of cooperatives, including economic research findings, as authorized by the Agricultural Marketing Act of 1946; for activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements, $24,612,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $260,000 may be used for employment under 5 U.S.C. 3109.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $121,500,000; 5 percent rural telecommunications loans, $75,000,000; cost of money rural telecommunications loans, $300,000,000; municipal rate rural electric loans, $295,000,000; and loans made pursuant to section 306 of that Act, rural electric, $1,700,000,000 and rural telecommunications, $120,000,000, to remain available until expended.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of direct loans, $1,935,000; cost of municipal rate loans, $10,827,000; cost of money rural telecommunications loans, $2,370,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $31,046,000, which shall be transferred to and merged with the appropriation for ''Rural Utilities Service, Salaries and Expenses''.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord 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 its authorized programs. During fiscal year 2000 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $175,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), $3,290,000.

In addition, for administrative expenses necessary to carry out the loan programs, $3,000,000, which shall be transferred to and merged with the appropriation for ''Rural Utilities Service, Salaries and Expenses''.

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., $20,700,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas: Provided, That the costs of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

SALARIES AND EXPENSES

For necessary expenses of the Rural Utilities Service, including administering the programs authorized by the Rural Electrification Act of 1936, and the Consolidated Farm and Rural Development Act, and for cooperative agreements, $34,107,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $105,000 may be used for employment under 5 U.S.C. 3109.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $554,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $9,554,028,000, to remain available through September 30, 2001, of which $4,618,829,000 is hereby appropriated and $4,935,199,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That, except as specifically provided under this heading, none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the funds made available under this heading, up to $7,000,000 shall be for school breakfast pilot projects, including the evaluation required under section 18(e) of the National School Lunch Act: Provided further, That up to $4,363,000 shall be available for independent verification of school food service claims: Provided further, That none of the funds under this heading shall be available unless the value of bonus commodities provided under section 32 of the Act of August 24, 1935 (49 Stat. 774, chapter 641; 7 U.S.C. 612c), and section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) is included in meeting the minimum commodity assistance requirement of section 6(g) of the National School Lunch Act (42 U.S.C. 1755(g)).

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $4,032,000,000, to remain available through September 30, 2001: Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the total amount available, the Secretary shall obligate $10,000,000 for the farmers' market nutrition program within 45 days of the enactment of this Act, and an additional $5,000,000 for the farmers' market nutrition program from any funds not needed to maintain current caseload levels: Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of the Child Nutrition Act of 1966: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other federal government departments or agencies unless authorized by section 17 of the Child Nutrition Act of 1966.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $21,071,751,000, of which $100,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That none of the funds made available under this head shall be used for studies and evaluations: Provided further, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this head shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983, $133,300,000, to remain available through September 30, 2001: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973; special assistance for the nuclear affected islands as authorized by section 103(h)(2) of the Compacts of Free Association Act of 1985, as amended; and section 311 of the Older Americans Act of 1965, $141,081,000, to remain available through September 30, 2001.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $111,561,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assisting in the prevention, identification, and prosecution of fraud and other violations of law and of which not less than $3,000,000 shall be available to improve integrity in the Food Stamp and Child Nutrition programs: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $128,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $109,203,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691, 1701–1704, 1721–1726a, 1727–1727e, 1731–1736g–3, and 1737), as follows: (1) $155,000,000 for Public Law 480 title I credit, including Food for Progress programs; (2) $21,000,000 is hereby appropriated for ocean freight differential costs for the shipment of agricultural commodities pursuant to title I of said Act and the Food for Progress Act of 1985; and (3) $800,000,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title II of said Act: Provided, That not to exceed 15 percent of the funds made available to carry out any title of said Act may be used to carry out any other title of said Act: Provided further, That such sums shall remain available until expended (7 U.S.C. 2209b).

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit agreements under said Act, $127,813,000.

In addition, for administrative expenses to carry out the Public Law 480 title I credit program, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 480 are utilized, $1,850,000, of which $1,035,000 may be transferred to and merged with the appropriation for ''Foreign Agricultural Service and General Sales Manager'' and $815,000 may be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $3,820,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,231,000 may be transferred to and merged with the appropriation for ''Foreign Agricultural Service and General Sales Manager'' and $589,000 may be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $1,186,072,000, of which not to exceed $145,434,000 in prescription drug user fees authorized by 21 U.S.C. 379(h) may be credited to this appropriation and remain available until expended: Provided, That fees derived from applications received during fiscal year 2000 shall be subject to the fiscal year 2000 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) $269,245,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $309,026,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $11,542,000 shall be available for grants and contracts awarded under section 5 of the Orphan Drug Act (21 U.S.C. 360ee); (3) $132,092,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $48,821,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $154,271,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs, of which $1,000,000 shall be for premarket review, enforcement and oversight activities related to users and manufacturers of all reprocessed medical devices as authorized by the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.), and of which no less than $55,500,000 and 522 full-time equivalent positions shall be for premarket application review activities to meet statutory review times; (6) $34,536,000 shall be for the National Center for Toxicological Research; (7) $34,000,000 shall be for the Office of Tobacco; (8) $25,855,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration; (9) $100,180,000 shall be for payments to the General Services Administration for rent and related costs; and (10) $78,046,000 shall be for other activities, including the Office of the Commissioner; the Office of Policy; the Office of the Senior Associate Commissioner; the Office of International and Constituent Relations; the Office of Policy, Legislation, and Planning; and central services for these offices: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committee on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263(b) may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $11,350,000, to remain available until expended (7 U.S.C. 2209b).

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109, $63,000,000, including not to exceed $1,000 for official reception and representation expenses: Provided, That for fiscal year 2000 and thereafter, the Commission is authorized to charge reasonable fees to attendees of Commission sponsored educational events and symposia to cover the Commission's costs of providing those events and symposia, and notwithstanding 31 U.S.C. 3302, said fees shall be credited to this account, to be available without further appropriation.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $35,800,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 2000 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 365 passenger motor vehicles, of which 361 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946, and July 28,

1954 (7 U.S.C. 427 and 1621–1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

SEC. 704. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $2,000,000: Provided, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit fly program, integrated systems acquisition project, boll weevil program, up to 10 percent of the screwworm program, and up to $2,000,000 for costs associated with colocating regional offices; Food Safety and Inspection Service, field automation and information management project; funds appropriated for rental payments; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)) and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; and Foreign Agricultural Service, middle-income country training program.

SEC. 706. 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. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94–449.

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

SEC. 710. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 711. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 19 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under the Small Business Innovation Development Act of 1982, Public Law 97–219 (15 U.S.C. 638).

SEC. 712. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 713. Notwithstanding any other provision of law, effective on September 29, 1999, appropriations made available to the Rural Housing Insurance Fund Program Account for the costs of direct and guaranteed loans and to the Rural Housing Assistance Grants Account in fiscal years 1994, 1995, 1996, 1997, 1998, and 1999 shall remain available until expended to cover obligations made in each of those fiscal years respectively with regard to each account.

SEC. 714. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 2000 shall remain available until expended to cover obligations made in fiscal year 2000 for the following accounts: the rural development loan fund program account; the Rural Telephone Bank program account; the rural electrification and telecommunications loans program account; the Rural Housing Insurance Fund Program Account; and the rural economic development loans program account.

SEC. 715. 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 by this Act.

SEC. 716. Notwithstanding the Federal Grant and Cooperative Agreement Act, marketing services of the Agricultural Marketing Service; Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; and the food safety activities of the Food Safety and Inspection Service may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; or the Food Safety and Inspection Service and a State or Cooperator to carry out agricultural marketing programs, to carry out programs to protect the Nation's animal and plant resources, or to carry out educational programs or special studies to improve the safety of the Nation's food supply.

SEC. 717. Notwithstanding any other provision of law (including provisions of law requiring competition), the Secretary may enter into cooperative agreements (which may provide for the acquisition of goods or services, including personal services) with a State, political subdivision, or agency thereof, a public or private agency, organization, or any other person, if the Secretary determines that the objectives of the agreement will (1) serve a mutual interest of the parties to the agreement in carrying out the Wetlands Reserve Program; (2) all parties will contribute resources to the accomplishment of these objectives: Provided, That Commodity Credit Corporation funds obligated for such purposes shall not exceed the level obligated by the Commodity Credit Corporation for such purposes in fiscal year 1998.

SEC. 718. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 719. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants: Provided, That interagency funding is authorized to carry out the purposes of the National Drought Policy Commission.

SEC. 720. None of the funds appropriated by this Act may be used to carry out the provisions of section 918 of Public Law 104–127, the Federal Agriculture Improvement and Reform Act.

SEC. 721. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 722. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 723. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committee on Appropriations of both Houses of Congress.

SEC. 724. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committee on Appropriations of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committee on Appropriations of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 725. None of the funds appropriated or otherwise made available by this Act or any other Act may be used to pay the salaries and expenses of personnel to carry out the transfer

or obligation of fiscal year 2000 funds under the provisions of section 793 of Public Law 104–127.

SEC. 726. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by sections 334–341 of Public Law 104–127 in excess of $174,000,000.

SEC. 727. None of the funds appropriated or otherwise available to the Department of Agriculture in fiscal year 2000 or thereafter may be used to administer the provision of contract payments to a producer under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) for contract acreage on which wild rice is planted unless the contract payment is reduced by an acre for each contract acre planted to wild rice.

SEC. 728. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to enroll in excess of 150,000 acres in the fiscal year 2000 wetlands reserve program as authorized by 16 U.S.C. 3837.

SEC. 729. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the transfer or obligation of fiscal year 2000 funds under the provisions of section 401 of Public Law 105–185, the Initiative for Future Agriculture and Food Systems.

SEC. 730. Notwithstanding section 381A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009), in fiscal year 2000 and thereafter, the definitions of rural areas for certain business programs administered by the Rural Business-Cooperative Service and the community facilities programs administered by the Rural Housing Service shall be those provided for in statute and regulations prior to the enactment of Public Law 104–127.

SEC. 731. None of the funds appropriated or otherwise made available by this Act shall be used to carry out any commodity purchase program that would prohibit eligibility or participation by farmer-owned cooperatives.

SEC. 732. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out a conservation farm option program, as authorized by section 335 of Public Law 104–127.

SEC. 733. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Drug Analysis in St. Louis, Missouri, or the Food and Drug Administration Detroit, Michigan, District Office Laboratory; or to reduce the Detroit, Michigan, Food and Drug Administration District Office below the operating and full-time equivalent staffing level of July 31, 1999; or to change the Detroit District Office to a station, residence post or similarly modified office; or to reassign residence posts assigned to the Detroit District Office.

SEC. 734. None of the funds made available by this Act or any other Act for any fiscal year may be used to carry out section 302(h) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)) unless the Secretary of Agriculture inspects and certifies agricultural processing equipment, and imposes a fee for the inspection and certification, in a manner that is similar to the inspection and certification of agricultural products under that section, as determined by the Secretary: Provided, That this provision shall not affect the authority of the Secretary to carry out the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

SEC. 735. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the users fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2001 appropriations Act.

SEC. 736. None of the funds appropriated or otherwise made available by this Act shall be used to establish an Office of Community Food Security or any similar office within the United States Department of Agriculture without the prior approval of the Committee on Appropriations of both Houses of Congress.

SEC. 737. None of the funds appropriated or otherwise made available by this or any other Act may be used to carry out provision of section 612 of Public Law 105–185.

SEC. 738. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out the emergency food assistance program authorized by section 27(a) of the Food Stamp Act (7 U.S.C. 2036(a)) if such program exceeds $98,000,000.

SEC. 739. 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.

SEC. 740. Notwithstanding any other provision of law, in fiscal year 2000 and thereafter, permanent employees of county committees employed on or after October 1, 1998, pursuant to 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be considered as having Federal Civil Service status only for the purpose of applying for United States Department of Agriculture Civil Service vacancies.

SEC. 741. None of the funds appropriated or otherwise made available by this Act may be used to declare excess or surplus all or part of the lands and facilities owned by the Federal Government and administered by the Secretary of Agriculture at Fort Reno, Oklahoma, or to transfer or convey such lands or facilities, without the specific authorization of Congress.

SEC. 742. Notwithstanding any other provision of law, the Chief of the Natural Resources Conservation Service shall provide funds, within discretionary amounts available, for the settlement of claims associated with the Chuquatonchee Watershed Project in Mississippi to close out this project.

SEC. 743. (a) Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall offer to enter into an agreement with the Governor of the State of Hawaii to conduct a pilot program to inspect mail entering the State of Hawaii for any plant, plant product, plant pest, or other organism that is subject to Federal quarantine laws.

(b) The agreement described in subsection (a) shall contain the same terms and conditions as are contained in the memorandum of understanding entered into between the Secretary and the State of California, dated February 1, 1999, unless the Secretary and the Governor agree to different terms or conditions.

(c) Unless the Secretary and the Governor agree otherwise, the agreement described in subsection (b) shall terminate on the later of—

(1) the date that is 1 year after the date the agreement becomes effective; or

(2) the date that the February 1, 1999 memorandum of understanding terminates.

SEC. 744. Notwithstanding any other provision of law, the Secretary is authorized under section 306 of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), to provide guaranteed lines of credit, including working capital loans, for health care facilities, to address Year 2000 computer conversion issues.

SEC. 745. After taking any action involving the seizure, quarantine, treatment, destruction, or disposal of wheat infested with karnal bunt, the Secretary of Agriculture shall compensate the producers and handlers for economic losses incurred as the result of the action not later than 45 days after receipt of a claim that includes all appropriate paperwork.

SEC. 746. In addition to amounts otherwise appropriated or made available by this Act, $2,000,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships through the Congressional Hunger Center, which is an organization described in subsection (c)(3) of section 501 of the Internal Revenue Code of 1986 and is exempt from taxation under subsection (a) of such section.

SEC. 747. Notwithstanding any other provision of law, there are hereby appropriated $250,000 for the program authorized under section 388 of the Federal Agriculture Improvement and Reform Act of 1996, solely for use in the State of New Hampshire.

SEC. 748. The Immigration and Nationality Act (8 U.S.C. 1188 et seq.) is amended: (a) in section 218(c)(1) by striking ''60 days'' and inserting ''45 days'', and (b) in section 218(c)(3)(A) by striking ''20 days'' and inserting ''30 days''.

SEC. 749. SUCCESSORSHIP PROVISIONS RELATING TO BARGAINING UNITS AND EXCLUSIVE REPRESENTATIVES. (a) VOLUNTARY AGREEMENT.—

(1) IN GENERAL.—If the exercise of the Secretary of Agriculture's authority under this section results in changes to an existing bargaining unit that has been certified under chapter 71 of title 5, United States Code, the affected parties shall attempt to reach a voluntary agreement on a new bargaining unit and an exclusive representative for such unit.

(2) CRITERIA.—In carrying out the requirements of this subsection, the affected parties shall use criteria set forth in—

(A) sections 7103(a)(4), 7111(e), 7111(f)(1), and 7120 of title 5, United States Code, relating to determining an exclusive representative; and

(B) section 7112 of title 5, United States Code (disregarding subsections (b)(5) and (d) thereof), relating to determining appropriate units.

(b) EFFECT OF AN AGREEMENT.—

(1) IN GENERAL.—If the affected parties reach agreement on the appropriate unit and the exclusive representative for such unit under subsection (a), the Federal Labor Relations Authority shall certify the terms of such agreement, subject to paragraph (2)(A). Nothing in this subsection shall be considered to require the holding of any hearing or election as a condition for certification.

(2) RESTRICTIONS.—

(A) CONDITIONS REQUIRING NONCERTIFICATION.—The Federal Labor Relations Authority may not certify the terms of an agreement under paragraph (1) if—

(i) it determines that any of the criteria referred to in subsection (a)(2) (disregarding section 7112(a) of title 5, United States Code) have not been met; or

(ii) after the Secretary's exercise of authority and before certification under this section, a valid election under section 7111(b) of title 5, United States Code, is held covering any employees who would be included in the unit proposed for certification.

(B) TEMPORARY WAIVER OF PROVISION THAT WOULD BAR AN ELECTION AFTER A COLLECTIVE BARGAINING AGREEMENT IS REACHED.—Nothing in section 7111(f)(3) of title 5, United States Code, shall prevent the holding of an election under section 7111(b) of such title that covers employees within a unit certified under paragraph (1), or giving effect to the results of such an election (including a decision not to be represented by any labor organization), if the election is held before the end of the 12-month period beginning on the date such unit is so certified.

(C) CLARIFICATION.—The certification of a unit under paragraph (1) shall not, for purposes of the last sentence of section 7111(b) of title 5, United States Code, or section 7111(f)(4) of such title, be treated as if it had occurred pursuant to an election.

(3) DELEGATION.—

(A) IN GENERAL.—The Federal Labor Relations Authority may delegate to any regional director (as referred to in section 7105(e) of title 5, United States Code) its authority under the preceding provisions of this subsection.

(B) REVIEW.—Any action taken by a regional director under subparagraph (A) shall be subject to review under the provisions of section 7105(f) of title 5, United States Code, in the same manner as if such action had been taken under section 7105(e) of such title, except that in the case of a decision not to certify, such review shall be required if application therefore is filed by an affected party within the time specified in such provisions.

(c) DEFINITION.—For purposes of this section, the term ''affected party'' means—

(1) with respect to an exercise of authority by the Secretary of Agriculture under this section, any labor organization affected thereby; and

(2) the Department of Agriculture.

SEC. 750. None of the funds appropriated or otherwise made available by this Act or any other Act shall be used for the implementation of a Support Services Bureau or similar organization.

SEC. 751. CONTRACTS FOR PROCUREMENT OR PROCESSING OF CERTAIN COMMODITIES. (a) DEFINITIONS.—In this section:

(1) HUBZONE SOLE SOURCE CONTRACT.—The term ''HUBZone sole source contract'' means a sole source contract authorized by section 31 of the Small Business Act (15 U.S.C. 657a).

(2) HUBZONE PRICE EVALUATION PREFERENCE.—The term ''HUBZone price evaluation preference'' means a price evaluation preference authorized by section 31 of the Small Business Act (15 U.S.C. 657a).

(3) QUALIFIED HUBZONE SMALL BUSINESS CONCERN.—The term ''qualified HUBZone small business concern'' has the meaning given the term in section 3(p) of the Small Business Act (15 U.S.C. 632(p)).

(4) COVERED PROCUREMENT.—The term ''covered procurement'' means a contract for the procurement or processing of a commodity furnished under title II or III of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.), section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Food for Progress Act of 1985 (7 U.S.C. 1736o), or any other commodity procurement or acquisition by the Commodity Credit Corporation under any other law.

(b) PROHIBITION OF USE OF FUNDS.—None of the funds made available by this Act may be used:

(1) to award a HUBZone sole source contract or a contract awarded through full and open competition in combination with a HUBZone price evaluation preference to any qualified HUBZone small business concern in any covered procurement if performance of the contract by the business concern would exceed the production capacity of the business concern or would require the business concern to subcontract to any other company or enterprise for the purchase of the commodity being procured through the covered procurement.

(2) in any contract awarded through full and open competition in any covered procurement,

(A) to fund a price evaluation preference greater than 5 percent if the dollar value of the contract awarded is not greater than 50 percent of the total dollar value being procured in a single tender for a commodity, or

(B) to fund any price evaluation preference at all if the dollar value of the contract awarded is greater than 50 percent of the total dollar value being procured in a single tender for a commodity.

SEC. 752. REDESIGNATION OF NATIONAL SCHOOL LUNCH ACT AS RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT. (a) IN GENERAL.—The first section of the National School Lunch Act (42 U.S.C. 1751 note) is amended by striking ''National School Lunch Act'' and inserting ''Richard B. Russell National School Lunch Act''.

(b) CONFORMING AMENDMENTS.—The following provisions of law are amended by striking ''National School Lunch Act'' each place it appears and inserting ''Richard B. Russell National School Lunch Act'':

(1) Sections 3 and 13(3)(A) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100–237).

(2) Section 404 of the Agricultural Act of 1949 (7 U.S.C. 1424).

(3) Section 201(a) of the Act entitled ''An Act to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes'', approved September 21, 1959 (7 U.S.C. 1431c(a); 73 Stat. 610).

(4) Section 211(a) of the Agricultural Trade Suspension Adjustment Act of 1980 (7 U.S.C. 4004(a)).

(5) Section 245A(h)(4)(A) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(4)(A)).

(6) Sections 403(c)(2)(C), 422(b)(3), 423(d)(3), 741(a)(1), and 742 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c)(2)(C), 1632(b)(3), 1183a note, 42 U.S.C. 1751 note, 8 U.S.C. 1615; Public Law 104–193).

(7) Section 2243(b) of title 10, United States Code.

(8) Sections 404B(g)(1)(A), 404D(c)(2), and 404F(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a–22(g)(1)(A), 1070a–24(c)(2), 1070a–26(a)(2); Public Law 105–244).

(9) Section 231(d)(3)(A)(i) of the Carl D. Perkins Vocational Education Act (20 U.S.C. 2341(d)(3)(A)(i)).

(10) Section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)).

(11) Section 1397E(d)(4)(A)(iv)(II) of the Internal Revenue Code of 1986.

(12) Sections 254(b)(2)(B) and 263(a)(2)(C) of the Job Training Partnership Act (29 U.S.C. 1633(b)(2)(B), 1643(a)(2)(C)).

(13) Section 3803(c)(2)(C)(xiii) of title 31, United States Code.

(14) Section 602(d)(9)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474(d)(9)(A)).

(15) Sections 2(4), 3(1), and 301 of the Healthy Meals for Healthy Americans Act of 1994 (42 U.S.C. 1751 note; Public Law 103–448).

(16) Sections 3, 4, 7, 10, 13, 16(b), 17, and 19(d) of the Child Nutrition Act of 1966 (42 U.S.C. 1772, 1773, 1776, 1779, 1782, 1785(b), 1786, 1788(d)).

(17) Section 658O(b)(3) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(b)(3)).

(18) Subsection (b) of the first section of Public Law 87–688 (48 U.S.C. 1666(b)).

(19) Section 10405(a)(2)(H) of the Omnibus Budget Reconciliation Act of 1989 (Public Law 101–239; 103 Stat. 2489).

SEC. 753. Public Law 105–199 (112 Stat. 641) is amended in section 3(b)(1)(G) by striking ''persons'', and inserting in lieu thereof ''governors, who may be represented on the Commission by their respective designees,''.

SEC. 754. Section 889 of the Federal Agriculture Improvement and Reform Act of 1996 is amended—

(1) in the heading, by inserting ''HARRY K. DUPREE'' before ''STUTTGART'';

(2) in subsection (b)(1)—

(A) in the heading, by inserting ''HARRY K. DUPREE'' before ''STUTTGART''; and

(B) in subparagraphs (A) and (B), by inserting ''Harry K. Dupree'' before ''Stuttgart National Aquaculture Research Center'' each place it appears.

SEC. 755. TOBACCO LEASING AND INFORMATION. (a) CROSS-COUNTY LEASING.—Section 319(l) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e(l)) is amended in the second sentence by inserting '', Ohio, Indiana, Kentucky,'' after ''Tennessee''.

(b) TOBACCO PRODUCTION AND MARKETING INFORMATION.—Part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) is amended by adding at the end the following:

''SEC. 320D. TOBACCO PRODUCTION AND MARKETING INFORMATION.

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may, subject to subsection (b), release marketing information submitted by persons relating to the production and marketing of tobacco to State trusts or similar organizations engaged in the distribution of national trust funds to tobacco producers and other persons with interests associated with the production of tobacco, as determined by the Secretary.

''(b) LIMITATIONS.—

''(1) IN GENERAL.—Information may be released under subsection (a) only to the extent that—

''(A) the release is in the interest of tobacco producers, as determined by the Secretary; and

''(B) the information is released to a State trust or other organization that is created to, or charged with, distributing funds to tobacco producers or other parties with an interest in tobacco production or tobacco farms under a national or State trust or settlement.

''(2) EXEMPTION FROM RELEASE.—The Secretary shall, to the maximum extent practicable, in advance of making a release of information under subsection (a), allow, by announcement, a period of at least 15 days for persons whose consent would otherwise be required by law to effectuate the release, to elect to be exempt from the release.

''(c) ASSISTANCE.—

''(1) IN GENERAL.—In making a release under subsection (a), the Secretary may provide such other assistance with respect to information released under subsection (a) as will facilitate the interest of producers in receiving the funds that are the subject of a trust described in subsection (a).

''(2) FUNDS.—The Secretary shall use amounts made available for salaries and expenses of the Department to carry out paragraph (1).

''(d) RECORDS.—

''(1) IN GENERAL.—A person who obtains information described in subsection (a) shall maintain records that are consistent with the purposes of the release and shall not use the records for any purpose not authorized under this section.

''(2) PENALTY.—A person who knowingly violates this subsection shall be fined not more than $10,000, imprisoned not more than 1 year, or both.

''(e) APPLICATION.—This section shall not apply to—

''(1) records submitted by cigarette manufacturers with respect to the production of cigarettes;

''(2) records that were submitted as expected purchase intentions in connection with the establishment of national tobacco quotas; or

''(3) records that aggregate the purchases of particular buyers.''.

SEC. 756. Notwithstanding section 306(a)(7) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(7)), the city of Berlin, New Hampshire, shall be eligible during fiscal year 2000 for a rural utilities grant or loan under the Rural Community Advancement Program.

SEC. 757. CRANBERRY MARKETING ORDERS. (a) PAID ADVERTISING FOR CRANBERRIES AND CRANBERRY PRODUCTS.—Section 8c(6)(I) of the Agricultural Adjustment Act (7 U.S.C. 608c(6)(I)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the first proviso—

(1) by striking ''or Florida grown strawberries'' and inserting '', Florida grown strawberries, or cranberries''; and

(2) by striking ''and Florida Indian River grapefruit'' and inserting ''Florida Indian River grapefruit, and cranberries''.

(b) COLLECTION OF CRANBERRY INVENTORY DATA.—Section 8d of the Agricultural Adjustment Act (7 U.S.C. 608d), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following:

''(3) COLLECTION OF CRANBERRY INVENTORY DATA.—

''(A) IN GENERAL.—If an order is in effect with respect to cranberries, the Secretary of Agriculture may require persons engaged in the handling or importation of cranberries or cranberry products (including producer-handlers, second handlers, processors, brokers, and importers) to provide such information as the Secretary considers necessary to effectuate the declared policy of this title, including information on acquisitions, inventories, and dispositions of cranberries and cranberry products.

''(B) DELEGATION TO COMMITTEE.—The Secretary may delegate the authority to carry out subparagraph (A) to any committee that is responsible for administering an order covering cranberries.

''(C) CONFIDENTIALITY.—Paragraph (2) shall apply to information provided under this paragraph.

''(D) VIOLATIONS.—Any person who violates this paragraph shall be subject to the penalties provided under section 8c(14).''.

SEC. 758. Beginning in fiscal year 2001 and thereafter, the Food Stamp Act (Public Law 95–113, section 16(a)) is amended by inserting after the phrase ''Indian reservation under section 11(d) of this Act'' the following new phrase: ''or in a Native village within the State of Alaska identified in section 11(b) of Public Law 92–203, as amended.''.

SEC. 759. EDUCATION GRANTS TO ALASKA NATIVE SERVING INSTITUTIONS AND NATIVE HAWAIIAN SERVING INSTITUTIONS. (a) EDUCATION GRANTS PROGRAM FOR ALASKA NATIVE SERVING INSTITUTIONS.—

(1) GRANT AUTHORITY.—The Secretary of Agriculture may make competitive grants (or grants without regard to any requirement for competition) to Alaska Native serving institutions for the purpose of promoting and strengthening the ability of Alaska Native serving institutions to carry out education, applied research, and related community development programs.

(2) USE OF GRANT FUNDS.—Grants made under this section shall be used—

(A) to support the activities of consortia of Alaska Native serving institutions to enhance educational equity for under represented students;

(B) to strengthen institutional educational capacities, including libraries, curriculum, faculty, scientific instrumentation, instruction delivery systems, and student recruitment and retention, in order to respond to identified State, regional, national, or international educational needs in the food and agriculture sciences;

(C) to attract and support undergraduate and graduate students from under represented groups in order to prepare them for careers related to the food, agricultural, and natural resource systems of the United States, beginning with the mentoring of students at the high school level including by village elders and continuing with the provision of financial support for students through their attainment of a doctoral degree; and

(D) to facilitate cooperative initiatives between two or more Alaska Native serving institutions, or between Alaska Native serving institutions and units of State government or the private sector, to maximize the development and use of resources, such as faculty, facilities, and equipment, to improve food and agricultural sciences teaching programs.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under this subsection $10,000,000 in fiscal years 2001 through 2006.

(b) EDUCATION GRANTS PROGRAM FOR NATIVE HAWAIIAN SERVING INSTITUTIONS.—

(1) GRANT AUTHORITY.—The Secretary of Agriculture may make competitive grants (or grants without regard to any requirement for competition) to Native Hawaiian serving institutions for the purpose of promoting and strengthening the ability of Native Hawaiian serving institutions to carry out education, applied research, and related community development programs.

(2) USE OF GRANT FUNDS.—Grants made under this section shall be used—

(A) to support the activities of consortia of Native Hawaiian serving institutions to enhance educational equity for under represented students;

(B) to strengthen institutional educational capacities, including libraries, curriculum, faculty, scientific instrumentation, instruction delivery systems, and student recruitment and retention, in order to respond to identified State, regional, national, or international educational needs in the food and agriculture sciences;

(C) to attract and support undergraduate and graduate students from under represented groups in order to prepare them for careers related to the food, agricultural, and natural resource systems of the United States, beginning with the mentoring of students at the high school level and continuing with the provision of financial support for students through their attainment of a doctoral degree; and

(D) to facilitate cooperative initiatives between two or more Native Hawaiian serving institutions, or between Native Hawaiian serving institutions and units of State government or the private sector, to maximize the development and use of resources, such as faculty, facilities, and equipment, to improve food and agricultural sciences teaching programs.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under this subsection $10,000,000 for each of fiscal years 2001 through 2006.

SEC. 760. Effective October 1, 1999, section 8c(11) of the Agricultural Adjustment Act (7 U.S.C. 608c(11)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following: ''The price of milk paid by a handler at a plant operating in Clark County, Nevada shall not be subject to any order issued under this section.''.

SEC. 761. Notwithstanding any other provision of law, the City of Olean, New York, shall be eligible for grants and loans administered by the Rural Utilities Service.

SEC. 762. Notwithstanding any other provision of law, the Municipality of Carolina, Puerto Rico shall be eligible for grants and loans administered by the Rural Utilities Service.

SEC. 763. Section 1232(a) of the Food Security Act of 1985 (16 U.S.C. 3832(a)) is amended—

(1) in paragraph (9), by adding ''and'' after the semicolon at the end;

(2) in paragraph (10), by striking ''; and'' and inserting a period; and

(3) by striking paragraph (11).

SEC. 764. None of the funds made available by this or any other Act shall be used to implement Notice CRP–338, issued by the Farm Service Agency on March 10, 1999, nor shall funds be used to implement any related administrative action including implementation of such procedures published in Farm Service Agency program manuals: Provided, That rental payments for any lands enrolled in the Conservation Reserve Program under this section shall be reduced by an amount equal to the federal cost of any remaining value of a federally cost-shared conservation practice as determined by the Secretary.

SEC. 765. None of the funds made available by this or any other Act shall be used to implement Notice CRP–327, issued by the Farm Service Agency on October 26, 1998, nor shall funds be used to implement any related administrative action including implementation of such procedures published in Farm Service Agency program manuals: Provided, That this section shall not apply to any lands for which there is not full compliance with the conservation practices required under terms of the CRP contract.

SEC. 766. The federal facility located in Riverside, California, and known as the ''U.S. Salinity Laboratory'', shall be known and designated as the ''George E. Brown, Jr., Salinity Laboratory'': Provided, That any reference in law, map, regulation, document, paper, or other record of the United States to such federal facility shall be deemed to be a reference to the ''George E. Brown, Jr., Salinity Laboratory''.

SEC. 767. Sections 657, 658, 1006, 1014 of title 18, United States Code, are amended by—

(1) inserting ''or successor agency'' after ''Farmers Home Administration'' each place it appears; and

(2) inserting ''or successor agency'' after ''Rural Development Administration'' each place it appears.

SEC. 768. Notwithstanding any other provision of law, the maximum income limits established for single family housing for families and individuals in the high cost areas of Alaska shall be 150 percent of the state metropolitan income level for Alaska.

SEC. 769. Section 1232(a)(7) of the Food Security Act of 1985 is amended—

(1) by striking ''except that the Secretary may permit harvesting'' and inserting ''except that the Secretary—

''(A) may permit—

''(i) harvesting'';

(2) by striking ''emergency, and the Secretary may permit limited'' and inserting ''emergency; and

''(ii) limited'';

(3) by inserting ''and'' after the semicolon at the end; and

(4) by adding at the end the following:

''(B) shall approve not more than 6 projects, no more than 1 of which may be in any state, under which land subject to the contract may be harvested for recovery of biomass used in energy production if—

''(i) no acreage subject to the contract is harvested more than once every other year;

''(ii) not more than 25 percent of the total acreage enrolled in the program under this subchapter in any crop reporting district (as designated by the Secretary), is harvested in any 1 year;

''(iii) no portion of the crop is used for any commercial purpose other than energy production from biomass;

''(iv) no wetland, or acreage of any type enrolled in a partial field conservation practice (including riparian forest buffers, filter strips, and buffer strips), is harvested;

''(v) the owner or operator agrees to a payment reduction under this section in an amount determined by the Secretary.

''(C) the total acres for all of the projects shall not exceed 250,000 acres.''.

TITLE VIII—EMERGENCY AND DISASTER ASSISTANCE FOR PRODUCERS

Subtitle A—Crop and Market Loss Assistance

SEC. 801. CROP LOSS ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this title as the ''Secretary'') shall use $1,200,000,000 of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers on a farm that have incurred losses in a 1999 crop due to a disaster, as determined by the Secretary.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies

Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105–277), including using the same loss thresholds as were used in administering that section.

(c) QUALIFYING LOSSES.—Assistance under this section may be made for losses associated with crops that are, as determined by the Secretary—

(1) quantity losses;

(2) quality losses; or

(3) severe economic losses due to damaging weather or related condition.

(d) CROPS COVERED.—Assistance under this section shall be applicable to losses for all crops (including losses of trees from which a crop is harvested, livestock, and fisheries), as determined by the Secretary, due to disasters.

(e) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(f) RICE LOAN DEFICIENCY PAYMENTS.—In the case of producers of the 1999 crop of rice that harvested such rice on or before August 4, 1999, the Secretary may use funds made available under this section to—

(1) make loan deficiency payments to producers that received, or that were eligible to receive, such payments under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) in a manner that results in the same total payment that would have been made if the payment had been requested by the producers on August 5, 1999; and

(2) recalculate any repayment made for a marketing assistance loan for the 1999 crop of rice on or before August 4, 1999, as if the repayment had been made on August 5, 1999.

(g) HONEY RECOURSE LOANS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in order to assist producers of honey to market their honey in an orderly manner during a period of disastrously low prices, the Secretary may use funds made available under this section to make available recourse loans to producers of the 1999 crop of honey on fair and reasonable terms and conditions, as determined by the Secretary.

(2) LOAN RATE.—The loan rate of the loans shall be 85 percent of the average price of honey during the 5-crop year period preceding the 1999 crop year, excluding the crop year in which the average price of honey was the highest and the crop year in which the average price of honey was the lowest in the period.

(h) RECOURSE LOANS FOR MOHAIR.—

(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of law, during fiscal year 2000, the Secretary may use funds made available under this section to make recourse loans available in accordance with section 137(c) of the Agricultural Market Transition Act (7 U.S.C. 7237(c)) to producers of mohair produced during or before that fiscal year.

(2) INTEREST.—Section 137(c)(4) of that Act shall not apply to a loan made under paragraph (1).

SEC. 802. MARKET LOSS ASSISTANCE.

(a) ASSISTANCE AUTHORIZED.—The Secretary shall use not more than $5,544,453,000 of funds of the Commodity Credit Corporation to provide assistance to owners and producers on a farm that are eligible for final payments for fiscal year 1999 under a production flexibility contract for the farm under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.).

(b) AMOUNT.—The amount of assistance made available to owners and producers on a farm under this section shall be proportionate to the amount of the contract payment received by the owners and producers for fiscal year 1999 under a production flexibility contract for the farm under the Agricultural Market Transition Act.

(c) PROTECTION OF TENANTS AND SHARECROPPERS; SHARING OF PAYMENTS.—Sections 111(c) and 114(g) of the Agricultural Market Transition Act (7 U.S.C. 7211(c), 7214(g)) shall apply to the payments made under subsection (a).

SEC. 803. SPECIALTY CROPS.

(a) PEANUTS.—

(1) IN GENERAL.—The Secretary shall use such amounts as are necessary of funds of the Commodity Credit Corporation to provide payments to producers of quota peanuts or additional peanuts to partially compensate the producers for continuing low commodity prices, and increasing costs of production, for the 1999 crop year.

(2) AMOUNT.—The amount of a payment made to producers on a farm of quota peanuts or additional peanuts under paragraph (1) shall be equal to the product obtained by multiplying—

(A) the quantity of quota peanuts or additional peanuts produced or considered produced by the producers; and

(B) an amount equal to 5 percent of the loan rate established for quota peanuts or additional peanuts, respectively, under section 155 of the Agricultural Market Transition Act (7 U.S.C. 7271).

(b) CONDITION ON PAYMENT OF SALARIES AND EXPENSES.—None of the funds appropriated or otherwise made available by this Act or any other Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out or enforce section 156(f) of the Agricultural Market Transition Act (7 U.S.C. 7272(f)) through fiscal year 2001.

(c) TOBACCO.—

(1) IN GENERAL.—The Secretary shall use $328,000,000 of funds of the Commodity Credit Corporation to make payments to States on behalf of persons described in paragraph (2) for the reduction in the quantity of quota allotted to certain farms under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) from the 1998 crop year to the 1999 crop year.

(2) ELIGIBLE PERSONS.—To be eligible to receive a payment under paragraphs (1) through (5), a person must own or operate, or produce tobacco on, a farm—

(A) for which the quantity of quota allotted to the farm under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) was reduced from the 1998 crop year to the 1999 crop year; and

(B) that was used for the production of tobacco during the 1998 or 1999 crop year.

(3) ALLOCATION TO STATES.—The Secretary shall allocate funds made available under paragraph (1) to States with eligible persons described in paragraph (2) in proportion to the relative quantity of quota allotted to farms in the States that was reduced from the 1998 crop year to the 1999 crop year.

(4) DISTRIBUTION BY STATES.—

(A) IN GENERAL.—In the case of a State described in paragraph (3) that is a party to the National Tobacco Grower Settlement Trust, the State shall distribute funds made available under paragraph (3) to eligible persons in the State in accordance with the formulas established pursuant to the Trust.

(B) OTHER STATES.—Subject to the approval of the Secretary, in the case of a State described in paragraph (3) that is not a party to the National Tobacco Grower Settlement Trust, the State shall distribute funds made available under paragraph (3) to eligible persons in the State in a manner determined by the State.

(5) ALTERNATIVE DISTRIBUTION.—In lieu of making payments under this subsection to States, the Secretary may distribute funds directly to eligible persons using the facilities of private disbursing agents, facilities of the Farm Service Agency, or other available facilities.

(6) FLUE-CURED TOBACCO.—

(A) LIMITATION ON QUANTITY OF ALLOTMENT LEASED OR SOLD.—Section 316(e) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1316(e)) is amended—

(i) in paragraph (1), by striking ''farm or, in'' and all that follows through ': Provided, That in'' and inserting ''farm. In'';

(ii) by redesignating paragraph (2) as paragraph (3); and

(iii) by inserting after paragraph (1) the following:

''(2) Paragraph (1) shall not apply to flue-cured tobacco.''.

(B) TRANSFERS OF QUOTA OR ALLOTMENT ACROSS COUNTY LINES IN A STATE.—Section 316(g) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314b(g)) is amended by adding at the end the following:

''(3) TRANSFERS ALLOWED BY REFERENDUM.—

''(A) REFERENDUM.—On the request of at least 25 percent of the active flue-cured tobacco producers within a State, the Secretary shall conduct a referendum of the active flue-cured tobacco producers within the State to determine whether the producers favor or oppose permitting the sale of a flue-cured tobacco allotment or quota from a farm in a State to any other farm in the State.

''(B) APPROVAL.—If the Secretary determines that a majority of the active flue-cured tobacco producers voting in the referendum approves permitting the sale of a flue-cured tobacco allotment or quota from a farm in the State to any other farm in the State, the Secretary shall permit the sale of a flue-cured tobacco allotment or quota from a farm in the State to any other farm in the State.''.

(C) SAME GROWER IN CONTIGUOUS COUNTIES.—Section 379(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1379(b)) is amended by inserting ''or flue-cured'' after ''Burley''.

SEC. 804. OILSEEDS.

(a) IN GENERAL.—The Secretary shall use $475,000,000 of funds of the Commodity Credit Corporation to make payments to producers of the 1999 crop of oilseeds that are eligible to obtain a marketing assistance loan under section 131 of the Agricultural Market Transition Act (7 U.S.C. 7231).

(b) COMPUTATION.—A payment to producers on a farm under this section for an oilseed shall be equal to the product obtained by multiplying—

(1) a payment rate determined by the Secretary;

(2) the acreage of the producers on the farm for the oilseed, as determined under subsection (c); and

(3) the yield of the producers on the farm for the oilseed, as determined under subsection (d).

(c) ACREAGE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the acreage of the producers on the farm for an oilseed under subsection (b)(2) shall be equal to the greater of—

(A) the number of acres planted to the oilseed by the producers on the farm during the 1997 crop year, as reported by the producers on the farm to the Secretary (including any acreage reports that are filed late); or

(B) the number of acres planted to the oilseed by the producers on the farm during the 1998 crop year, as reported by the producers on the farm to the Secretary (including any acreage reports that are filed late).

(2) NEW PRODUCERS.—In the case of producers on a farm that planted acreage to an oilseed during the 1999 crop year but not the 1997 or 1998 crop year, the acreage of the producers for the oilseed under subsection (b)(2) shall be equal to the number of acres planted to the oilseed by the producers on the farm during the 1999 crop year, as reported by the producers on the farm to the Secretary (including any acreage reports that are filed late).

(d) YIELD.—

(1) SOYBEANS.—Except as provided in paragraph (3), in the case of soybeans, the yield of the producers on a farm under subsection (b)(3) shall be equal to the greatest of—

(A) the average county yield per harvested acre for each of the 1994 through 1998 crop years, excluding the crop year with the highest yield per harvested acre and the crop year with the lowest yield per harvested acre;

(B) the actual yield of the producers on the farm for the 1997 crop year; or

(C) the actual yield of the producers on the farm for the 1998 crop year.

(2) OTHER OILSEEDS.—Except as provided in paragraph (3), in the case of oilseeds other than soybeans, the yield of the producers on a farm under subsection (b)(3) shall be equal to the greatest of—

(A) the average national yield per harvested acre for each of the 1994 through 1998 crop years, excluding the crop year with the highest yield per harvested acre and the crop year with the lowest yield per harvested acre;

(B) the actual yield of the producers on the farm for the 1997 crop year; or

(C) the actual yield of the producers on the farm for the 1998 crop year.

(3) NEW PRODUCERS.—In the case of producers on a farm that planted acreage to an oilseed during the 1999 crop year but not the 1997 or 1998 crop year, the yield of the producers on a farm under subsection (b)(3) shall be equal to the greater of—

(A) the average county yield per harvested acre for each of the 1994 through 1998 crop years, excluding the crop year with the highest yield per harvested acre and the crop year with the lowest yield per harvested acre; or

(B) the actual yield of the producers on the farm for the 1999 crop.

(4) DATA SOURCE.—To the maximum extent available, the Secretary shall use data provided by the National Agricultural Statistics Service to carry out this subsection.

SEC. 805. LIVESTOCK AND DAIRY.

The Secretary shall use $325,000,000 of funds of the Commodity Credit Corporation to provide assistance directly to livestock and dairy producers, in a manner determined appropriate by the Secretary, to compensate the producers for economic losses incurred during 1999.

SEC. 806. UPLAND COTTON.

(a) IN GENERAL.—Section 136(a) of the Agricultural Market Transition Act (7 U.S.C. 7236(a)) is amended—

(1) in paragraph (1), by striking ''or cash payments'' and inserting ''or cash payments, at the option of the recipient,'';

(2) by striking ''3 cents per pound'' each place it appears and inserting ''1.25 cents per pound'';

(3) in paragraph (3)—

(A) in the first sentence of subparagraph (A), by striking ''owned by the Commodity Credit Corporation in such manner, and at such price levels, as the Secretary determines will best effectuate the purposes of cotton user marketing certificates'' and inserting ''owned by the Commodity Credit Corporation or pledged to the Commodity Credit Corporation as collateral for a loan in such manner, and at such price levels, as the Secretary determines will best effectuate the purposes of cotton user marketing certificates, including enhancing the competitiveness and marketability of United States cotton''; and

(B) in subparagraph (B), by striking the second sentence; and

(4) by striking paragraph (4).

(b) ENSURING THE AVAILABILITY OF UPLAND COTTON.—Section 136(b) of the Agricultural Market Transition Act (7 U.S.C. 7236(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The President shall carry out an import quota program during the period ending July 31, 2003, as provided in this subsection.

''(B) PROGRAM REQUIREMENTS.—Except as provided in subparagraph (C), whenever the Secretary determines and announces that for any consecutive 4-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 1 3/32-inch cotton, delivered C.I.F. Northern Europe, adjusted for the value of any certificate issued under subsection (a), exceeds the Northern Europe price by more than 1.25 cents per pound, there shall immediately be in effect a special import quota.

''(C) TIGHT DOMESTIC SUPPLY.—During any month for which the Secretary estimates the season-ending United States upland cotton stocks-to-use ratio, as determined under subparagraph (D), to be below 16 percent, the Secretary, in making the determination under subparagraph (B), shall not adjust the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 1 3/32-inch cotton, delivered C.I.F. Northern Europe, for the value of any certificates issued under subsection (a).

''(D) SEASON-ENDING UNITED STATES STOCKS-TO-USE RATIO.—For the purposes of making estimates under subparagraph (C), the Secretary shall, on a monthly basis, estimate and report the season-ending United States upland cotton stocks-to-use ratio, excluding projected raw cotton imports but including the quantity of raw cotton that has been imported into the United States during the marketing year.''; and

(2) by adding at the end the following:

''(7) LIMITATION.—The quantity of cotton entered into the United States during any marketing year under the special import quota established under this subsection may not exceed the equivalent of 5 week's consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the 3 months immediately preceding the first special import quota established in any marketing year.''.

SEC. 807. MILK.

(a) IN GENERAL.—Section 141 of the Agricultural Market Transition Act (7 U.S.C. 7251) is amended—

(1) in subsection (b)(4), by striking ''calendar year 1999'' and inserting ''each of calendar years 1999 and 2000''; and

(2) in subsection (h), by striking ''1999'' each place it appears and inserting ''2000''.

(b) CONFORMING AMENDMENT.—Section 142(e) of the Agricultural Market Transition Act (7 U.S.C. 7252(e)) is amended by striking ''2000'' and inserting ''2001''.

Subtitle B—Other Assistance

SEC. 811. AUTHORITY FOR ADVANCE PAYMENT IN FULL OF REMAINING PAYMENTS UNDER PRODUCTION FLEXIBILITY CONTRACTS.

Section 112(d)(3) of the Agricultural Market Transition Act (7 U.S.C. 7212(d)(3)) is amended—

(1) in the paragraph heading, by striking ''FOR FISCAL YEAR 1999''; and

(2) by striking ''for fiscal year 1999'' and inserting ''for any of fiscal years 1999 through 2002''.

SEC. 812. COMMODITY CERTIFICATES.

Subtitle E of the Agricultural Market Transition Act (7 U.S.C. 7281 et seq.) is amended by adding at the end the following:

''SEC. 166. COMMODITY CERTIFICATES.

''(a) IN GENERAL.—In making in-kind payments under subtitle C, the Commodity Credit Corporation may—

''(1) acquire and use commodities that have been pledged to the Commodity Credit Corporation as collateral for loans made by the Corporation;

''(2) use other commodities owned by the Commodity Credit Corporation; and

''(3) redeem negotiable marketing certificates for cash under terms and conditions established by the Secretary.

''(b) METHODS OF PAYMENT.—The Commodity Credit Corporation may make in-kind payments—

''(1) by delivery of the commodity at a warehouse or other similar facility;

''(2) by the transfer of negotiable warehouse receipts;

''(3) by the issuance of negotiable certificates, which the Commodity Credit Corporation shall exchange for a commodity owned or controlled by the Corporation in accordance with regulations promulgated by the Corporation; or

''(4) by such other methods as the Commodity Credit Corporation determines appropriate to promote the efficient, equitable, and expeditious receipt of the in-kind payments so that a person receiving the payments receives the same total return as if the payments had been made in cash.

''(c) ADMINISTRATION.—

''(1) FORM.—At the option of a producer, the Commodity Credit Corporation shall make negotiable certificates authorized under subsection (b)(3) available to the producer, in the form of program payments or by sale, in a manner that the Corporation determines will encourage the orderly marketing of commodities pledged as collateral for loans made to producers under subtitle C.

''(2) TRANSFER.—A negotiable certificate issued in accordance with this subsection may be transferred to another person in accordance with regulations promulgated by the Secretary.''.

SEC. 813. LIMITATION ON MARKETING LOAN GAINS AND LOAN DEFICIENCY PAYMENTS.

(a) IN GENERAL.—Notwithstanding section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1308(1)), the total amount of the payments specified in section 1001(3) of that Act that a person shall be entitled to receive under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) for 1 or more contract commodities and oilseeds produced during the 1999 crop year may not exceed $150,000.

(b) 1999 MARKETINGS.—In carrying out subsection (a), the Secretary shall allow a producer that has marketed a quantity of an eligible 1999 crop for which the producer has not received a loan deficiency payment or marketing loan gain under section 134 or 135 of the Agricultural Market Transition Act (7 U.S.C. 7234, 7235) to receive such payment or gain as of the date on which the quantity was marketed or redeemed, as determined by the Secretary.

SEC. 814. ASSISTANCE FOR PURCHASE OF ADDITIONAL CROP INSURANCE COVERAGE.

The Secretary shall transfer $400,000,000 of funds of the Commodity Credit Corporation to the Federal Crop Insurance Corporation to be used to assist agricultural producers in purchasing additional coverage for the 2000 crop year under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

SEC. 815. FORGIVENESS OF CERTAIN WATER AND WASTE DISPOSAL LOANS.

The Secretary shall forgive the principal indebtedness and accrued interest owed by the City of Stroud, Oklahoma, to the Rural Utilities Service on water and waste disposal loans numbered 9105 and 9107.

SEC. 816. NATIONAL SHEEP INDUSTRY IMPROVEMENT CENTER.

(a) DEFINITIONS.—Section 375(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(a)) is amended by adding at the end the following:

''(5) INTERMEDIARY.—The term 'intermediary' means a financial institution receiving Center funds for establishing a revolving fund and relending to an eligible entity.''.

(b) REVOLVING FUND.—Section 375(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)) is amended—

(1) in paragraph (3)—

(A) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—The Center may use amounts in the Fund to make direct loans, loan guarantees, cooperative agreements, equity interests, investments, repayable grants, and grants to eligible entities, either directly or through an intermediary, in accordance with a strategic plan submitted under subsection (d).'';

(B) in subparagraph (B), by adding at the end the following: ''The Fund is intended to furnish the initial capital for a revolving fund that will eventually be privatized for the purposes of assisting the United States sheep and goat industries.'';

(C) by striking subparagraph (D);

(D) by striking subparagraph (E) and inserting the following:

''(E) ADMINISTRATION.—The Center may not use more than 3 percent of the amounts in the portfolio of the Center for each fiscal year for the administration of the Center. The portfolio shall be calculated at the beginning of each fiscal year and shall include a total of—

''(i) all outstanding loan balances;

''(ii) the Fund balance;

''(iii) the outstanding balance to intermediaries; and

''(iv) the amount the Center paid for all equity interests.'';

(E) in subparagraph (H)—

(i) in clause (v), by striking ''or'' at the end;

(ii) in clause (vi), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(vii) purchase equity interests.''; and

(F) by redesignating subparagraphs (E) through (H) as subparagraphs (D) through (G), respectively; and

(2) in paragraph (6), by striking subparagraph (D).

(c) BOARD OF DIRECTORS.—Section 375(f) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(f)) is amended—

(1) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) review any contract, direct loan, loan guarantee, cooperative agreement, equity interest, investment, repayable grant, and grant to be made or entered into by the Center and any financial assistance provided to the Center;'';

(2) in paragraph (5), by striking subparagraph (C) and inserting the following:

''(C) REAPPOINTMENT.—A voting member may be reappointed for not more than 1 additional term.''; and

(3) in paragraph (6), by striking subparagraph (B) and inserting the following:

''(B) REAPPOINTMENT.—A voting member appointed to fill a vacancy for an unexpired term may be reappointed for 1 full term.''.

(d) PRIVATIZATION.—Section 375 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j) is amended by adding at the end the following:

''(j) PRIVATIZATION.—

''(1) IN GENERAL.—Privatization of a revolving fund for the purposes of assisting the United States sheep and goat industries shall occur on the earlier of—

''(A) September 30, 2006; or

''(B) the date as of which a total of $30,000,000 has been appropriated for the Center under subsection (e)(6)(C).

''(2) PRIVATIZATION PROPOSAL.—On privatization of a revolving fund in accordance with paragraph (1), the Board shall submit to the Secretary, for approval, a privatization proposal that—

''(A) delineates a private successor entity to the Center; and

''(B) establishes a transition plan.

''(3) PRIVATE SUCCESSOR ENTITY.—The private successor entity shall—

''(A) have the purposes described in subsection (c);

''(B) be organized under the laws of 1 of the States; and

''(C) be able to continue the activities of the Center.

''(4) TRANSITION PLAN.—The transition plan shall—

''(A) identify any continuing role of the Federal Government with respect to the Center;

''(B) provide for the transfer of all Center assets and liabilities to the private successor entity; and

''(C) delineate the status of the Board and employees of the Center.

''(5) IMPLEMENTATION.—

''(A) IN GENERAL.—On approval by the Secretary of the private successor entity and the transition plan, the Center shall create the private successor entity and implement the transition plan.

''(B) AUTHORITY.—The Secretary shall have all necessary authority to implement the transition plan.

''(6) TRANSFER OF FUNDS.—On creation of the private successor entity, all funds held by the Department of the Treasury pursuant to this section shall be transferred to the private successor entity.

''(7) REPEAL.—On the date the Secretary publishes notice in the Federal Register that the transition plan is complete, this section is repealed.''.

SEC. 817. FISHERIES.

(a) NORTON SOUND FISHERIES FAILURE.—

(1) INCOME ELIGIBILITY.—Section 763(a) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (112 Stat. 2681–36), is amended by striking ''federal poverty level'' and inserting ''income eligibility level established for Alaska under the temporary assistance to needy families (TANF) program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)''.

(2) EMERGENCY ASSISTANCE.—Section 1124 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (112 Stat. 2681–45), is amended by inserting before the period at the end the following: ''or a fisheries failure in the Norton Sound region of Alaska that has resulted in the closure of commercial and subsistence fisheries to persons that depend on fish as their primary source of food and income''.

(3) APPROPRIATION.—

(A) IN GENERAL.—In addition to amounts appropriated or otherwise made available by this Act, there is appropriated to the Department of Agriculture for fiscal year 2001, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until expended, to provide emergency disaster assistance to persons or entities affected by the 1999 fisheries failure in the Norton Sound region of Alaska.

(B) TRANSFER.—To carry out this paragraph, the Secretary shall transfer to the Secretary of Commerce for obligation and expenditure—

(i) $10,000,000 for fiscal year 2001 for grants under section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149); and

(ii) $5,000,000 for fiscal year 2001 for carrying out section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a).

(b) COMMERCIAL FISHERIES FAILURE.—

(1) IN GENERAL.—In addition to amounts appropriated or otherwise made available by this Act, there is appropriated to the Department of Agriculture for fiscal year 2001, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until expended, which shall be transferred to the Department of Commerce to provide emergency disaster assistance for the commercial fishery failure under section 308(b)(1) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(b)(1)) with respect to Northeast multispecies fisheries.

(2) USE.—Amounts made available under this subsection shall be used to support cooperative research and management activities administered by the National Marine Fisheries Services and based on recommendations by the New England Fishery Management Council.

SEC. 818. SENSE OF CONGRESS REGARDING FAST-TRACK AUTHORITY AND FUTURE WORLD TRADE ORGANIZATION NEGOTIATIONS.

It is the sense of Congress that—

(1) the President should make a formal request for appropriate fast-track authority for future United States trade negotiations;

(2) regarding future World Trade Organization negotiations—

(A) rules for trade in agricultural commodities should be strengthened and trade-distorting import and export practices should be eliminated or substantially reduced;

(B) the rules of the World Trade Organization should be strengthened regarding the practices or policies of a foreign government that unreasonably—

(i) restrict market access for products of new technologies, including products of biotechnology; or

(ii) delay or preclude implementation of a report of a dispute panel of the World Trade Organization; and

(C) negotiations within the World Trade Organization should be structured so as to provide the maximum leverage possible to ensure the successful conclusion of negotiations on agricultural products;

(3) the President should—

(A) conduct a comprehensive evaluation of all existing export and food aid programs, including—

(i) the export credit guarantee program established under section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622);

(ii) the market access program established under section 203 of that Act (7 U.S.C. 5623);

(iii) the export enhancement program established under section 301 of that Act (7 U.S.C. 5651);

(iv) the foreign market development cooperator program established under section 702 of that Act (7 U.S.C. 5722); and

(v) programs established under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.); and

(B) transmit to Congress—

(i) the results of the evaluation under subparagraph (A); and

(ii) recommendations on maximizing the effectiveness of the programs described in subparagraph (A); and

(4) the Secretary should carry out a purchase and donation or concessional sales initiative in each of fiscal years 1999 and 2000 to promote the export of additional quantities of soybeans, beef, pork, poultry, and products of such commodities (including soybean meal, soybean oil, textured vegetable protein, and soy protein concentrates and isolates) using programs established under—

(A) the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.);

(B) section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(C) titles I and II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.); and

(D) the Food for Progress Act of 1985 (7 U.S.C. 1736o).

Subtitle C—Administration

SEC. 821. COMMODITY CREDIT CORPORATION.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

SEC. 822. ADMINISTRATIVE COSTS.

(a) RESERVATION OF FUNDS.—Subject to subsections (b) and (c), the Secretary may reserve up to $56,000,000 of the amounts made available under subtitle A to cover administrative costs incurred by the Farm Service Agency directly related to carrying out that subtitle.

(b) PROPORTIONAL RESERVATION.—The amount reserved by the Secretary from the amounts made available under each section of subtitle A (other than section 802) shall bear the same proportion to the total amount reserved under subsection (a) as the administrative costs incurred by the Farm Service Agency to carry out that section (other than section 802) bear to the total administrative costs incurred by the

Farm Service Agency to carry out that subtitle (other than section 802).

(c) EXCEPTION FOR MARKET LOSS ASSISTANCE.—The Secretary may not reserve any portion of the amount made available under section 802 to pay administrative costs.

SEC. 823. EMERGENCY REQUIREMENT.

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

SEC. 824. REGULATIONS.

(a) PROMULGATION.—As soon as practicable after the date of enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement subtitle A and the amendments made by subtitle A. The promulgation of the regulations and administration of subtitle A shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(b) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 825. LIVESTOCK AND DAIRY ASSISTANCE.

(a) LIVESTOCK ASSISTANCE.—Of the funds provided in sections 801 and 805, no less than $200,000,000 shall be in the form of assistnace to livestock producers for losses due to drought or other natural disasters.

(b) DAIRY ASSISTANCE.—Of the funds provided in section 805, no less than $125,000,000 shall be in the form of assistance to dairy producers.

(c) FORM OF ASSISTANCE.—Assistance for livestock losses shall be in the form of grants and or other in-kind assistance, but shall not include loans.

TITLE IX—LIVESTOCK MANDATORY REPORTING

SEC. 901. SHORT TITLE.

This title may be cited as the ''Livestock Mandatory Reporting Act of 1999''.

Subtitle A—Livestock Mandatory Reporting

SEC. 911. LIVESTOCK MANDATORY REPORTING.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended—

(1) by inserting before section 202 (7 U.S.C. 1621) the following:

"Subtitle A—General Provisions";

and

(2) by adding at the end the following:

"Subtitle B—Livestock Mandatory Reporting

"CHAPTER 1—PURPOSE; DEFINITIONS

"SEC. 211. PURPOSE.

''The purpose of this subtitle is to establish a program of information regarding the marketing of cattle, swine, lambs, and products of such livestock that—

''(1) provides information that can be readily understood by producers, packers, and other market participants, including information with respect to the pricing, contracting for purchase, and supply and demand conditions for livestock, livestock production, and livestock products;

''(2) improves the price and supply reporting services of the Department of Agriculture; and

''(3) encourages competition in the marketplace for livestock and livestock products.

"SEC. 212. DEFINITIONS.

''In this subtitle:

''(1) BASE PRICE.—The term 'base price' means the price paid for livestock, delivered at the packing plant, before application of any premiums or discounts, expressed in dollars per hundred pounds of carcass weight.

''(2) BASIS LEVEL.—The term 'basis level' means the agreed-on adjustment to a future price to establish the final price paid for livestock.

''(3) CURRENT SLAUGHTER WEEK.—The term 'current slaughter week' means the period beginning Monday, and ending Sunday, of the week in which a reporting day occurs.

''(4) F.O.B.—The term 'F.O.B.' means free on board, regardless of the mode of transportation, at the point of direct shipment by the seller to the buyer.

''(5) LIVESTOCK.—The term 'livestock' means cattle, swine, and lambs.

''(6) LOT.—The term 'lot' means a group of 1 or more livestock that is identified for the purpose of a single transaction between a buyer and a seller.

''(7) MARKETING.—The term 'marketing' means the sale or other disposition of livestock, livestock products, or meat or meat food products in commerce.

''(8) NEGOTIATED PURCHASE.—The term 'negotiated purchase' means a cash or spot market purchase by a packer of livestock from a producer under which—

''(A) the base price for the livestock is determined by seller-buyer interaction and agreement on a day; and

''(B) the livestock are scheduled for delivery to the packer not later than 14 days after the date on which the livestock are committed to the packer.

''(9) NEGOTIATED SALE.—The term 'negotiated sale' means a cash or spot market sale by a producer of livestock to a packer under which—

''(A) the base price for the livestock is determined by seller-buyer interaction and agreement on a day; and

''(B) the livestock are scheduled for delivery to the packer not later than 14 days after the date on which the livestock are committed to the packer.

''(10) PRIOR SLAUGHTER WEEK.—The term 'prior slaughter week' means the Monday through Sunday prior to a reporting day.

''(11) PRODUCER.—The term 'producer' means any person engaged in the business of selling livestock to a packer for slaughter (including the sale of livestock from a packer to another packer).

''(12) REPORTING DAY.—The term 'reporting day' means a day on which—

''(A) a packer conducts business regarding livestock committed to the packer, or livestock purchased, sold, or slaughtered by the packer;

''(B) the Secretary is required to make information concerning the business described in subparagraph (A) available to the public; and

''(C) the Department of Agriculture is open to conduct business.

''(13) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''(14) STATE.—The term 'State' means each of the 50 States.

"CHAPTER 2—CATTLE REPORTING

"SEC. 221. DEFINITIONS.

''In this chapter:

''(1) CATTLE COMMITTED.—The term 'cattle committed' means cattle that are scheduled to be delivered to a packer within the 7-day period beginning on the date of an agreement to sell the cattle.

''(2) CATTLE TYPE.—The term 'cattle type' means the following types of cattle purchased for slaughter:

''(A) Fed steers.

''(B) Fed heifers.

''(C) Fed Holsteins and other fed dairy steers and heifers.

''(D) Cows.

''(E) Bulls.

''(3) FORMULA MARKETING ARRANGEMENT.—The term 'formula marketing arrangement' means the advance commitment of cattle for slaughter by any means other than through a negotiated purchase or a forward contract, using a method for calculating price in which the price is determined at a future date.

''(4) FORWARD CONTRACT.—The term 'forward contract' means—

''(A) an agreement for the purchase of cattle, executed in advance of slaughter, under which the base price is established by reference to—

''(i) prices quoted on the Chicago Mercantile Exchange; or

''(ii) other comparable publicly available prices; or

''(B) such other forward contract as the Secretary determines to be applicable.

''(5) PACKER.—The term 'packer' means any person engaged in the business of buying cattle in commerce for purposes of slaughter, of manufacturing or preparing meats or meat food products from cattle for sale or shipment in commerce, or of marketing meats or meat food products from cattle in an unmanufactured form acting as a wholesale broker, dealer, or distributor in commerce, except that—

''(A) the term includes only a cattle processing plant that is federally inspected;

''(B) for any calendar year, the term includes only a cattle processing plant that slaughtered an average of at least 125,000 head of cattle per year during the immediately preceding 5 calendar years; and

''(C) in the case of a cattle processing plant that did not slaughter cattle during the immediately preceding 5 calendar years, the Secretary shall consider the plant capacity of the processing plant in determining whether the processing plant should be considered a packer under this chapter.

''(6) PACKER-OWNED CATTLE.—The term 'packer-owned cattle' means cattle that a packer owns for at least 14 days immediately before slaughter.

''(7) TERMS OF TRADE.—The term 'terms of trade' includes, with respect to the purchase of cattle for slaughter—

''(A) whether a packer provided any financing agreement or arrangement with regard to the cattle;

''(B) whether the delivery terms specified the location of the producer or the location of the packer's plant;

''(C) whether the producer is able to unilaterally specify the date and time during the business day of the packer that the cattle are to be delivered for slaughter; and

''(D) the percentage of cattle purchased by a packer as a negotiated purchase that are delivered to the plant for slaughter more than 7 days, but fewer than 14 days, after the earlier of—

''(i) the date on which the cattle were committed to the packer; or

''(ii) the date on which the cattle were purchased by the packer.

''(8) TYPE OF PURCHASE.—The term 'type of purchase', with respect to cattle, means—

''(A) a negotiated purchase;

''(B) a formula market arrangement; and

''(C) a forward contract.

"SEC. 222. MANDATORY REPORTING FOR LIVE CATTLE.

''(a) ESTABLISHMENT.—The Secretary shall establish a program of live cattle price information reporting that will—

''(1) provide timely, accurate, and reliable market information;

''(2) facilitate more informed marketing decisions; and

''(3) promote competition in the cattle slaughtering industry.

''(b) GENERAL REPORTING PROVISIONS APPLICABLE TO PACKERS AND THE SECRETARY.—

''(1) IN GENERAL.—Whenever the prices or quantities of cattle are required to be reported or published under this section, the prices or quantities shall be categorized so as to clearly delineate—

''(A) the prices or quantities, as applicable, of the cattle purchased in the domestic market; and

''(B) the prices or quantities, as applicable, of imported cattle.

''(2) PACKER-OWNED CATTLE.—Information required under this section for packer-owned cattle shall include quantity and carcass characteristics, but not price.

''(c) DAILY REPORTING.—

''(1) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary at least twice each reporting day (including once not later than 10:00 a.m. Central Time and once not later than 2:00 p.m. Central Time) the following information for each cattle type:

''(A) The prices for cattle (per hundredweight) established on that day, categorized by—

''(i) type of purchase;

''(ii) the quantity of cattle purchased on a live weight basis;

''(iii) the quantity of cattle purchased on a dressed weight basis;

''(iv) a range of the estimated live weights of the cattle purchased;

''(v) an estimate of the percentage of the cattle purchased that were of a quality grade of choice or better; and

''(vi) any premiums or discounts associated with—

''(I) weight, grade, or yield; or

''(II) any type of purchase.

''(B) The quantity of cattle delivered to the packer (quoted in numbers of head) on that day, categorized by—

''(i) type of purchase;

''(ii) the quantity of cattle delivered on a live weight basis; and

''(iii) the quantity of cattle delivered on a dressed weight basis.

''(C) The quantity of cattle committed to the packer (quoted in numbers of head) as of that day, categorized by—

''(i) type of purchase;

''(ii) the quantity of cattle committed on a live weight basis; and

''(iii) the quantity of cattle committed on a dressed weight basis.

''(D) The terms of trade regarding the cattle, as applicable.

''(2) PUBLICATION.—The Secretary shall make the information available to the public not less frequently than 3 times each reporting day.

''(d) WEEKLY REPORTING.—

''(1) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary, on the first reporting day of each week, not later than 9:00 a.m. Central Time, the following information applicable to the prior slaughter week:

''(A) The quantity of cattle purchased through a forward contract that were slaughtered.

''(B) The quantity of cattle delivered under a formula marketing arrangement that were slaughtered.

''(C) The quantity and carcass characteristics of packer-owned cattle that were slaughtered.

''(D) The quantity, basis level, and delivery month for all cattle purchased through forward contracts that were agreed to by the parties.

''(E) The range and average of intended premiums and discounts that are expected to be in effect for the current slaughter week.

''(2) FORMULA PURCHASES.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary, on the first reporting day of each week, not later than 9:00 a.m. Central Time, the following information for cattle purchased through a formula marketing arrangement and slaughtered during the prior slaughter week:

''(A) The quantity (quoted in both numbers of head and hundredweights) of cattle.

''(B) The weighted average price paid for a carcass, including applicable premiums and discounts.

''(C) The range of premiums and discounts paid.

''(D) The weighted average of premiums and discounts paid.

''(E) The range of prices paid.

''(F) The aggregate weighted average price paid for a carcass.

''(G) The terms of trade regarding the cattle, as applicable.

''(3) PUBLICATION.—The Secretary shall make available to the public the information obtained under paragraphs (1) and (2) on the first reporting day of the current slaughter week, not later than 10:00 a.m. Central Time.

''(e) REGIONAL REPORTING OF CATTLE TYPES.—

''(1) IN GENERAL.—The Secretary shall determine whether adequate data can be obtained on a regional basis for fed Holsteins and other fed dairy steers and heifers, cows, and bulls based on the number of packers required to report under this section.

''(2) REPORT.—Not later than 2 years after the date of enactment of this subtitle, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the determination of the Secretary under paragraph (1).

''SEC. 223. MANDATORY PACKER REPORTING OF BOXED BEEF SALES.

''(a) DAILY REPORTING.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary at least twice each reporting day (not less than once before, and once after, 12:00 noon Central Time) information on total boxed beef sales, including—

''(1) the price for each lot of each negotiated boxed beef sale (determined by seller-buyer interaction and agreement), quoted in dollars per hundredweight (on a F.O.B. plant basis);

''(2) the quantity for each lot of each sale, quoted by number of boxes sold; and

''(3) information regarding the characteristics of each lot of each sale, including—

''(A) the grade of beef (USDA Choice or better, USDA Select, or ungraded no-roll product);

''(B) the cut of beef; and

''(C) the trim specification.

''(b) PUBLICATION.—The Secretary shall make available to the public the information required to be reported under subsection (a) not less frequently than twice each reporting day.

''CHAPTER 3—SWINE REPORTING

''SEC. 231. DEFINITIONS.

''In this chapter:

''(1) AFFILIATE.—The term 'affiliate', with respect to a packer, means—

''(A) a person that directly or indirectly owns, controls, or holds with power to vote, 5 percent or more of the outstanding voting securities of the packer;

''(B) a person 5 percent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the packer; and

''(C) a person that directly or indirectly controls, or is controlled by or under common control with, the packer.

''(2) APPLICABLE REPORTING PERIOD.—The term 'applicable reporting period' means the period of time prescribed by the prior day report, the morning report, and the afternoon report, as required under section 232(c).

''(3) BARROW.—The term 'barrow' means a neutered male swine.

''(4) BASE MARKET HOG.—The term 'base market hog' means a hog for which no discounts are subtracted from and no premiums are added to the base price.

''(5) BRED FEMALE SWINE.—The term 'bred female swine' means any female swine, whether a sow or gilt, that has been mated or inseminated and is assumed, or has been confirmed, to be pregnant.

''(6) FORMULA PRICE.—The term 'formula price' means a price determined by a mathematical formula under which the price established for a specified market serves as the basis for the formula.

''(7) GILT.—The term 'gilt' means a young female swine that has not produced a litter.

''(8) HOG CLASS.—The term 'hog class' means, as applicable—

''(A) barrows or gilts;

''(B) sows; or

''(C) boars or stags.

''(9) NONCARCASS MERIT PREMIUM.—The term 'noncarcass merit premium' means an increase in the base price of the swine offered by an individual packer or packing plant, based on any factor other than the characteristics of the carcass, if the actual amount of the premium is known before the sale and delivery of the swine.

''(10) OTHER MARKET FORMULA PURCHASE.—

''(A) IN GENERAL.—The term 'other market formula purchase' means a purchase of swine by a packer in which the pricing mechanism is a formula price based on any market other than the market for swine, pork, or a pork product.

''(B) INCLUSION.—The term 'other market formula purchase' includes a formula purchase in a case in which the price formula is based on 1 or more futures or options contracts.

''(11) OTHER PURCHASE ARRANGEMENT.—The term 'other purchase arrangement' means a purchase of swine by a packer that—

''(A) is not a negotiated purchase, swine or pork market formula purchase, or other market formula purchase; and

''(B) does not involve packer-owned swine.

''(12) PACKER.—The term 'packer' means any person engaged in the business of buying swine in commerce for purposes of slaughter, of manufacturing or preparing meats or meat food products from swine for sale or shipment in commerce, or of marketing meats or meat food products from swine in an unmanufactured form acting as a wholesale broker, dealer, or distributor in commerce, except that—

''(A) the term includes only a swine processing plant that is federally inspected;

''(B) for any calendar year, the term includes only a swine processing plant that slaughtered an average of at least 100,000 swine per year during the immediately preceding 5 calendar years; and

''(C) in the case of a swine processing plant that did not slaughter swine during the immediately preceding 5 calendar years, the Secretary shall consider the plant capacity of the processing plant in determining whether the processing plant should be considered a packer under this chapter.

''(13) PACKER-OWNED SWINE.—The term 'packer-owned swine' means swine that a packer (including a subsidiary or affiliate of the packer) owns for at least 14 days immediately before slaughter.

''(14) PACKER-SOLD SWINE.—The term 'packer-sold swine' means the swine that are—

''(A) owned by a packer (including a subsidiary or affiliate of the packer) for more than 14 days immediately before sale for slaughter; and

''(B) sold for slaughter to another packer.

''(15) PORK.—The term 'pork' means the meat of a porcine animal.

''(16) PORK PRODUCT.—The term 'pork product' means a product or byproduct produced or processed in whole or in part from pork.

''(17) PURCHASE DATA.—The term 'purchase data' means all of the applicable data, including weight (if purchased live), for all swine purchased during the applicable reporting period, regardless of the expected delivery date of the swine, reported by—

''(A) hog class;

''(B) type of purchase; and

''(C) packer-owned swine.

''(18) SLAUGHTER DATA.—The term 'slaughter data' means all of the applicable data for all swine slaughtered by a packer during the applicable reporting period, regardless of when the price of the swine was negotiated or otherwise determined, reported by—

''(A) hog class;

''(B) type of purchase; and

''(C) packer-owned swine.

''(19) SOW.—The term 'sow' means an adult female swine that has produced 1 or more litters.

''(20) SWINE.—The term 'swine' means a porcine animal raised to be a feeder pig, raised for seedstock, or raised for slaughter.

''(21) SWINE OR PORK MARKET FORMULA PURCHASE.—The term 'swine or pork market formula purchase' means a purchase of swine by a packer in which the pricing mechanism is a formula price based on a market for swine, pork, or a pork product, other than a future or option for swine, pork, or a pork product.

''(22) TYPE OF PURCHASE.—The term 'type of purchase', with respect to swine, means—

''(A) a negotiated purchase;

''(B) other market formula purchase;

''(C) a swine or pork market formula purchase; and

''(D) other purchase arrangement.

"SEC. 232. MANDATORY REPORTING FOR SWINE.

''(a) ESTABLISHMENT.—The Secretary shall establish a program of swine price information reporting that will—

''(1) provide timely, accurate, and reliable market information;

''(2) facilitate more informed marketing decisions; and

''(3) promote competition in the swine slaughtering industry.

''(b) GENERAL REPORTING PROVISIONS APPLICABLE TO PACKERS AND THE SECRETARY.—

''(1) IN GENERAL.—The Secretary shall establish and implement a price reporting program in accordance with this section that includes the reporting and publication of information required under this section.

''(2) PACKER-OWNED SWINE.—Information required under this section for packer-owned swine shall include quantity and carcass characteristics, but not price.

''(3) PACKER-SOLD SWINE.—If information regarding the type of purchase is required under this section, the information shall be reported according to the numbers and percentages of each type of purchase comprising—

''(A) packer-sold swine; and

''(B) all other swine.

''(4) ADDITIONAL INFORMATION.—

''(A) REVIEW.—The Secretary shall review the information required to be reported by packers under this section at least once every 2 years.

''(B) OUTDATED INFORMATION.—After public notice and an opportunity for comment, subject to subparagraph (C), the Secretary shall promulgate regulations that specify additional information that shall be reported under this section if the Secretary determines under the review under subparagraph (A) that—

''(i) information that is currently required no longer accurately reflects the methods by which swine are valued and priced by packers; or

''(ii) packers that slaughter a significant majority of the swine produced in the United States no longer use backfat or lean percentage factors as indicators of price.

''(C) LIMITATION.—Under subparagraph (B), the Secretary may not require packers to provide any new or additional information that—

''(i) is not generally available or maintained by packers; or

''(ii) would be otherwise unduly burdensome to provide.

''(c) DAILY REPORTING.—

''(1) PRIOR DAY REPORT.—

''(A) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary, for each business day of the packer, such information as the Secretary determines necessary and appropriate to—

''(i) comply with the publication requirements of this section; and

''(ii) provide for the timely access to the information by producers, packers, and other market participants.

''(B) REPORTING DEADLINE AND PLANTS REQUIRED TO REPORT.—Not later than 7:00 a.m. Central Time on each reporting day, a packer required to report under subparagraph (A) shall report information regarding all swine purchased, priced, or slaughtered during the prior business day of the packer.

''(C) INFORMATION REQUIRED.—The information from the prior business day of a packer required under this paragraph shall include—

''(i) all purchase data, including—

''(I) the total number of—

''(aa) swine purchased; and

''(bb) swine scheduled for delivery; and

''(II) the base price and purchase data for slaughtered swine for which a price has been established;

''(ii) all slaughter data for the total number of swine slaughtered, including—

''(I) information concerning the net price, which shall be equal to the total amount paid by a packer to a producer (including all premiums, less all discounts) per hundred pounds of carcass weight of swine delivered at the plant—

''(aa) including any sum deducted from the price per hundredweight paid to a producer that reflects the repayment of a balance owed by the producer to the packer or the accumulation of a balance to later be repaid by the packer to the producer; and

''(bb) excluding any sum earlier paid to a producer that must later be repaid to the packer;

''(II) information concerning the average net price, which shall be equal to the quotient (stated per hundred pounds of carcass weight of swine) obtained by dividing—

''(aa) the total amount paid for the swine slaughtered at a packing plant during the applicable reporting period, including all premiums and discounts, and including any sum deducted from the price per hundredweight paid to a producer that reflects the repayment of a balance owed by the producer to the packer, or the accumulation of a balance to later be repaid by the packer to the producer, less all discounts; by

''(bb) the total carcass weight (in hundred pound increments) of the swine;

''(III) information concerning the lowest net price, which shall be equal to the lowest net price paid for a single lot or a group of swine slaughtered at a packing plant during the applicable reporting period per hundred pounds of carcass weight of swine;

''(IV) information concerning the highest net price, which shall be equal to the highest net price paid for a single lot or group of swine slaughtered at a packing plant during the applicable reporting period per hundred pounds of carcass weight of swine;

''(V) the average carcass weight, which shall be equal to the quotient obtained by dividing—

''(aa) the total carcass weight of the swine slaughtered at the packing plant during the applicable reporting period; by

''(bb) the number of the swine described in item (aa);

adjusted for special slaughter situations (such as skinning or foot removal), as the Secretary determines necessary to render comparable carcass weights;

''(VI) the average sort loss, which shall be equal to the average discount (in dollars per hundred pounds carcass weight) for swine slaughtered during the applicable reporting period, resulting from the fact that the swine did not fall within the individual packer's established carcass weight or lot variation range;

''(VII) the average backfat, which shall be equal to the average of the backfat thickness (in inches) measured between the third and fourth from the last ribs, 7 centimeters from the carcass split (or adjusted from the individual packer's measurement to that reference point using an adjustment made by the Secretary) of the swine slaughtered during the applicable reporting period;

''(VIII) the average lean percentage, which shall be equal to the average percentage of the carcass weight comprised of lean meat for the swine slaughtered during the applicable reporting period, except that when a packer is required to report the average lean percentage under this subclause, the packer shall make available to the Secretary the underlying data, applicable methodology and formulae, and supporting materials used to determine the average lean percentage, which the Secretary may convert to the carcass measurements or lean percentage of the swine of the individual packer to correlate to a common percent lean measurement; and

''(IX) the total slaughter quantity, which shall be equal to the total number of swine slaughtered during the applicable reporting period, including all types of purchases and packer-owned swine; and

''(iii) packer purchase commitments, which shall be equal to the number of swine scheduled for delivery to a packer for slaughter for each of the next 14 calendar days.

''(D) PUBLICATION.—The Secretary shall publish the information obtained under this paragraph in a prior day report not later than 8:00 a.m. Central Time on the reporting day on which the information is received from the packer.

''(2) MORNING REPORT.—

''(A) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary not later than 10:00 a.m. Central Time each reporting day—

''(i) the packer's best estimate of the total number of swine, and packer-owned swine, expected to be purchased throughout the reporting day through each type of purchase;

''(ii) the total number of swine, and packer-owned swine, purchased up to that time of the reporting day through each type of purchase;

''(iii) the base price paid for all base market hogs purchased up to that time of the reporting day through negotiated purchases; and

''(iv) the base price paid for all base market hogs purchased through each type of purchase other than negotiated purchase up to that time of the reporting day, unless such information is unavailable due to pricing that is determined on a delayed basis.

''(B) PUBLICATION.—The Secretary shall publish the information obtained under this paragraph in the morning report as soon as practicable, but not later than 11:00 a.m. Central Time, on each reporting day.

''(3) AFTERNOON REPORT.—

''(A) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary not later than 2:00 p.m. Central Time each reporting day—

''(i) the packer's best estimate of the total number of swine, and packer-owned swine, expected to be purchased throughout the reporting day through each type of purchase;

''(ii) the total number of swine, and packer-owned swine, purchased up to that time of the reporting day through each type of purchase;

''(iii) the base price paid for all base market hogs purchased up to that time of the reporting day through negotiated purchases; and

''(iv) the base price paid for all base market hogs purchased up to that time of the reporting day through each type of purchase other than negotiated purchase, unless such information is unavailable due to pricing that is determined on a delayed basis.

''(B) PUBLICATION.—The Secretary shall publish the information obtained under this paragraph in the afternoon report as soon as practicable, but not later than 3:00 p.m. Central Time, on each reporting day.

''(d) WEEKLY NONCARCASS MERIT PREMIUM REPORT.—

''(1) IN GENERAL.—Not later than 4:00 p.m. Central Time on the first reporting day of each week, the corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary a noncarcass merit premium report that lists—

''(A) each category of standard noncarcass merit premiums used by the packer in the prior slaughter week; and

''(B) the amount (in dollars per hundred pounds of carcass weight) paid to producers by the packer, by category.

''(2) PREMIUM LIST.—A packer shall maintain and make available to a producer, on request, a current listing of the dollar values (per hundred pounds of carcass weight) of each noncarcass merit premium used by the packer during the current or the prior slaughter week.

''(3) AVAILABILITY.—A packer shall not be required to pay a listed noncarcass merit premium to a producer that meets the requirements for the premium if the need for swine in a given category is filled at a particular point in time.

''(4) PUBLICATION.—The Secretary shall publish the information obtained under this subsection as soon as practicable, but not later than 5:00 p.m. Central Time, on the first reporting day of each week.

''CHAPTER 4—LAMB REPORTING

''SEC. 241. MANDATORY REPORTING FOR LAMBS.

''(a) ESTABLISHMENT.—The Secretary may establish a program of mandatory lamb price information reporting that will—

''(1) provide timely, accurate, and reliable market information;

''(2) facilitate more informed marketing decisions; and

''(3) promote competition in the lamb slaughtering industry.

''(b) NOTICE AND COMMENT.—If the Secretary establishes a mandatory price reporting program under subsection (a), the Secretary shall provide an opportunity for comment on proposed regulations to establish the program during the 30-day period beginning on the date of the publication of the proposed regulations.

''CHAPTER 5—ADMINISTRATION

''SEC. 251. GENERAL PROVISIONS.

''(a) CONFIDENTIALITY.—The Secretary shall make available to the public information, statistics, and documents obtained from, or submitted by, packers, retail entities, and other persons under this subtitle in a manner that ensures that confidentiality is preserved regarding—

''(1) the identity of persons, including parties to a contract; and

''(2) proprietary business information.

''(b) DISCLOSURE BY FEDERAL GOVERNMENT EMPLOYEES.—

''(1) IN GENERAL.—Subject to paragraph (2), no officer, employee, or agent of the United States shall, without the consent of the packer or other person concerned, divulge or make known in any manner, any facts or information regarding the business of the packer or other person that was acquired through reporting required under this subtitle.

''(2) EXCEPTIONS.—Information obtained by the Secretary under this subtitle may be disclosed—

''(A) to agents or employees of the Department of Agriculture in the course of their official duties under this subtitle;

''(B) as directed by the Secretary or the Attorney General, for enforcement purposes; or

''(C) by a court of competent jurisdiction.

''(3) DISCLOSURE UNDER FREEDOM OF INFORMATION ACT.—Notwithstanding any other provision of law, no facts or information obtained under this subtitle shall be disclosed in accordance with section 552 of title 5, United States Code.

''(c) REPORTING BY PACKERS.—A packer shall report all information required under this subtitle on an individual lot basis.

''(d) REGIONAL REPORTING AND AGGREGATION.—The Secretary shall make information obtained under this subtitle available to the public only in a manner that—

''(1) ensures that the information is published on a national and a regional or statewide basis as the Secretary determines to be appropriate;

''(2) ensures that the identity of a reporting person is not disclosed; and

''(3) conforms to aggregation guidelines established by the Secretary.

''(e) ADJUSTMENTS.—Prior to the publication of any information required under this subtitle, the Secretary may make reasonable adjustments in information reported by packers to reflect price aberrations or other unusual or unique occurrences that the Secretary determines would distort the published information to the detriment of producers, packers, or other market participants.

''(f) VERIFICATION.—The Secretary shall take such actions as the Secretary considers necessary to verify the accuracy of the information submitted or reported under chapter 2, 3, or 4.

''(g) ELECTRONIC REPORTING AND PUBLISHING.—The Secretary shall, to the maximum extent practicable, provide for the reporting and publishing of the information required under this subtitle by electronic means.

''(h) REPORTING OF ACTIVITIES ON WEEKENDS AND HOLIDAYS.—

''(1) IN GENERAL.—Livestock committed to a packer, or purchased, sold, or slaughtered by a packer, on a weekend day or holiday shall be reported by the packer to the Secretary (to the extent required under this subtitle), and reported by the Secretary, on the immediately following reporting day.

''(2) LIMITATION ON REPORTING BY PACKERS.—A packer shall not be required to report actions under paragraph (1) more than once on the immediately following reporting day.

''(i) EFFECT ON OTHER LAWS.—Nothing in this subtitle, the Livestock Mandatory Reporting Act of 1999, or amendments made by that Act restricts or modifies the authority of the Secretary to—

''(1) administer or enforce the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.);

''(2) administer, enforce, or collect voluntary reports under this title or any other law; or

''(3) access documentary evidence as provided under sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49, 50).

''SEC. 252. UNLAWFUL ACTS.

''It shall be unlawful and a violation of this subtitle for any packer or other person subject to this subtitle (in the submission of information required under chapter 2, 3, or 4, as determined by the Secretary) to willfully—

''(1) fail or refuse to provide, or delay the timely reporting of, accurate information to the Secretary (including estimated information);

''(2) solicit or request that a packer, the buyer or seller of livestock or livestock products, or any other person fail to provide, as a condition of any transaction, accurate or timely information required under this subtitle;

''(3) fail or refuse to comply with this subtitle; or

''(4) report estimated information in any report required under this subtitle in a manner that demonstrates a pattern of significant variance in accuracy when compared to the actual information that is reported for the same reporting period, or as determined by any audit, oversight, or other verification procedures of the Secretary.

''SEC. 253. ENFORCEMENT.

''(a) CIVIL PENALTY.—

''(1) IN GENERAL.—Any packer or other person that violates this subtitle may be assessed a civil penalty by the Secretary of not more than $10,000 for each violation.

''(2) CONTINUING VIOLATION.—Each day during which a violation continues shall be considered to be a separate violation.

''(3) FACTORS.—In determining the amount of a civil penalty to be assessed under paragraph (1), the Secretary shall consider the gravity of the offense, the size of the business involved, and the effect of the penalty on the ability of the person that has committed the violation to continue in business.

''(4) MULTIPLE VIOLATIONS.—In determining whether to assess a civil penalty under paragraph (1), the Secretary shall consider whether a packer or other person subject to this subtitle has engaged in a pattern of errors, delays, or omissions in violation of this subtitle.

''(b) CEASE AND DESIST.—In addition to, or in lieu of, a civil penalty under subsection (a), the Secretary may issue an order to cease and desist from continuing any violation.

''(c) NOTICE AND HEARING.—No penalty shall be assessed, or cease and desist order issued, by the Secretary under this section unless the person against which the penalty is assessed or to which the order is issued is given notice and opportunity for a hearing before the Secretary with respect to the violation.

''(d) FINALITY AND JUDICIAL REVIEW.—

''(1) IN GENERAL.—The order of the Secretary assessing a civil penalty or issuing a cease and desist order under this section shall be final and conclusive unless the affected person files an appeal of the order of the Secretary in United States district court not later than 30 days after the date of the issuance of the order.

''(2) STANDARD OF REVIEW.—A finding of the Secretary under this section shall be set aside only if the finding is found to be unsupported by substantial evidence.

''(e) ENFORCEMENT.—

''(1) IN GENERAL.—If, after the lapse of the period allowed for appeal or after the affirmance of a penalty assessed under this section, the person against which the civil penalty is assessed fails to pay the penalty, the Secretary may refer the matter to the Attorney General who may recover the penalty by an action in United States district court.

''(2) FINALITY.—In the action, the final order of the Secretary shall not be subject to review.

''(f) INJUNCTION OR RESTRAINING ORDER.—

''(1) IN GENERAL.—If the Secretary has reason to believe that any person subject to this subtitle has failed or refused to provide the Secretary information required to be reported pursuant to this subtitle, and that it would be in the public interest to enjoin the person from further failure to comply with the reporting requirements, the Secretary may notify the Attorney General of the failure.

''(2) ATTORNEY GENERAL.—The Attorney General may apply to the appropriate district court of the United States for a temporary or permanent injunction or restraining order.

''(3) COURT.—When needed to carry out this subtitle, the court shall, on a proper showing, issue a temporary injunction or restraining order without bond.

''(g) FAILURE TO OBEY ORDERS.—

''(1) IN GENERAL.—If a person subject to this subtitle fails to obey a cease and desist or civil penalty order issued under this subsection after the order has become final and unappealable, or after the appropriate United States district court has entered a final judgment in favor of the Secretary, the United States may apply to the appropriate district court for enforcement of the order.

''(2) ENFORCEMENT.—If the court determines that the order was lawfully made and duly served and that the person violated the order, the court shall enforce the order.

''(3) CIVIL PENALTY.—If the court finds that the person violated the cease and desist provisions of the order, the person shall be subject to a civil penalty of not more than $10,000 for each offense.

"SEC. 254. FEES.

''The Secretary shall not charge or assess a user fee, transaction fee, service charge, assessment, reimbursement, or any other fee for the submission or reporting of information, for the receipt or availability of, or access to, published reports or information, or for any other activity required under this subtitle.

"SEC. 255. RECORDKEEPING.

''(a) IN GENERAL.—Subject to subsection (b), each packer required to report information to the Secretary under this subtitle shall maintain, and make available to the Secretary on request, for 2 years—

''(1) the original contracts, agreements, receipts and other records associated with any transaction relating to the purchase, sale, pricing, transportation, delivery, weighing, slaughter, or carcass characteristics of all livestock; and

''(2) such records or other information as is necessary or appropriate to verify the accuracy of the information required to be reported under this subtitle.

''(b) LIMITATIONS.—Under subsection (a)(2), the Secretary may not require a packer to provide new or additional information if—

''(1) the information is not generally available or maintained by packers; or

''(2) the provision of the information would be unduly burdensome.

''(c) PURCHASES OF CATTLE OR SWINE.—A record of a purchase of a lot of cattle or a lot of swine by a packer shall evidence whether the purchase occurred—

''(1) before 10:00 a.m. Central Time;

''(2) between 10:00 a.m. and 2:00 p.m. Central Time; or

''(3) after 2:00 p.m. Central Time.

"SEC. 256. VOLUNTARY REPORTING.

''The Secretary shall encourage voluntary reporting by packers (as defined in section 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191)) to which the mandatory reporting requirements of this subtitle do not apply.

"SEC. 257. PUBLICATION OF INFORMATION ON RETAIL PURCHASE PRICES FOR REPRESENTATIVE MEAT PRODUCTS.

''(a) IN GENERAL.—Beginning not later than 90 days after the date of enactment of this subtitle, the Secretary shall compile and publish at least monthly (weekly, if practicable) information on retail prices for representative food products made from beef, pork, chicken, turkey, veal, or lamb.

''(b) INFORMATION.—The report published by the Secretary under subsection (a) shall include—

''(1) information on retail prices for each representative food product described in subsection (a); and

''(2) information on total sales quantity (in pounds and dollars) for each representative food product.

''(c) MEAT PRICE SPREADS REPORT.—During the period ending 2 years after the initial publication of the report required under subsection (a), the Secretary shall continue to publish the Meat Price Spreads Report in the same manner as the Report was published before the date of enactment of this subtitle.

''(d) INFORMATION COLLECTION.—

''(1) IN GENERAL.—To ensure the accuracy of the reports required under subsection (a), the Secretary shall obtain the information for the reports from 1 or more sources including—

''(A) a consistently representative set of retail transactions; and

''(B) both prices and sales quantities for the transactions.

''(2) SOURCE OF INFORMATION.—The Secretary may—

''(A) obtain the information from retailers or commercial information sources; and

''(B) use valid statistical sampling procedures, if necessary.

''(3) ADJUSTMENTS.—In providing information on retail prices under this section, the Secretary may make adjustments to take into account differences in—

''(A) the geographic location of consumption;

''(B) the location of the principal source of supply;

''(C) distribution costs; and

''(D) such other factors as the Secretary determines reflect a verifiable comparative retail price for a representative food product.

''(e) ADMINISTRATION.—The Secretary—

''(1) shall collect information under this section only on a voluntary basis; and

''(2) shall not impose a penalty on a person for failure to provide the information or otherwise compel a person to provide the information.

"SEC. 258. SUSPENSION AUTHORITY REGARDING SPECIFIC TERMS OF PRICE REPORTING REQUIREMENTS.

''(a) IN GENERAL.—The Secretary may suspend any requirement of this subtitle if the Secretary determines that application of the requirement is inconsistent with the purposes of this subtitle.

''(b) SUSPENSION PROCEDURE.—

''(1) PERIOD.—A suspension under subsection (a) shall be for a period of not more than 240 days.

''(2) ACTION BY CONGRESS.—If an Act of Congress concerning the requirement that is the subject of the suspension under subsection (a) is not enacted by the end of the period of the suspension established under paragraph (1), the Secretary shall implement the requirement.

"SEC. 259. FEDERAL PREEMPTION.

''In order to achieve the goals, purposes, and objectives of this title on a nationwide basis and to avoid potentially conflicting State laws that could impede the goals, purposes, or objectives of this title, no State or political subdivision of a State may impose a requirement that is in addition to, or inconsistent with, any requirement of this subtitle with respect to the submission or reporting of information, or the publication of such information, on the prices and quantities of livestock or livestock products.''.

SEC. 912. UNJUST DISQUALIFICATION.

Section 202(b) of the Packers and Stockyards Act, 1921 (7 U.S.C. 192(b)), is amended by striking ''whatsoever'' each place it appears.

SEC. 913. CONFORMING AMENDMENTS.

(a) Section 416 of the Packers and Stockyards Act, 1921 (7 U.S.C. 229a), is repealed.

(b) Section 1127 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105–277), is amended—

(1) by striking subsection (b) and inserting the following:

''(b) EXPORT MARKET REPORTING.—The Secretary shall—

''(1) implement a streamlined electronic system for collecting export sales and shipments data, in the least intrusive manner possible, for fresh or frozen muscle cuts of meat food products; and

''(2) develop a data-reporting program to disseminate summary information in a timely manner (in the case of beef, consistent with the reporting under section 602(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5712(a))).''; and

(2) in subsection (c), by striking ''this section of the Act'' and inserting ''subsection (b)''.

Subtitle B—Related Beef Reporting Provisions

SEC. 921. BEEF EXPORT REPORTING.

Section 602(a)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5712(a)(1)) is amended by inserting '', beef,'' after ''cotton''.

SEC. 922. EXPORT CERTIFICATES FOR MEAT AND MEAT FOOD PRODUCTS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall fully implement a program, through the use of a streamlined electronic online system, to issue and report export certificates for all meat and meat products.

SEC. 923. IMPORTS OF BEEF, BEEF VARIETY MEATS, AND CATTLE.

(a) IN GENERAL.—The Secretary of Agriculture shall—

(1) obtain information regarding the import of beef and beef variety meats (consistent with the information categories reported for beef exports under section 602(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5712(a))) and cattle using available information sources; and

(2) publish the information in a timely manner weekly and in a form that maximizes the utility of the information to beef producers, packers, and other market participants.

(b) CONTENT.—The published information shall include information reporting the year-to-date cumulative annual imports of beef, beef variety meats, and cattle for the current and prior marketing years.

SEC. 924. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out sections 922 and 923.

Subtitle C—Related Swine Reporting Provisions

SEC. 931. IMPROVEMENT OF HOGS AND PIGS INVENTORY REPORT.

(a) IN GENERAL.—Effective beginning not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall publish on a monthly basis the Hogs and Pigs Inventory Report.

(b) GESTATING SOWS.—The Secretary shall include in a separate category of the Report the number of bred female swine that are assumed, or have been confirmed, to be pregnant during the reporting period.

(c) PHASE-OUT.—Effective for a period of 8 quarters after the implementation of the monthly report required under subsection (a), the Secretary shall continue to maintain and publish on a quarterly basis the Hogs and Pigs Inventory Report published on or before the date of enactment of this Act.

SEC. 932. BARROW AND GILT SLAUGHTER.

(a) IN GENERAL.—The Secretary of Agriculture shall promptly obtain and maintain, through an appropriate collection system or valid sampling system at packing plants, information on the total slaughter of swine that reflects differences in numbers between barrows and gilts, as determined by the Secretary.

(b) AVAILABILITY.—The information shall be made available to swine producers, packers, and other market participants in a report published by the Secretary not less frequently than weekly.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the collection and compilation of information, and the publication of the report, required by this section.

(2) NONDELEGATION.—The Secretary shall not delegate the collection, compilation, or administration of the information required by this section to any packer (as defined in section 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191)).

SEC. 933. AVERAGE TRIM LOSS CORRELATION STUDY AND REPORT.

(a) IN GENERAL.—The Secretary of Agriculture shall contract with a qualified contractor to conduct a correlation study and prepare a report establishing a baseline and standards for determining and improving average trim loss measurements and processing techniques for pork processors to employ in the slaughter of swine.

(b) CORRELATION STUDY AND REPORT.—The study and report shall—

(1) analyze processing techniques that would assist the pork processing industry in improving procedures for uniformity and transparency in how trim loss is discounted (in dollars per hundred pounds carcass weight) by different packers and processors;

(2) analyze slaughter inspection procedures that could be improved so that trimming procedures and policies of the Secretary are uniform to the maximum extent determined practicable by the Secretary;

(3) determine how the Secretary may be able to foster improved breeding techniques and animal handling and transportation procedures through training programs made available to swine producers so as to minimize trim loss in slaughter processing; and

(4) make recommendations that are designed to effect changes in the pork industry so as to achieve continuous improvement in average trim losses and discounts.

(c) SUBSEQUENT REPORTS ON STATUS OF IMPROVEMENTS AND UPDATES IN BASELINE.—Not less frequently than once every 2 years after the initial publication of the report required under this section, the Secretary shall make subsequent periodic reports that—

(1) examine the status of the improvement in reducing trim loss discounts in the pork processing industry; and

(2) update the baseline to reflect changes in trim loss discounts.

(d) SUBMISSION OF REPORTS TO CONGRESS, PRODUCERS, PACKERS, AND OTHERS.—The reports required under this section shall be made available to—

(1) the public on the Internet;

(2) the Committee on Agriculture of the House of Representatives;

(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(4) producers and packers; and

(5) other market participants.

SEC. 934. SWINE PACKER MARKETING CONTRACTS.

Title II of the Packers and Stockyards Act, 1921 (7 U.S.C. 191 et seq.) is amended—

(1) by inserting before section 201 (7 U.S.C. 191) the following:

"Subtitle A—General Provisions";

and

(2) by adding at the end the following:

"Subtitle B—Swine Packer Marketing Contracts

"SEC. 221. DEFINITIONS.

''Except as provided in section 223(a), in this subtitle:

''(1) MARKET.—The term 'market' means the sale or disposition of swine, pork, or pork products in commerce.

''(2) PACKER.—The term 'packer' has the meaning given the term in section 231 of the Agricultural Marketing Act of 1946.

''(3) PORK.—The term 'pork' means the meat of a porcine animal.

''(4) PORK PRODUCT.—The term 'pork product' means a product or byproduct produced or processed in whole or in part from pork.

''(5) STATE.—The term 'State' means each of the 50 States.

''(6) SWINE.—The term 'swine' means a porcine animal raised to be a feeder pig, raised for seedstock, or raised for slaughter.

''(7) TYPE OF CONTRACT.—The term 'type of contract' means the classification of contracts or risk management agreements for the purchase of swine by—

''(A) the mechanism used to determine the base price for swine committed to a packer, grouped into practicable classifications by the Secretary (including swine or pork market formula purchases, other market formula purchases, and other purchase arrangements); and

''(B) the presence or absence of an accrual account or ledger that must be repaid by the producer or packer that receives the benefit of the contract pricing mechanism in relation to negotiated prices.

''(8) OTHER TERMS.—Except as provided in this subtitle, a term has the meaning given the term in section 212 or 231 of the Agricultural Marketing Act of 1946.

"SEC. 222. SWINE PACKER MARKETING CONTRACTS OFFERED TO PRODUCERS.

''(a) IN GENERAL.—Subject to the availability of appropriations to carry out this section, the Secretary shall establish and maintain a library or catalog of each type of contract offered by packers to swine producers for the purchase of all or part of the producers' production of swine (including swine that are purchased or committed for delivery), including all available noncarcass merit premiums.

''(b) AVAILABILITY.—The Secretary shall make available to swine producers and other interested persons information on the types of contracts described in subsection (a), including notice (on a real-time basis if practicable) of the types of contracts that are being offered by each individual packer to, and are open to acceptance by, producers for the purchase of swine.

''(c) CONFIDENTIALITY.—The reporting requirements under subsections (a) and (b) shall be subject to the confidentiality protections provided under section 251 of the Agricultural Marketing Act of 1946.

''(d) INFORMATION COLLECTION.—

''(1) IN GENERAL.—The Secretary shall—

''(A) obtain (by a filing or other procedure required of each individual packer) information indicating what types of contracts for the purchase of swine are available from each packer; and

''(B) make the information available in a monthly report to swine producers and other interested persons.

''(2) CONTRACTED SWINE NUMBERS.—Each packer shall provide, and the Secretary shall collect and publish in the monthly report required under paragraph (1)(B), information specifying—

''(A) the types of existing contracts for each packer;

''(B) the provisions contained in each contract that provide for expansion in the numbers of swine to be delivered under the contract for the following 6-month and 12-month periods;

''(C) an estimate of the total number of swine committed by contract for delivery to all packers within the 6-month and 12-month periods following the date of the report, reported by reporting region and by type of contract; and

''(D) an estimate of the maximum total number of swine that potentially could be delivered within the 6-month and 12-month periods following the date of the report under the provisions described in subparagraph (B) that are included in existing contracts, reported by reporting region and by type of contract.

''(e) VIOLATIONS.—It shall be unlawful and a violation of this title for any packer to willfully fail or refuse to provide to the Secretary accurate information required under, or to willfully fail or refuse to comply with any requirement of, this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.

"SEC. 223. REPORT ON THE SECRETARY'S JURISDICTION, POWER, DUTIES, AND AUTHORITIES.

''(a) DEFINITION OF PACKER.—In this section, the term 'packer' has the meaning given the term in section 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191).

''(b) REPORT.—Not later than 90 days after the date of enactment of this subtitle, the Comptroller General of the United States shall provide to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the jurisdiction, powers, duties, and authorities of the Secretary that relate to packers and other persons involved in procuring, slaughtering, or processing swine, pork, or pork products that are covered by this Act and other laws, including—

''(1) the Federal Trade Commission Act (15 U.S.C. 41 et seq.), especially sections 6, 8, 9, and 10 of that Act (15 U.S.C. 46, 48, 49, 50); and

''(2) the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.).

''(c) CONTENTS.—The Comptroller General shall include in the report an analysis of—

''(1) burdens on and obstructions to commerce in swine, pork, and pork products by packers, and other persons that enter into arrangements with the packers, that are contrary to, or do not protect, the public interest;

''(2) noncompetitive pricing arrangements between or among packers, or other persons involved in the processing, distribution, or sale of pork and pork products, including arrangements provided for in contracts for the purchase of swine;

''(3) the effective monitoring of contracts entered into between packers and swine producers;

''(4) investigations that relate to, and affect, the disclosure of—

''(A) transactions involved in the business conduct and practices of packers; and

''(B) the pricing of swine paid to producers by packers and the pricing of products in the pork and pork product merchandising chain;

''(5) the adequacy of the authority of the Secretary to prevent a packer from unjustly or arbitrarily refusing to offer a producer, or disqualifying a producer from eligibility for, a particular contract or type of contract for the purchase of swine; and

''(6) the ability of the Secretary to cooperate with and enhance the enforcement of actions initiated by other Federal departments and agencies, or Federal independent agencies, to protect trade and commerce in the pork and pork product industries against unlawful restraints and monopolies.''.

SEC. 935. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle and the amendments made by this subtitle.

Subtitle D—Implementation

SEC. 941. REGULATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall publish final regulations to implement this title and the amendments made by this title.

(b) PUBLICATION OF PROPOSED REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish proposed regulations to implement this title and the amendments made by this title.

(c) COMMENT PERIOD.—The Secretary shall provide an opportunity for comment on the proposed regulations during the 30-day period beginning on the date of the publication of the proposed regulations.

(d) FINAL REGULATIONS.—Not later than 60 days after the conclusion of the comment period, the Secretary shall publish the final regulations and implement this title and the amendments made by this title.

SEC. 942. TERMINATION OF AUTHORITY.

The authority provided by this title and the amendments made by this title terminate 5 years after the date of enactment of this Act.

This Act may be cited as the ''Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000''.

And the Senate agree to the same.

JOE SKEEN,
JAY DICKEY,
JACK KINGSTON,
HENRY BONILLA,
TOM LATHAM,
JO ANN EMERSON,
BILL YOUNG,
SAM FARR,
ALLEN BOYD,
DAVID R. OBEY,
Managers on the Part of the House.

THAD COCHRAN,
CHRISTOPHER S. BOND,
SLADE GORTON,
MITCH MCCONNELL,
CONRAD BURNS,
TED STEVENS,
HERB KOHL,
DIANNE FEINSTEIN,
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. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

CONGRESSIONAL DIRECTIVES

The statement of the managers remains silent on provisions that were in both the House and Senate bills that remain unchanged by this conference agreement, except as noted in this statement of the managers.

The conferees agree that executive branch wishes cannot substitute for Congress' own statements as to the best evidence of congressional intentions—that is, the official reports of the Congress. The conferees further point out that funds in this Act must be used for the purposes for which appropriated, as required by section 1301 of title 31 of the United States Code, which provides: ''Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.''

The House and Senate report language that is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

FOOD SAFETY INITIATIVE

Funding for food safety is of critical importance to the conferees and, accordingly, it has been given high priority. For fiscal year 2000, total funding of $326,633,000 is approved for programs and activities funded by this bill which are included in the President's Food Safety Initiative, an increase of $51,886,000 from the fiscal year 1999 level. The funding increases, by agency, are as follow:

Agricultural Research Service	$11,000,000
Cooperative State Research, Education and Extension Service	2,635,000
Economic Research Service	453,000
National Agricultural Statistic Service	2,500,000
Agricultural Marketing Service	2,398,000
Food Safety and Inspection Service	2,900,000
Food and Drug Administration	30,000,000
Total	51,886,000

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

The conference agreement provides $15,436,000 for the Office of the Secretary instead of $2,836,000 as proposed by both the House and Senate. Included in this amount is $12,600,000 made available solely for the development and implementation of a common computing environment (CCE) for the Department of Agriculture, which will only be available upon approval by the Committees on Appropriations and Agriculture of the House of Representatives and the Senate of a comprehensive plan for development and implementation of the CCE.

The conferees strongly encourage the Department to make the funds from the fiscal year 1996 appropriation for Infoshare available to the Chief Information Officer for continued Service Center oversight and for supporting other high priority work which will facilitate information sharing and electronic access to USDA programs.

The conferees expect the Secretary to use all existing authority for the implementation of trade adjustment assistance measures announced by the President on July 7, 1999, to improve the competitiveness of the U.S. lamb industry.

The conferees believe that there is an absence of clarity concerning the definition of US cattle and US fresh beef products. This limitation hinders the ability of producers to promote their products as ''Product of the U.S.A.'' The conferees direct the Secretary of Agriculture, in consultation with the affected industries, to promulgate regulations defining which cattle and fresh beef products are ''Products of the U.S.A.'' This will facilitate the development of voluntary, value-added promotion programs that will benefit U.S. producers, business, industry, consumers, and commerce.

The conferees encourage the Secretary to enhance funding for research to further study the economic feasibility of converting biomass to ethanol through feedstock development, biomass gasification and syngas conditioning, microbial catalyst development, and syngas fermentation. The conferees note that this research could result in substantial economic benefits for rural America.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

The conference agreement provides $6,411,000 as proposed by the Senate instead of $5,620,000 as proposed by the House.

OFFICE OF THE CHIEF INFORMATION OFFICER

The conference agreement provides $6,051,000 for the Office of the Chief Information Officer instead of the $5,551,000 as proposed by the House and Senate. The amount includes an increase of $500,000 for information security.

OFFICE OF THE CHIEF FINANCIAL OFFICER

The conference agreement provides $4,783,000 for the Office of the Chief Financial Officer instead of the $4,283,000 as proposed by the House and the $5,283,000 as proposed by the Senate. The conference agreement deletes bill language proposed by the Senate that the Chief Financial Officer actively market cross-servicing activities of the National Finance Center.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

The conference agreement provides $140,364,000 for agriculture buildings and facilities and rental payments as proposed by the House instead of $145,364,000 as proposed by the Senate. The conference agreement does not provide $5,000,000 for repairs, renovations and construction as proposed by the Senate. The House bill proposed no funding for this purpose.

In the event an agency within the Department requires modification of its space needs, language in the bill allows the Secretary of Agriculture to transfer a share of that agency's appropriation or a share of this appropriation to that agency's appropriation, but such transfer cannot exceed 5 percent of the funds made available for space rental and related costs.

DEPARTMENTAL ADMINISTRATION

The conference agreement provides $34,738,000 for Departmental Administration as proposed by the Senate instead of $36,117,000 as proposed by the House.

The amount provided includes the increases requested in the President's Budget for the Office of Civil Rights ($1,639,000 and 17 staff years) and the Office of Outreach ($931,000 and 11 staff years) to continue to implement recommendations from the Civil Rights Action Team report, the National Commission on Small Farms report, and to carry out other responsibilities under this account.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

The conference agreement provides $3,568,000 for the Office of the Assistant Secretary for Congressional Relations instead of $3,668,000 as proposed by the House and the Senate. The conference agreement includes language providing for the transfer of not less than $2,241,000 to agencies funded in this Act to maintain personnel at the agency level. The following table reflects the amounts provided by the conference:

Headquarters Activities	$857,000
Intergovernmental Affairs	470,000
Agricultural Marketing Service	176,000
Agricultural Research Service	129,000
Animal and Plant Health Inspection Service	101,000
Cooperative State Research, Education and Extension Service	120,000
Farm Service Agency	355,000
Food and Nutrition Service	270,000
Food Safety and Inspection Service	309,000
Foreign Agricultural Service	183,000
Natural Resources Conservation Service	148,000
Rick Management Agency	109,000
Rural Business-Cooperative Service	52,000
Rural Housing Service	147,000
Rural Utilities Service	142,000
Total	63,568,000

OFFICE OF THE GENERAL COUNSEL

The conference agreement provides $29,194,000 for the Office of the General Counsel as proposed by the House instead of the $30,094,000 as proposed by the Senate.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

The conference agreement provides $540,000 for the Office of the Under Secretary for Research, Education and Economics as proposed by the Senate instead of $940,000 as proposed by the House. Resources for activities related to the Biobased Coordinating Council as provided under the Agricultural Research Service.

ECONOMIC RESEARCH SERVICE

The conference agreement provided $65,419,000 for the Economic Research Service instead of $70,266,000 as proposed by the House and $62,919,000 as proposed by the Senate. Included in this amount is $12,195,000 for studies and evaluations of the child nutrition, WIC, and food stamp programs, of which $1,000,000 is transferred to the Food Program Administration account of the Food and Nutrition Service; and $453,000 is for estimating the benefits of food safety, as requested in the budget.

The conference agreement does not include $500,000 for a study on the decline in participation in the food stamp program. The conferees note that GAO released a study in July 1999 on this same issue. The conference agreement deletes bill language reducing

Economic Research Service cooperative research by $2,000,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

The conference agreement provides $99,405,000 for the National Agricultural Statistics Service instead of $100,559,000 as proposed by the House and $99,355,000 as proposed by the Senate. Included in this amount is up to $16,490,000 for the Census of Agriculture; and increases of $2,500,000 for the fruit and vegetable survey, $800,000 for the pesticide use survey, and $250,000 for a new office in Puerto Rico. The amount provided includes all savings identified in the President's request.

AGRICULTURAL RESEARCH SERVICE

The conference agreement provides $834,322,000 for the Agricultural Research Service instead of $823,381,000 as proposed by the House and $809,499,000 as proposed by the Senate.

The following table reflects the conference agreement:

	Amount
FY 1999 Appropriation	$785,518,000
Agricultural Genome	2,000,000
Bioinformatic tools, biol. databases, and info mgmt (Plants)	250,000
Columbia, MO	(250,000)
National Plant Germplasm System	1,750,000
Albany, CA	(250,000)
Ft. Collins, CO	(250,000)
Ames, IA	(250,000)
Beltsville, MD	(250,000)
Columbia, MO	(250,000)
Ithaca, NY	(250,000)
Pullman, WA	(250,000)
Emerging Diseases and Exotic Pests	3,775,000
Wheat and barley scab	375,000
Madison, WI	(300,000)
Raleigh, NC	(75,000)
Consortium of Land Grant Universities	1,800,000
Cereal Rust, St. Paul, MN	250,000
New emerging and exotic plant diseases	250,000
Fort Pierce, FL	(250,000)
Reniform Nematode, Stoneville, MS	500,000
Noxious Weeds, Burns, OR	250,000
Avian Pneumovirus, Athens, GA	250,000
Poult Enteritis Mortality Syndrome, Athens, GA	100,000
Food Quality Protection Act Implementation	250,000
IPM tech. for fruits/veg/organophosphates and carbamates	250,000
Ft. Pierce, FL	(250,000)
Food Safety	11,000,000
Preharvest:	
Manure handling and distribution	1,750,000
Miss. State, MS	(500,000)
Ames, IA	(250,000)
Clay Center, NE	(250,000)
Lincoln, NE	(250,000)
Bushland, TX	(250,000)
Phoenix, AZ	(250,000)
Antibiotic resistance	1,350,000
Athens, GA	(450,000)
Ames, IA	(450,000)
College Station, TX	(450,000)
Risk assessment	1,550,000
Athens, GA	(400,000)
West Lafayette, IN	(250,000)
Clay Center, NE	(500,000)
Beltsville, MD	(400,000)
Fungal toxins	250,000
Athens, GA	(250,000)
Zoonotic disease risk	250,000
Fayetteville, AR	(250,000)
Aflatoxin	750,000
Stoneville, MS	(500,000)
Phoenix, AZ	(250,000)
Postharvest:	
Pathogen control in fruits/vegetables	1,200,000
Beltsville, MD	(400,000)
Wyndmoor, PA	(400,000)
Albany, CA	(400,000)
Pathogen control during slaughter/processing	500,000
Athens, GA	(500,000)
Antimicrobial resistance	800,000
Wyndmoor, PA	(400,000)
Peoria, IL	(400,000)
Food Safety Research, Listeria Monocytogenes and E. Coli Pathogens	1,000,000
Listeriosis, Sheep Scrapie, Ovine Progressive Pneumonia Virus (OPPV), Pullman, WA/Dubois, ID	600,000
Food Safety Engineering, West Lafayette, IN (Purdue, Univ.)	500,000
Hyperspectral Imaging, Stennis Space Center, MS	500,000
Global Change	900,000
Carbon cycle research	900,000
Auburn, AL	(400,000)
Mandan, ND	(250,000)
Morris, MN	(250,000)
Human Nutrition	3,000,000
Little Rock, AR	(500,000)
San Francisco/Davis, CA	(500,000)
Boston, MA	(500,000)
Beltsville, MD	(500,000)
Grand Forks, ND	(500,000)
Houston, TX	(500,000)
Sustainable Ecosystems	1,500,000
Eutrophication, harmful algal blooms and hypoxia	500,000
University Park, PA	(250,000)
Watkinsville, GA	(250,000)
Predict ecological impacts and extreme natural events	500,000
Lubbock, TX	(250,000)
El Reno, OK	(250,000)
Biologically-based IPM for invasive weeds/pests	500,000
Logan, UT	(250,000)
Kearneysville, WV	(250,000)
Subtotal	22,425,000
Contingency Funds	(928,500)
Pay Cost	4,999,500
Subtotal	26,496,000
Alternative Replacement Crops	800,000
Animal Vaccines, Joint Research between Univ. of CT/Univ. of MO	2,000,000
Animal Waste Management, IL	200,000
Appalachian Pasture-Based Beef System, Beckley, WV	1,000,000
Aquaculture Research, Pine Bluff, AR	500,000
Aquaculture Systems (Rainbow Trout), Univ. of Conn	500,000
Asian Bird Influenza, Athens, GA	300,000
Binational Agricultural Research & Development (BARD)	[1]400,000
Biobased Products	[1]200,000
Biological Controls and Agric. Research:	
Center Biological Controls, FAMU	1,000,000
Science Center of Excellence, FAMU	1,000,000
Biomedical Materials in Plants, Beltsville, MD	500,000
Center for Food Safety/Post Harvest Technology, MS St. Univ	300,000
Fish Diseases, Auburn, AL	500,000
Floriculture and Nursery Crop Research (portion for cooperative agreements with university partners, incl. Calif. Univ. & Cornell Univ,; $200,000 for Ohio State Univ.)	2,000,000
Golden Nematode, Cornell Univ	200,000
Grape Rootstock, Geneva, NY (Ithaca, NY Worksite)	250,000
Greenhouse Lettuce Germplasm, Salinas, CA	250,000
Lettuce Geneticist/Breeder Position, Salinas, CA	250,000
Lyme Disease, Yale Univ	200,000
Mid-West/Mid-South Irrigation, Univ. of MO Delta Center, Portageville, MO	200,000
Nat'l Center for Cool & Coldwater Aquaculture, Leetown, WV	250,000
Nat'l Center for Dev. of Natural Products, Oxford, MS	750,000
Nat'l Sedimentation Lab, Oxford, MS:	
Acoustics	50,000
Yazoo River Basin, MS	500,000
National Warmwater Aquaculture Center, Stoneville, MS	308,000
New England Plant, Soil & Water Research Lab, Orono, ME	300,000
Northern Plains Research Lab, Sidney, MT	750,000
Organic Minor Crop Specialist, Salinas, CA	250,000
Peanut Quality Research, Athens, GA	1,000,000
Post-Harvest and Controlled Atmosphere Chamber (Lettuce), Salinas, CA	250,000
Potato Research Enhancement, Prosser, WA	250,000
Red Imported Fire Ants, Stoneville, MS	350,000
Rice Research, Stuttgart, AR	500,000
Risk Assessment for BT Crops	200,000
Root Diseases of Wheat/Barley, Pullman, WA	500,000
Small Fruits, Poplarville, MS	750,000
Southern Insect Mgmt. (SCA with NCPA), Stoneville, MS	75,000
Sunflower Research, Fargo, ND	200,000
Sustainable Vineyard Practices Position, Davis, CA	250,000
Temperate Fruit Flies, Yakima, WA	250,000
U.S. Plant Stress & Water Conservation Lab, Lubbock, TX	750,000
U.S. Pacific Basin Agricultural Research Center, Hilo, HI	500,000
Viticulture, Univ. of Idaho—Pharma Research and Ext Center, ID	450,000
Watershed Research, Columbia, MO	325,000

Subtotal	22,308,000
FY 2000 Total	834,322,000

[1] Items moved from other USDA accounts.

The conference agreement continues the fiscal year 1999 level of funding for all research projects proposed to be terminated in the President's budget. The conference agreement provides no funding for contingencies.

The conference agreement continues the fiscal year 1999 level of funding for cooperative research conducted at the Rodale Institute, PA, with the ARS Soil-Microbial Systems Laboratory.

The conferees are aware that USDA is considering the relocation of ARS scientists from the Shafter Cotton Research Station, CA. The conferees are concerned that this relocation will reduce the level of resources for cotton research conducted at the station. The conference agreement provides continued funding at the fiscal year 1999 level for this research and directs that no action be taken to shift funds or staffing resources from Shafter without the prior approval of the House and Senate Committees on Appropriations.

The conferees recognize that fruit flies are an impediment to agricultural production in Hawaii and other states and encourage the ARS to consider demonstrating in Hawaii the efficacy of area-wide pest management strategies for fruit flies.

Included in the additional funds recommended for food safety research is an increase of $600,000 for research on listeriosis, sheep scrapie, ovine progressive pneumonia virus, and other emerging diseases. These funds are to be utilized by the USDA–ARS Animal Disease Research Unit in Pullman, WA, in part for collaborative research on sheep scrapie and ovine progressive pneumonia virus with the USDA–ARS Sheep Experiment Station in Dubois, ID.

BUILDINGS AND FACILITIES

The conference agreement provides $52,500,000 for Agricultural Research Service, Buildings and Facilities instead of no funds as proposed by the House and $53,000,000 as proposed by the Senate.

The following table reflects the conference agreement:

Arizona: Water Conservation and Western Cotton Laboratory, Maricopa	$1,400,000
California:	
Western Human Nutrition Research Center, Davis	9,000,000
Western Regional Research Center, Albany	2,600,000
District of Columbia: National Arboretum	500,000
Hawaii: U.S. Pacific Basin Agricultural Research Center	4,500,000
Illinois:	
National Center for Agricultural Utilization Research, Peoria	1,800,000
USDA Greenhouse complex, Urbana	400,000
Iowa: National Animal Disease Center, Ames	3,000,000
Kansas: U.S. Grain Marketing Research Laboratory, Manhattan	100,000
Louisiana: Southern Regional Research Center, New Orleans	5,500,000
Maryland: Beltsville Agricultural Research Center, Beltsville	13,000,000
Mississippi: Biocontrol and Insect Rearing Laboratory, Stoneville	2,000,000
Montana: Fort Keogh Laboratory, Miles City	530,000
New York: Plum Island Animal Disease Center, Greenport	3,500,000
Pennsylvania: Eastern Regional Research Center, Philadelphia	4,400,000
Utah: Poisonous Plant Laboratory, Logan	270,000
Total	52,500,000

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

The conference agreement provides $485,698,000 for research and education activities instead of $467,327,000 as proposed by the House and $473,377,000 as proposed by the Senate.

The Cooperative Extension System is playing a critical role in providing risk management training and other targeted program services to farm and ranch families struggling with the current farm crisis. The conferees encourage the Secretary to provide additional funding to the extension system to carry out these programs subject to the reprogramming requirements of this Act.

The following table reflects the conference agreement:

Research and Education Activities

[In thousands of dollars]

	Conference agreement
Payments Under Hatch Act	180,545
Cooperative forestry research (McIntire-Stennis)	21,932
Payments to 1890 colleges and Tuskegee	30,676
Special Research Grants (P.L. 89–106):	
Advanced spatial technologies (MS)	1,000
Aegilops cylindricum (jointed goatgrass) (WA)	360
Aflatoxin (IL)	130
Agriculture-based industrial lubricants (IA)	250
Agricultural diversification (HI)	131
Agricultural diversity/Red River Trade Corridor (NM/ND)	250
Agriculture Telecommunications (NY)	500
Agriculture water usage (GA)	300
Alliance for food protection (NE, GA)	300
Alternative crops (ND)	550
Alternative crops for arid lands (TX)	100
Alternative salmon products (AK)	650
Animal science food safety consortium (AR, IA, KS)	1,521
Apple fire blight (NY, MI)	500
Aquaculture (LA)	330
Aquaculture (MS)	592
Aquaculture (NC)	300
Aquaculture (VA)	100
Aquaculture product and marketing development (WV)	750
Babcock Institute (WI)	600
Biodiesel research (MO)	152
Blocking anhydrous methamphetamine production (IA)	250
Bovine tuberculosis (MI)	200
Brucellosis vaccines (MT)	500
Center for animal health and productivity (PA)	113
Center for rural studies (VT)	200
Chesapeake Bay agroecology (MD)	150
Chesapeake Bay aquaculture	385
Citrus Tristeza	700
Coastal cultivars (GA)	200
Competitiveness of agricultural products (WA)	680
Cool season legume research (ID, WA)	329
Cranberry/blueberry (MA)	150
Cranberry/blueberry disease and breeding (NJ)	220
Dairy and meat goat research (TX)	63
Delta rural revitalization (MS)	148
Designing foods for health (TX)	375
Diaprepes/Root Weevil (FL)	350
Drought mitigation (NE)	200
Ecosystems (AL)	500
Environmental research (NY)	400
Environmental risk factors/cancer (NY)	200
Environmentally-safe products (VT)	200
Expanded wheat pasture (OK)	285
Farm and rural business finance (IL)	87
Feed Barley for rangeland cattle (MT)	750
Floriculture (HI)	250
Food and Agriculture Policy Institute (IA, MO)	900
Food irradiation (IA)	200
Food marketing policy center (CT)	400
Food processing center (NE)	42
Food quality (AK)	350
Food safety (AL)	525
Food systems research group (WI)	500
Forages for advancing livestock production (KY)	250
Forestry (AR)	523
Fruit and vegetable market analysis (AZ, MO)	320
Generic commodity promotion research and evaluation (NY)	198
Global change	1,000
Global marketing support service (AR)	127
Grain Sorghum (KS)	106
Grass seed cropping systems for a sustainable agriculture (WA, OR, ID)	423
Human nutrition (IA)	473
Human nutrition (LA)	752
Human nutrition (NY)	622
Hydroponic tomato production/germplasm development in forage grasses (OH)	200
Illinois-Missouri Alliance for Biotechnology	1,184
Improved dairy management practices (PA)	296
Improved early detection of crop diseases (NC)	200
Improved fruit practices (MI)	445
Infectious disease research (CO)	300
Institute for Food Science and Engineering (AR)	1,250
Integrated production systems (OK)	180
International agricultural market structures and institutions (KY)	250
International arid lands consortium	400
Iowa biotechnology consortium	1,564
Livestock and dairy policy (NY, TX)	475
Lowbush blueberry research (ME)	220
Maple research (VT)	100
Meadowfoam (OR)	300
Michigan biotechnology consortium	675
Midwest advanced food manufacturing alliance	423
Midwest agricultural products (IA)	592

	Conference agreement
Milk safety (PA)	350
Minor use animal drugs	550
Molluscan shellfish (OR)	400
Multi-commodity research (OR)	364
Multi-cropping strategies for acquaculture (HI)	127
National biological impact assessment	254
Menatode resistance genetic enginerring (NM)	127
Nevada arid rangelands initiative (NV)	300
New crop opportunities (AK)	500
New crop opportunities (KY)	700
Non-food uses of agricultural products (NE)	64
Oil resources from desert plants (NM)	175
Organic waste utilization (NM)	100
Pasture and forage research (UT)	225
Peach tree short life (SC)	162
Peanut allergy reduction (AL)	500
Pest control alternatives (SC)	106
phytophthora root rot (NM)	127
Plant, drought, and disease resistance gene cataloging (NM)	250
Potato research	1,350
Precision agriculture (KY)	1,000
Preharvest food safety (KS)	212
Preservation and processing research (OK)	226
Rangeland ecosystems (NM)	200
Red snapper research (AL)	600
Regional barley gene mapping project	500
Regionalized implications of farm programs (MO), TX)	294
Rice modeling (AR)	296
Rural Development Centers (PA, IA, ND, MS, OR, LA)	523
Rural policies institute (NE, MO)	644
Russian wheat aphid (CO)	200
Seafood harvesting processing and marketing (AK)	650
Seafood and aquaculture harvesting, processing, and marketing (MS)	305
Seafood safety (MA)	300
Small fruit research (OR, WA, ID)	300
Southwest consortium for plant genetics and water resources	338
Soybean cyst nematode (MO)	500
STEEP III—water quality in Pacific Northwest	500
Sustainable agriculture (CA)	300
Sustainable agriculture (MI)	445
Sustainable agriculture and natural resources (PA)	100
Sustainable agriculture systems (NE)	59
Sustainable beef supply (MT)	750
Sustainable pest management for dryland wheat (MT)	500
Swine waste management (NC)	500
Tillage, silviculture, waste management (LA)	212
Tomato wilt virus (GA)	200
Tropical and subtropical research	2,724
Tropical aquaculture (FL)	200
Turkey carnavirus (IN)	200
Urban pests (GA)	64
Vidalia onions (GA)	100
Viticulture consortium (NY, CA)	1,100
Water conservation (KS)	79
Weed control (ND)	423
Wetland plants (LA)	600
Wheat genetic research (KS)	261
Wood utilization research (OR, MS, NC, MN, ME, MI, ID, TN, AK)	5,786
Wool research (TX, MT, WY)	300
Total, Special Research Grants	63,238
Improved pest control:	
Emerging pest/critical issues	200
Expert IPM decision support system	177
Integrated pest management	2,731
Minor crop pest management (IR–4)	8,990
Pest management alternatives	1,623
Total, Improved pest control	13,721
Competitive research grants:	
Animals	29,000
Markets, trade and development	4,600
Nutrition, food safety and health	16,000
Natural resources and the environment	20,500
Plants	41,000
Processes and new products	8,200
Total, Competitive research grants	119,300
Animal Health and Disease (Sec. 1433)	5,109
Alternative Crops	750
Critical Agricultural Materials Act	650
1994 Institutions research program	500
Graduate fellowship grants	3,000
Institution challenge grants	4,350
Multicultural scholars program	1,000
Hispanic education partnership grants	2,850
Secondary agriculture education	500
Aquaculture Centers (Sec. 1475)	4,000
Sustainable agriculture	8,000
Capacity building grants (1890 institutions)	9,200
Payments to the 1994 Institutions	1,552
Federal Administration:	
Agriculture development in the American Pacific	564
Agriculture waste utilization (WV)	500
Alternative fuels characterization laboratory (ND)	218
Animal waste management (OK)	250
Biotechnology research (MS)	500
Center for Agricultural and Rural Development (IA)	355
Center for innovative food technology (OH)	381
Center for North American Studies (TX)	87
Climate change research (FL)	200
Cotton research (TX)	200
Data information system	2,000
Geographic information system	1,000
Livestock Marketing Information Center (CO)	200
Mariculture (NC)	250
Mississippi Valley State University	583
National Center for Peanut Competitiveness	300
Office of extramural programs	310
Pay costs and FERS	1,100
Peer panels	350
PM–10 study, (CA, WA)	873
Precision agriculture (AL, TN)	500
Shrimp aquaculture (AZ, HI, MS, MA, SC)	3,354
Water quality (IL)	350
Water quality (ND)	400
Total, Federal Administration	14,825
Total, Research and Education Activities	485,698

The conferees direct that funding provided for the hydroponic tomato production/germplasm development in forage grasses special grant will be divided equally, with $100,000 for hydroponic tomato production at Ohio State University and $100,000 for germplasm development in forage grasses at the University of Toledo.

The conference agreement includes $5,786,000 for wood utilization research, of which $650,000 is for the establishment of a new center in Alaska. The remainder is to maintain each of the existing centers at its fiscal year 1999 funding level.

The conference agreement includes $750,000 for alternative crops, of which $550,000 is for canola and $200,000 is for hesperaloe.

The conferees do not concur with language included in the Senate report that Challenge Grants program funds be used to support the Food and Agricultural Education Information System (FAEIS). Section 223 of the Agricultural Research, Extension, and Education Reform Act of 1998 makes amounts available under Section 1417 of the National Agricultural Research, Extension, and Teaching Policy Act available to maintain an agricultural education information system.

The conferees expect that the deadline for proposals for funding under the Secondary Agriculture Education program will be no later than in the Spring of 2000.

EXTENSION ACTIVITIES

The conference agreement provides $424,922,000 for extension activities instead of $438,987,000 as proposed by the House and $422,620,000 as proposed by the Senate.

The following table reflects the conference agreement:

Extension Activities

[In thousands of dollars]

	Conference agreement
Smith-Lever 3(b) & 3(c)	276,548
Smith-Lever 3(d):	
Farm safety	4,000
Food and nutrition education (EFNEP)	58,695
Indian reservation agents	1,714
Pest management	10,783
Rural development centers	908
Sustainable agriculture	3,309
Youth at risk	9,000
1890 Colleges and Tuskegee	26,843
1890 facilities grants	12,000
Renewable Resources Extension Act	3,192
Rural health and safety education	2,628
Extension services at the 1994 institutions	3,060
Subtotal	412,680
Federal Administration and special grants:	
Ag in the classroom	208
Beef producers' improvement (AR)	197
Botanic gardens initiative (IL)	125
Conservation technology transfer (WI)	200
Delta teachers academy	3,500
Diabetes detection, prevention (WA)	550
Extension specialist (MS)	100
General administration	4,787
Income enhancement demonstration (OH)	246
Integrated cow/calf resources management (IA)	250
National Center for Agriculture Safety (IA)	195
Pilot tech. transfer (OK, MS)	326
Pilot tech. transfer (WI)	163
Range improvement (NM)	197

	Conference agreement
Rural development (AK)	325
Rural development (NM)	280
Rural development (OK)	150
Rural rehabilitation (GA)	246
Wood biomass as an alternative farm product (NY)	197
Total, Federal Administration	12,242
Total, Extension Activities	424,922

Of the funds made available for farm safety, the conference agreement includes $3,055,000 for the AgrAbility project.

The conferees expect a 4–H after-school program to be administered by the Los Angeles County Cooperative Extension Office of the University of California to be considered for funding from the funds made available to California under Smith-Lever 3(b) and (c).

INTEGRATED ACTIVITIES

The conference agreement provides $39,541,000 for integrated activities instead of no funds as proposed by the House and $35,541,000 as proposed by the Senate.

Within the funds made available for water quality, the conferees expect that no less than the fiscal year 1999 levels of funding will be provided for the Farm*A*Syst program, and the Agricultural Systems for Environmental Quality and the Management Systems Evaluation programs.

The following table reflects the conference agreement:

Integrated activities

[In thousands of dollars]

	Conference agreement
Water quality	13,000
Food safety	15,000
Pesticide impact assessment	4,541
Crops at risk from FQPA implementation	1,000
FQPA risk mitigation program for major food crop systems	4,000
Methyl bromide transition program	2,000
Total, Integrated Activities	39,541

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

The conference agreement provides $441,263,000 for the Animal and Plant Health Inspection Service (APHIS) instead of $444,000,000 as proposed by the House and $439,445,000 as proposed by the Senate.

The following table reflects the confence agreement:

[In thousands of dollars]

	Conference agreement
Pest and disease exclusion:	
Agricultural quarantine inspection	34,576
User fees	87,000
Subtotal, Agricultural quarantine inspection	121,576
Cattle ticks	5,000
Foot-and-mouth disease	3,803
Import-export inspection	6,815
International programs	7,539
Fruit fly exclusion and detection	25,204
Screwworm	30,301
Tropical bont tick	407
Total, Pest and disease exclusion	200,645
Plant and animal health monitoring:	
Animal health monitoring and surveillance	66,000
Animal and plant health regulatory enforcement	5,855
National animal health emergency management system	627
Pest detection	6,685
Total, Plant and animal health monitoring	79,167
Pest and disease management programs:	
Aquaculture	767
Biocontrol	8,160
Boll weevil	17,757
Brucellosis eradication	10,887
Golden nematode	580
Gypsy moth	4,366
Imported fire ant	100
Emerging plant pests	3,510
Noxious weeds	424
Pink bollworm	1,548
Pseudorabies	4,567
Scrapie	2,991
Tuberculosis	4,920
Wildlife services—operations	31,672
Witchweed	1,506
Total, Pest and disease management programs	93,755
Animal care:	
Animal welfare	10,175
Horse protection	361
Total, Animal care	10,536
Scientific and technical services:	
Biotechnology/environmental protection	8,530
Integrated systems acquisition project	3,500
Plant methods development laboratories	4,693
Veterinary biologics	10,345
Veterinary diagnostics	15,622
Wildlife services—methods development	10,365
Total, Scientific and technical services	53,055
Contingency fund	4,105
Total, Salaries and expenses	441,263

The conferees are aware of the spread of Pierce's disease to many California crops resulting from the presence of the Glassy-winged Sharpshooter and accordingly encourage APHIS to work with the proper California agencies to help control these infestations and to draw upon the contingency fund as appropriate.

The conference agreement does not include an earmark of $6,000,000 for the State of Florida for fruit fly exclusion and detection as proposed by the Senate.

The conference agreement adopts House language providing $500,000 for research and evaluation of nicarbizin as a means of controlling avian populations for airport safety.

The conference agreement provides $100,000 for control, management and eradication of the imported fire ant of which, $58,000 is for use in New Mexico.

The conference report provides $767,000 for aquaculture of which $100,000 is to support a wildlife biologist at the Northwest Florida Aquaculture Farm in Blountstown, FL to serve parts of Florida, Alabama and Georgia.

The conference agreement directs that the additional funding of $100,000 above the fiscal year 1999 level in aquaculture for bird depredation is provided for work on telemetry studies conducted at the Wildlife Services offices in Starkville, MS.

The conference agreement adopts Senate language noting that the increase in the boll weevil eradication program over fiscal year 1999 is to increase the federal cost share. The conference agreement also adopts Senate language urging continuation of the development of the geographic information system so that economic and entomological efficiency of the boil weevil program can continue to improve and reduce overall program costs.

The conference agreement adopts Senate language assuming the decrease in the proposed budget for brucellosis eradication, but providing an increase of $750,000 for the State of Montana to protect the state's brucellosis-free status, the operation of the bison quarantine facility, and testing of bison that have left Yellowstone National Park. The conference agreement also provides an increase of $610,000 for the Greater Yellowstone Interagency Brucellosis Committee and encourages the coordination of federal, state and private actions aimed at eliminating brucellosis in the greater Yellowstone area.

The conference agreement adopts Senate language providing an increase of $136,000 above the fiscal year 1999 level for a total of $376,000 for the National Poultry Improvement Plan.

The conference agreement adopts House language that expects the Secretary to instruct APHIS to utilize all available resources to provide financial assistance, in addition to direct appropriations and grower assessments, to operate the pink bollworm program in fiscal year 2000.

The conference agreement adopts Senate language providing funding for the Commercial Transportation of Equines for Slaughter Act at the fiscal year 1999 level.

The conference agreement provides no funding for the contagious equine metritis program as proposed by the Senate.

The conference agreement adopts Senate language continuing the demonstration project on kudzu at the fiscal year 1999 level. The conferees encourage APHIS to continue working with the State of Texas regarding *orobanche ramosa* at the fiscal year 1999 level.

The conference agreement does not provide the requested increases in support of the Presidential Order on Invasive Alien Species as proposed by the Senate. The House report provided full funding for this activity.

The conference report provides an increase of $137,000 above the fiscal year 1999 level for the National Monitoring and Residue Analysis Laboratory in Gulfport, MS instead of $1,137,000 as proposed by the Senate. The House provided no funding for this activity. The conferees encourage APHIS to work with the laboratory in securing timely payments for contract work done for USDA agencies.

The conference agreement includes an increase of $3,928,000 for additional inspectors which will rpovide 23 staff years at the Canadian border, 15 staff years at the Mexican border, and 12 staff years at the Hawaiian border.

The conferees are concerned about the serious damage to rangeland and cropland by grasshoppers and Mormon crickets in the western United States. Additional line item monies are not available for this activity, therefore, the conferees direct the agency to use contingency funds along with available Commodity Credit Corporation funds to assist the farmers and ranchers in the western states to control the growing population of grasshoppers and Mormon crickets.

The conference agreement does not include an increase of $2,000,000 above the fiscal year 1999 for the enforcement of the Animal Welfare Act as proposed in the Senate.

The conferees note that the agency has published regulations implementing the Animal Welfare Act which bans tethering of dogs, a practice common in Alaska and other

locations that use sled dogs for transportation. A recent study conducted at Cornell University suggests that there is no significant difference in terms of aggressiveness, stressful behavior, socialization, or animal health between tethering dogs and keeping dogs in fenced, outdoor kennels under USDA/APHIS-approved conditions. In light of this new information, the conferees direct the agency to reevaluate its regulations on tethering and report to the Committees on Approriations its conclusions no later than March 1, 2000.

The conferees urge the Secretary to consider requests from the Senate of Florida for Commodity Credit Corporation (CCC) funds for canopy replacement for trees destroyed in canker-affected areas, for release of the sterile Mediterranean fruit fly, and for increased fruit fly trappings.

The conferees support the Department's continuation fo the screwworm program to assure the pest does not reestablish itself in the United States and commends the efforts of the Department in assuring the lease of a production plant in Panama to maintain a biological barrier to the screwworm fly.

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The conferees expert APHIS not to redirect support for programs and activities without prior notification to and approval of the Committees on Appropriations in accordance with reprogramming procedures specified in the Act. The conferees also require that APHIS implement appropriations by programs, projects, commodities and activities as specified by the Committees unless otherwise notified. The conferees direct that unspecified reductions necessary to carry out provisions of this Act are to be implemented in accordance with the definitions contained in the ''Program, project, and activity'' section of the Senate report.

BUILDINGS AND FACILITIES

The conference agreement provides $5,200,000 for buildings and facilities as proposed by the Senate instead of $7,200,000 as proposed by the House.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

The conference agreement provides $51,625,000 for the Agricultural Marketing Service instead of $49,152,000 as proposed by the House and $51,229,000 as proposed by the Senate. The conference agreement includes $321,000 for enhancing market opportunities for small farmers, and an additional $2,398,000 for the pesticide data program.

The conferees understand that the AMS plans to publish revised draft regulations implementing the National Organic Foods Production Act. The conferees further understand that AMS has agreed to convene two national meetings to begin development of organic standards with respect to seafood, one to be held in Alaska and one on the Gulf Coast. The conferees expect the agency to use the information gathered at these meetings to develop draft regulations establishing national organic standards for seafood to be published in fiscal year 2000. An additional $75,000 has been provided to organize these meetings, associated costs, and develop the draft seafood regulations.

The conferees direct the AMS, with the assistance of the Economic Research Service and other appropriate USDA agencies, to develop a study measuring the exent slotting fees charged by retail supermarkets to shelve products impact the ability of small and medium-sized producers to reach retail markets and consumers. The AMS is to report to the House and Senate Appropriations Committees prior to the fiscal year 2001 hearings on the design, scope and objectives of this study together with a schedule for its completion.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides $26,448,000 for the Grain Inspection, Packers and Stockyards Administration as proposed by the House instead of $26,287,000 as proposed by the Senate.

FOOD SAFETY AND INSPECTION SERVICE

The conference agreement provides $649,411,000 for the Food Safety and Inspection Service instead of $652,955,000 as proposed by the House and $638,404,000 as proposed by the Senate.

Of the amount provided, no less than $544,902,000 is reserved for Federal food inspection. Included in this amount is $8,000,000 above the budget request for filling inspector vacancies and recruiting new inspectors, and $3,007,000, the same amount requested in the budget, for hiring new inspectors. The conferees note that despite being provided with its full budget request for fiscal year 1999, the agency has failed to devote sufficient funds for inspection activities. This has led to inspector shortages in certain parts of the country, creating an unnecessary hardship for the affected plants.

The conference agreement includes $2,900,000 above the fiscal year 1999 level for the FSIS portion of the Food Safety Initiative, the full amount requested in the budget. The agreement does not provide funds requested for Consumer Safety Officers. The conferees are concerned about the substantial funding increase required to convert and relocate current employees to these upgraded positions. The conferees expect the agency to evaluate its staffing needs and to determine if relocation costs can be avoided by utilizing qualified local personnel and if these positions may be upgraded in a more cost effective manner, and report its findings to the Committees on Appropriations of the House and Senate no later than February 15, 2000.

The conferees expect the agency to provide the Committees on Appropriations of the House and Senate with an analysis of its staffing needs and recruitment program no later than February 15, 2000. If third-party consultants are necessary in order to fully evaluate recruitment, the agency should utilize such services. The conferees expect the agency to provide quarterly updates on budget execution, staffing levels and staffing needs in an effort to avoid future inspector shortages.

FARM SERVICE AGENCY

STATE MEDIATION GRANTS

The conference agreement provides $3,000,000 for state mediation grants instead of $4,000,000 as proposed by the House and $2,000,000 as proposed by the Senate.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

The following table reflects the conference agreement:

Farm Operating Loans:	
Guaranteed subsidized	($200,000,000)
Subsidy	17,620,000
Emergency disaster loans	(25,000,000)
Subsidy	3,882,000

The conference agreement provides for emergency loans an estimated program level of $25,000,000 and a subsidy of $3,882,000 as proposed by the Senate instead of $53,000,000 and $8,231,000 as proposed by the House. The conferees agree that should additional funds be needed to meet the needs of farmers and ranchers affected by natural disasters, they will favorably consider requests of the Administration to provide supplemental funding for this program.

RISK MANAGEMENT AGENCY

The conference agreement provides $64,000,000 for the Risk Management Agency as proposed by the Senate instead of $70,716,000 as proposed by the House.

CORPORATIONS

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

The conference agreement provides such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses as proposed by the Senate instead of a limitation of $14,368,000,000 as proposed by the House.

TITLE II—CONSERVATION PROGRAMS

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

The conference agreement provides $661,243,000 for the Natural Resources Conservation Service Conservation Operations instead of $654,243,000 as proposed by the House and $656,243,000 as proposed by the Senate. Included in this amount is not less than $5,990,000 for snow survey and water forecasting as proposed by the Senate instead of $6,124,000 as proposed by the House, and not less than $9,125,000 for operation and establishment of plant materials centers as proposed by the Senate instead of $9,238,000 as proposed by the House.

The conference agreement does not include bill language as proposed by the House which prohibits conservation operations appropriations from being used for demonstration programs.

In addition to the items in the House and Senate reports that are not changed by the conference agreement, funding is included for the following items: $1,000,000 for the Resurrection River North Forest Acres instead of $1,250,000 proposed by the Senate; $150,000 for native plants to clean up the Island of Kahoolawe instead of $200,000 as proposed by the Senate; $150,000 to test emerging alternative technology to reduce phosphorus loading into Lake Champlain instead of $300,000 as proposed by the Senate; $17,000,000 for the Grazing Lands Conservation Initiative instead of $15,000,000 as proposed by the House and the Senate; $3,000,000 for the National Fish and wildlife Foundation Partnerships instead of $5,000,000 proposed by the Senate; $7,870,000 for Animal Feeding Operation instead of $5,000,000 as proposed by the Senate; and $80,000 for the Tri-Valley Watershed in Utah instead of $500,000 as proposed by the Senate.

The conferees direct the NRCS to provide financial assistance to the Salinas Valley Water Project in Monterrey County, California.

The conference agreement includes bill language that directs the Chief of the Natural Resources Conservation Service to settle claims associated with the Chuquatonchee Water Project in Mississippi.

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement includes a provision that of the funds available for Emergency Watershed Protection activities $8,000,000 shall be available for Mississippi, Wisconsin, New Mexico, and Ohio for financial and technical assistance for pilot rehabilitation projects.

In addition to the items in the House and Senate reports that are not changed by the conference agreement, the following items

are included: the conferees direct the NRCS to provide financial assistance to the Freeman Lake Dam in Kentucky and the Tri-Valley Watershed project in Utah.

The conferees direct that the amount of Federal funds that may be made available to an eligible local organization for construction of a particular rehabilitation project shall be equal to 65 percent of the total rehabilitation costs, but not to exceed 100 percent of actual construction costs incurred in the rehabilitation. Consistent with existing statute, rehabilitation assistance provided, may not be used to perform operation and maintenance activities specified in the agreement for the covered water resource projects entered into between the Secretary and the eligible local organization responsible for the works of improvement.

The conferees are aware of continued flooding in the Malheur-Harney Lakes Basin in Oregon, and note that the lake has risen nearly five feet during the past two years. The conferees encourage the agency, with the cooperation of the Farm Service Agency, to assist in the locally coordinated flood response and water management activities being developed in addition to providing assistance through any flood compensation programs. NRCS and FSA should continue to utilize conservation programs in providing water holding and storage areas on private land as necessary intermediate measures in watershed management.

RESOURCE CONSERVATION AND DEVELOPMENT

The conference agreement provides $35,265,000 for the Resource Conservation and Development program as proposed by the House instead of $35,000,000 as proposed by the Senate.

FORESTRY INCENTIVES PROGRAM

The conference agreement provides $6,325,000 for the Forestry Incentives program as proposed by the Senate. The House bill provided no funds for this account.

TITLE III—RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

The conferees note extensive backlogs of applicants for rural development programs and direct the Department to use rural development resources only on programs that directly benefit applicants for these programs.

The House and Senate reports recommend projects for consideration under various rural development programs, and the conferees expect the Department to apply established review procedures when considering applications.

The conferees further expect the Department to give consideration to the following request for assistance from rural development programs: construction necessary for the withdrawal, treatment and transmission of water from the Ouachita River to supplement the water supply needs of Union County, AR; the Kettering Medical Center healthy hearts program in medically underserved areas of southwestern Ohio; the Western Massachusetts food processing center; rural utilities projects for the town of Lloyd, NY; a rural business enterprise grant for the Delta Training Center, Indianala, MS; a rural cooperative development grant for the conversion of the Chickasha Cotton Gin, GA. to a cooperative canola seed crushing plant; a community facilities loan and/or grant to address the serious housing shortage for the teachers at Mississippi Valley State University; a rural business enterprise grant for the Impact Seven Project in Almena, WI; the Rural Sanitation Training Initiative (AK) for wastewater technical assistance grants: a request from the California Human Development Corporation, Northern County Region, to expand existing housing for migrant farm Workers in Napa County; funds to assist construction of the Napa Valley Vinters Health Center project to house non-profit medical organizations serving the low-income farm population in Napa Country; and a rural business enterprise grant for the Pembroke Farming Cooperative, Kankakee County, IL.

The conferees are aware of the stress of the salt and fresh water resources caused by the growing population along the Mississippi gulf Coast and direct the Department to utilize its discretionary authority to give high priority applications from that region for water and sewer loans and grants.

The conferees are concerned with the recent economic and infrastructure losses in Grant and Hidalgo Counties, New Mexico. Acordingly, the conferees direct the Secretary to employ the resources of the Department, particularly Rural Development, to provide such assistance as necessary to Grant and Hidalgo Counties, New Mexico.

RURAL DEVELOPMENT

RURAL COMMUNITY ADVANCEMENT PROGRAM

The conference agreement provides $718,837,000 for the Rural Community Advancement Program (RCAP) instead of $718,006,000 a proposed by the Senate and $669,103,000 as proposed by the House.

The following table reflects the conference agreement:

RCAP Accounts	
Water/Sewer	$631,088,000
Community/Facilities	23,150,000
Business-Cooperative Development	6,599,000
Total	$718,837,
Earmarks:	
Tech. Asst. (water/sewer)	16,215,000
Circuit Rider	7,300,000
Native Americans	12,000,000
Rural Community Development Initiative	6,000,000

The conference agreement does not provide the requested set asides for hazardous weather early warning systems and partnership technical assistance grants. The conferees direct the Department to consider applications for these activities and make grants from the appropriate RCAP accounts.

The conference does not provide authority for state rural development directors to transfer funds among accounts.

The conference agreement provides $6,000,000 for the Rural Community Development Initiative as proposed by the House.

The conference agreement includes a set aside of $45,245,000 for empowerment zones, enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

The conferees direct that $1,000,000 of the funds appropriated to the Rural Community Advancement Program be designated for an agri-tourism program.

The conference agreement includes special grant funding for water and waste disposal assistance under the RCAP for Federally recognized Native American Tribes. This provision is intended to help overcome a problem in extremely impoverished areas where communities may not otherwise be eligible for RCAP water and waste disposal assistance programs due to an in ability to meet loan repayment requirements. The conferees note that many Native American Tribes are able to meet the more stringent requirements of the normal RCAP programs and they are expected to apply for assistance from funds other than those specifically provided by this special provision.

The conference agreement provides $3,500,000 for the Rural Business Opportunity Grant (RBOG) program. The conferees direct the Department to use its transfer authority under the RCAP to add additional funds for the RBOG program as needed. The conferees direct the Department to use RBOG funds for regional economic plan activities on behalf of local governments and their designees. Of the funds provided for the RBOG program, the conferees direct the Department to use $1,000,000 for communities designated by the Secretary of Agriculture as Rural Economic Area Partnerships.

The conferees are aware of the acute need for resources to link rural education and medical facilities in upstate New York with urban centers, and are concerned that no applications from this area were funded in fiscal year 1999. The conferees are also concerned that special consideration was not given to applications from Rural Economic Area Partnership (REAP) communities nationwide. The conferees urge the Department to give consideration to applications from upstate New York and REAP communities nationwide in fiscal year 2000.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

The conference agreement provides a total subsidy $181,560,000 (providing for an estimated loan program level of $4,589,737,000) for activities under the Rural Housing Insurance Fund Program Account instead of $204,083,000 (providing for an estimated loan program level of $4,832,687,000) as proposed by the House and $182,185,000 (providing for an estimated program level of $4,594,694,000) as proposed by the Senate.

The conference agreement includes a set aside of $11,180,000 for empowerment zones, enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

The following table reflects the conference agreement:

Rural Housing Insurance Fund Program Account:	
Loan authorizations:	
Single family (sec. 502)	(1,100,000,000)
Unsubsidized guaranteed	(3,200,000,000)
Housing repair (sec. 504)	(32,396,000)
Farm labor (sec. 514)	(25,001,000)
Rental housing (sec. 515)	(114,321,000)
Multi-family housing guarantees (sec. 538)	(100,000,000)
Site loans (sec. 524)	(5,152,000)
Credit sales of acquired property	(7,503,000)
Self-help housing land development fund	(5,000,000)
Total, Loan authorizations	(4,589,373,000)
Loan subsidies:	
Single family (sec. 502)	93,830,000
Unsubsidized guaranteed	19,520,000
Housing repair (sec. 504)	9,900,000
Multi-family housing guarantees (sec. 538)	480,000
Farm labor (sec. 514)	11,308,000
Rental housing (sec. 515)	45,363,000
Site loans (sec. 524)	4,000
Credit sales of acquired property	874,000

Self-help housing land development fund	281,000
Total, Loan subsidies ..	181,560,000
RHIF administration expenses (transfer to RHS)	375,879,000
Total, Rural Housing Insurance Fund	197,439,000
(Loan authorization)	(4,589,373,000)

The conference agreement adopts House bill language allowing the transfer of up to $7,000,000 to the ''Outreach for Socially Disadvantaged Farmers'' program. The Senate bill had no similar provision.

RENTAL ASSISTANCE PROGRAM

The conference agreement provides $640,000,000 for rental assistance as proposed by the Senate instead of $583,400,000 as proposed by the House.

MUTUAL AND SELF-HELP HOUSING GRANTS

The conference agreement provides $28,000,000 for Mutual and Self-Help Housing Grants as proposed by the House instead of $26,000,000 as proposed by the Senate.

The conference agreement includes a set aside of $1,000,000 for empowerment zones, enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

The conference agreement provides $45,000,000 for Rural Housing Assistance Grants instead of $50,000,000 as proposed by the House and $41,000,000 as proposed by the Senate.

The conference agreement includes a set aside of $1,200,000 for empowerment zones, enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones as proposed by the Senate instead of $3,250,000 as proposed by the House.

SALARIES AND EXPENSES

The conference agreement provides $61,979,000 for salaries and expenses as proposed by the House instead of $60,978,000 as proposed by the Senate. The conference agreement also provides for a transfer of $375,879,000 from the Rural Housing Insurance Fund as proposed by the Senate. The total provided for salaries and expenses of the Rural Housing Service is $437,858,000 as proposed by the House instead of $421,763,000 as proposed by the House.

The conference agreement includes a provision that allows the Administrator of the Rural Housing Service to spend not more than $10,000 for non-monetary awards to non-employees of the Department of Agriculture as proposed by the House. The Senate bill had no similar provision.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

The conference agreement provides a total subsidy of $16,615,000 (providing for an estimated loan program level of $38,256,000) for the Rural Development Loan Fund Program Account as proposed by the Senate instead of $22,799,000 (providing for an estimated loan program level of $52,495,000) as proposed by the House.

The conference agreement includes a set aside of $3,216,000 for loan subsidies for empowerment zones, enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones as proposed by the Senate instead of $4,343,000 as proposed by the House.

The conference agreement does not adopt Senate bill language requiring the Department of Agriculture to propose a revised regulation on fees charged to lenders on guaranteed business and industry loans. The House bill had no similar provision.

RURAL COOPERATIVE DEVELOPMENT GRANTS

The conference agreement provides a total of $6,000,000 for rural cooperative development grants as proposed by the House instead of $5,500,000 as proposed by the Senate. Both House and Senate bills provide $1,500,000 from the total amount available for cooperative agreements for the appropriate technology transfer for rural areas program. The conference agreement provides $500,000 for cooperative research agreements instead of $1,500,000 as proposed by the House. The Senate bill had no similar provision.

The conference agreement adopts Senate bill language providing that at least 25 percent of the total amount appropriated shall be made available to cooperatives or associations of cooperatives that assist small, minority producers.

The conferees direct the Department to consider a proposal from the primary national swine commodity organization representing the pork producers to conduct an in-depth feasibility study and economic analysis of forming national pork producer-owned cooperatives.

SALARIES AND EXPENSES

The conference agreement provides a direct appropriation of $24,612,000 for salaries and expenses of the Rural Business-Cooperative Service as proposed by the House instead of $25,680,000 as proposed by the Senate.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION CORPORATION REVOLVING FUND

The conference agreement does not provide funding for the Alternative Agricultural Research and Commercialization Corporation Revolving Fund. The Senate bill provided $3,500,000 for this account.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

The conference agreement provides a total subsidy of $15,132,000 (providing for an estimated loan program level of $2,611,500,000) for activities under the Rural Electrification and Telecommunications Loans Program Account instead of $15,132,000 (providing for an estimated loan program level of $2,411,500,000) as proposed by the House and $14,679,000 (providing for an estimated program level of $1,561,500,000) as proposed by the Senate.

The following table reflects the conference agreement:

Rural Electrification and Telecommunications Loans Program Account:	
Loan authorizations:	
Direct loans:	
Electric 5%	(121,500,000)
Telecommunications 5%	(75,000,000)
Subtotal	(196,500,000)
Treasury rates: Telecommunications	(300,000,000)
Muni-rate: Electric	(295,000,000)
FFB loans:	
Electric, regular	(1,700,000,000)
Telecommunications	(120,000,000)
Subtotal	(1,820,000,000)
Total, Loan authorizations	(2,611,500,000)
Loan subsidies:	
Direct loans:	
Electric 5%	1,095,000
Telecommunications 5%	840,000
Subtotal	1,935,000
Treasury rates: Telecommunications	2,370,000
Muni-rate: Electric	10,827,000
FFB loans: Electric, regular	
RETLP administrative expenses (transfer to RUS)	31,046,000
Total, Rural Electrification and Telecommunications Loans Program Account	46,178,000
(Loan authorization)	2,611,500,000

The conference report adopts Senate bill language appropriates separate subsidies for the cost of direct loans, cost of municipal rate loans and cost of money for rural telecommunications loans. The House bill proposed two aggregate subsidy amounts for the cost of rural electric and telecommunications loans.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The conference agreement provides a total subsidy of $3,290,000 (providing for an estimated loan program level of $175,000,000) for the Rural Telephone Bank Program Account as proposed by the House instead of $2,961,000 (providing for an estimated loan program level of $157,509,000) as proposed by the Senate.

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

The conference agreement provides $20,700,000 for the Distance Learning and Telemedicine Program instead of $16,700,000 as proposed by the House and $13,200,000 as proposed by the Senate. The conference agreement also provides that $20,000,000 of the total amount shall be available for grants under this program instead of $16,000,000 as proposed by the House and $12,500,000 as proposed by the Senate. Both House and Senate bills provide a subsidy of $700,000 from the total amount available, which provides for an estimated loan level of $200,000,000.

The conferees are aware of the acute need for resources to link rural education and medical facilities in upstate New York with urban centers, and are concerned that no applications from this area were funded in fiscal year 1999. The conferees are also concerned that special consideration was not given to applications from Rural Economic Area Partnership (REAP) communities in the state. The conferees urge the Department to give consideration to applications from upstate New York and REAP communities in fiscal year 2000.

The conferees support continued funding from the Distance Learning and Telemedicine Program for the Community Hospital TeleHealth Consortium demonstration project to improve health services for medically underserved areas in Louisiana and Mississippi.

SALARIES AND EXPENSES

The conference agreement provides a total appropriation of $68,153,000 for salaries and expenses of the Rural Utilities Service as proposed by the House instead of $65,982,000 as proposed by the Senate.

TITLE IV—DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

The conference agreement provides a total of $9,554,028,000 for Child Nutrition Programs instead of $9,547,028,000 as proposed by the House and $9,560,028,000 as proposed by the Senate. Included in this amount is an appropriated amount of $4,611,829,000; an amount

transferred from section 32 of $4,935,199,000; and $7,000,000 for the school breakfast pilot project instead of $13,000,000 as proposed by the Senate and no funds as proposed by the House.

The conference agreement provides the following for Child Nutrition Programs:

Child Nutrition Programs:	
School lunch program	$5,480,010,000
School breakfast program	1,421,789,000
Child and adult care food program	1,769,766,000
Summer food service program	31,946,000
Special milk program	17,551,000
State administrative expenses	120,104,000
Commodity procurement and support	406,499,000
School meals initiative ..	10,000,000
School breakfast pilot	7,000,000
Coordinated review effort	4,363,000
Food safety education	2,000,000
Total	$9,554,028,000

The conference agreement provides $10,000,000 for the school meals initiative. Included in this amount is $4,000,000 for food service training grants to states, $1,600,000 for technical assistance materials, $800,000 for the National Food Service Management Institute cooperative agreement, $400,000 for print and electronic food service resource systems, and $3,200,000 for other activities.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

The conference agreement provides $4,032,000,000 for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) instead of $4,005,000,000 as proposed by the House and $4,038,107,000 as proposed by the Senate.

The conferees clarify that it is not the intent of the final proviso under the WIC heading to preclude WIC from providing immunization screening, referral and assessment services.

The conferees are aware that the Department is considering changes in the food package to the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). One of those proposals involves potential exceptions to the current sugar cap for the WIC food package. The sugar cap is an issue that has been studied many times, always with the same conclusion. The consensus from the studies, nutritionists, State WIC directors, sugar commodity associations and dentists is that no exceptions to the sugar cap should be made. Accordingly, the conferees direct that the Department make no exceptions to the sugar cap.

FOOD STAMP PROGRAM

The conference agreement provides $21,071,751,000 for the Food Stamp Program instead of $21,577,444,000 as proposed by the House and $21,563,744,000 as proposed by the Senate. Included in this amount is a contingency reserve of $100,000,000; $1,268,000,000 for nutrition assistance to Puerto Rico; and $98,000,000 for TEFAP. The amount includes a downward re-estimate, as reflected in the Mid-Session Review.

COMMODITY ASSISTANCE PROGRAM

The conference agreement provides $133,300,000 for the Commodity Assistance Program instead of $151,000,000 as proposed by the House and $131,000,000 as proposed by the Senate. Included in the amount is $45,000,000 for administration of TEFAP. The conferees note that there is a $7,700,000 carryover from fiscal year 1999 in this account for the Commodity Supplemental Food Program and have adjusted the appropriation accordingly to maintain a $96,000,000 program level in fiscal year 2000.

The conferees note that there is a pattern of continuing unexpended balances for the Commodity Supplemental Food Program that could be used to respond to requests for new or expanded programs. Mississippi, Montana, Ohio, Texas, and Vermont all are in a position to begin new programs. The conferees expect the Department to work closely with these applicants, and to take such action as may be necessary later in fiscal year 2000 to effectively utilize the dollars available to maximize participation of these states.

FOOD PROGRAM ADMINISTRATION

The conference agreement provides $111,561,000 for Food Program Administration as proposed by the Senate instead of $108,561,000 as proposed by the House. Included in this amount is an increase of $3,000,000 for program and financial integrity advancement.

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

The conference agreement provides $113,469,000 for the Foreign Agricultural Service and General Sales Manager instead of $142,274,000 as proposed by the House and $140,469,000 as proposed by the Senate.

Included in the total amount provided is a direct appropriation of $109,203,000 instead of $137,768,000 as proposed by the House and $136,203,000 as proposed by the Senate.

The conference agreement adopts a Senate provision which provides for the transfer of $3,231,000 from the Export Loan program and $1,035,000 from the P.L. 480 program account under the P.L. 480 and Export Loan Program accounts instead of $3,413,000 from the Export Loan Program and $1,093,000 from the P.L. 480 program account as proposed by the House.

The conference agreement does not include a Senate bill provision prohibiting funds in this account from being used to promote the sale of alcohol beverages, including wine. The House bill had no similar provision.

The conference agreement does not include a Senate bill provision providing up to $2,000,000 solely for the purpose of offsetting international exchange rate fluctuations. The House bill had no similar provision. The conferees note that the deletion of this provision does not indicate a judgment on the merits of the request but reflects the fact that the agency has not developed a plan for this activity as requested in the statement of managers accompanying the fiscal years 1998 and 1999 appropriations Act conference report. The conferees expect such a plan to be submitted with the fiscal year 2001 President's Budget.

The conference agreement deletes House report language which expects that no appropriated funds will be used to pay for travel and other expenses of non-U.S. Government employees participating in the Reverse Trade Mission Program. The Senate report had no similar language. The conference agreement does not approve the funding requested in the budget to create this new program.

The conference agreement maintains the fiscal year 1999 level of funding for the Cochran Fellowship Program.

The conferees recognize the potential for beneficial impact for both farmers and recipients from the monetization of commodity sales in international assistance efforts. The conferees direct the Foreign Agricultural Service, with the assistance of the Economic Research Service and other appropriate USDA agencies, to develop a study demonstrating the short and long-term effects of monetization. The FAS is to report to the House and Senate Appropriations Committees prior to the fiscal year 2001 hearings the design, scope and objectives of this study, together with a schedule for its completion.

The conference agreement provides $500,000 for administrative expenses associated with the management of the Foreign Market Development/Cooperator Program.

PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

The following table reflects the conference agreement for Public Law 480 Program Accounts:

Public Law 480 Program and Grant Accounts:	
Title I—Credit sales:	
Program level	176,000,000
Direct loans	155,000,000
Ocean freight differential	21,000,000
Title II—Commodities for disposition abroad:	
Program level	800,000,000
Appropriation	800,000,000
Title III—Commodity grants:	
Program level	0
Appropriation	0
Loan subsidies	127,813,000
Salaries and expenses:	
General Sales Manager (transfer to FAS)	1,035,000
Farm Service Agency (transfer to FSA)	815,000
Subtotal	1,850,000
Total, Public Law 480:	
Program level	976,000,000
Appropriation	950,663,000

The conference agreement adopts Senate bill language which appropriates funds for P.L. 480 program accounts and ocean freight under one heading. The House bill appropriated funds for these activities under separate headings.

The conferees note that on September 14, 1999, the Department of Agriculture reported that the Title I and Title II programs had considerable unobligated balances to be carried over to fiscal year 2000: for the Title I subsidy, $98,674,000; for the Title I ocean freight differential, $8,217,000; and for the Title II program, $71,076,000. The conferees direct the Department to work with the U.S. Agency for International Development and report to the Committees on Appropriations of the House and Senate by February 15, 2000, on the reasons for these large unobligated balances. The conferees also note that food aid efforts can be further strengthened through use of the Section 416 program as was the case with the $725,000,000 program for Russia.

The conferees find that abundant agricultural production and low commodity prices in the United States come at a time when developing countries are unable to meet basic nutritional needs due to low production, natural disasters and civil war. The conferees note that authority exists to help stabilize the domestic farm economy and provide food aid donations to places in need such as Kosvo, the Middle East, the newly independent states, sub-Saharan Africa, Southeast Asia, Turkey and Macedonia.

The conferees believe that the following measures should be considered:

Commodities held in the Bill Emerson Humanitarian Trust be increased to the authorized maximum of 400,000 metric tons;

Monetization of commodities be carried out as a development tool;

All existing authorities be used to assure domestic surpluses are available for the needy overseas;

The Department of Agriculture and the U.S. Agency for International Development (USAID) process proposals for food assistance in timely fashion;

USAID increase non-emergency humanitarian food aid wherever possible and allow flexibility to use monetization to address local development needs;

The Department of Treasury more aggressively pursue forgiveness of PL 480 debt for highly indebted poor countries;

Export sanctions on food and medicines be removed consistent with U.S. foreign policy; and

The U.S. Government maximize participation in multilateral food assistance programs.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

The conference agreement provides $3,820,000 for administrative expenses of the Commodity Credit Corporation Export Loans Program Account as proposed by the Senate instead of $4,085,000 as proposed by the House.

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes a direct appropriation of $1,040,638,000 for the salaries and expenses of the Food and Drug Administration, instead of $1,052,950,000 as proposed by the House and $1,035,538,000 as proposed by the Senate, and provides specific amounts for programs, centers, offices, and operational costs as proposed by the Senate.

The conference agreement includes technical changes to drug, mammography, and export certification user fee language as proposed by the House.

The conference agreement provides that fees derived from applications received during fiscal year 2000 shall be subject to the fiscal year 2000 limitation as proposed by the Senate. The House had no similar provision.

The conference agreement includes a prohibition on the development, establishment, and operation of any program of user fees authorized by 31 U.S.C. 9701 as proposed by the Senate. The House has no similar provision.

The conferees direct FDA to submit a report within 180 days of the date of enactment of this Act on the effects of reducing illegal tobacco sales to minors and the effect on compliance through the use of automated identification systems.

The conference agreement includes an increase of $28,000,000 in budget authority for premarket application market review as proposed by the Senate.

The conference agreement provides $500,000 for clinical pharmacology grants awarded competitively.

The conference agreement provides $100,000 for the Waste-Management and Research Consortium, as proposed by the House.

The conferees are aware that intravenous immune globulin (IVIG), a lifesaving treatment for patients with primary immune deficiency diseases, has been in severe shortage in the United States since November 1997. Given the serious public health problems caused by this shortage, the conferees encourage the FDA to continue to work with the primary immune deficiency community and the plasma industry to help increase the supply of IVIG in the United States. In addition, the conferees request a report from the FDA by March 1, 2000, outlining what action it has taken since the beginning of the shortage and what action it plans to take to respond to this public health crisis.

The conferees note that the Food and Drug Administration has received a food additive petition requesting approval for the use of irradiation on ready-to-eat meats and poultry, and fruits and vegetables. The conferees are aware of the important food safety benefits associated with the petition, and strongly urge the agency to act expeditiously to propose a rule in response to the petition. The FDA should propose such a rule within six months after the receipt of the petition and issue a final rule within twelve months of receipt of the petition.

The conferees note their expectation that FDA publish a proposed rule no later than June 1, 1999, concerning the use of foreign marketing data in the review of new sunscreen active ingredients in the sunscreen over-the-counter drug monograph. The conferees note that the FDA has failed to meet the June 1, 1999, deadline for publication of this proposed rule. The conferees remain concerned that several petitions for approval of new sunscreen active ingredients based on foreign marketing experience have languished at the FDA for years, some as far back as 1980. Meanwhile, skin cancer has become a growing and pervasive public health problem among American citizens, with an estimated one million new cases of skin cancer diagnosed in the U.S. each year. The FDA published an Advance Notice of Proposed Rulemaking in 1996, but in three years since its publication the Agency has yet to advance from the initial stage of administrative review of the proposal. Therefore, the conferees direct the agency to act in an expeditious manner to propose a rule, but in no case shall the FDA propose such a rule later than sixty days after enactment of this Act, nor shall the agency finalize such a rule later than twelve months after enactment of this Act.

The conference agreement includes an increase of $30,000,000 for the Food Safety Initiative, distributed as follows:

Foods:	
Center	$9,000,000
Field Activities	16,900,000
Animal Drugs and Feeds:	
Center	3,600,000
Field Activities	0
NCTR	500,000
Total	30,000,000

BUILDINGS AND FACILITIES

The conference agreement provides $11,350,000 for Food and Drug Administration Building and Facilities instead of $31,750,000 as proposed by the House and $8,350,000 as proposed by the Senate.

The conference agreement includes $3,000,000 for construction at the Arkansas Regional Laboratory.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

The conference agreement provides $63,000,000 for the Commodity Futures Trading Commission instead of $65,000,000 as proposed by the House and $61,000,000 as proposed by the Senate. The conference agreement provides $1,000 of the total appropriated for official reception and representation expenses as proposed by the Senate instead of $2,000 as proposed by the House. The conference agreement also makes permanent authority for the Commission to charge reasonable user fees for Commission-sponsored events and symposia.

FARM CREDIT ADMINISTRATION

LIMITATION OF ADMINISTRATIVE EXPENSES

The conference agreement places a limitation of $35,800,000 on the expenses of the Farm Credit Administration as proposed by the House. The Senate bill had no similar provision.

The conferees note that the Farm Credit System Insurance Fund has achieved the secure base amount established in the Farm Credit Act. The fund has been capitalized through the payment of premiums that are ultimately paid by the farmers, ranchers, and cooperatives that borrow from Farm Credit institutions. The conferees expect the Farm Credit System Insurance Corporation to adhere to the intent of the Farm Credit Act and eliminate premiums when the insurance fund meets or exceeds the statutory secure base amount.

TITLE VII—GENERAL PROVISIONS

House and Senate Section 705—The conference agreement includes technical changes to language (Section 705) proposed by the House and the Senate which makes new obligational authority for certain programs and activities available until expended.

House Section 709—The conference agreement includes language (Section 709) proposed by the House providing that commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support may be used, as authorized by law, to provide commodities to individuals in cases of hardship.

House Section 711 and Senate Section 710.—The conference agreement includes language (Section 711) proposed by the Senate that caps indirect costs charged against competitive Agricultural Research, Education, and Extension grant awards.

House Section 716 and Senate Section 715.—The conference agreement includes language (Section 716) proposed by the House that authorizes the use of cooperative agreements for the food safety activities of the Food Safety and Inspection Service.

House Section 717 and Senate Section 716.—The conference agreement substitutes new language (section 717) for a general provision proposed by both the House and Senate regarding cooperative agreements of the Natural Resources Conservation Service. This modification is needed as a result of a recent opinion/ruling of the Office of General Counsel that the existing language does not carry out its intended purpose. The conferees expect rulings and opinions of the Department's Office of General Counsel to apply uniformly to all agencies of the Department.

House Section 725 and Senate Section 724.—The conference agreement includes language (Section 725) proposed by the Senate that prohibits the use of funds to pay the salaries and expenses of personnel to carry out the transfer or obligation of fiscal year 2000 funds for the Fund for Rural America.

House Section 727 and Senate Section 726.—The conference agreement includes language (Section 727) proposed by the Senate that makes permanent the limitation on contract payments for wild rice.

House Section 728 and Senate Section 727.—The conference agreement includes a limitation (Section 728) of 150,000 acres on Wetland Reserve Program enrollment instead of 120,000 acres proposed by the House and 180,000 acres proposed by the Senate.

House and Senate Section 729.—The conference agreement (Section 729) prohibits the use of funds to carry out the Initiative for Future Agriculture and Food Systems as proposed by the House. The Senate proposed a limitation of $50,000,000.

House and Senate Section 730.—The conference agreement (Section 730) makes permanent the definition of rural areas for certain business programs as proposed by the Senate.

Senate Section 733.—The conference agreement includes language (Section 733) proposed by the Senate prohibiting the use of

funds to close or relocate certain FDA offices.

Senate Section 734.—The conference agreement includes language (Section 734) proposed by the Senate prohibiting the use of funds to carry out certain activities unless the Secretary of Agriculture inspects and certifies agricultural processing equipment and imposes a fee for those activities.

House Section 735 and Senate Section 737.—The conference agreement (Section 737) includes language proposed by the Senate.

House Section 736(a) and Senate Section 728.—The conference agreement (Section 738) limits the emergency food assistance program to $98,000,000 instead of $99,000,000 proposed by the House and $97,000,000 proposed by the Senate.

House Section 737.—The conference agreement (Section 739) prohibits the use of funds for certain activities implementing the Kyoto Protocol proposed by the House.

House Section 738—The conference agreement does not include language limiting the importation of meat and poultry.

House Section 739.—The conference agreement does not include language regarding the buy American Act. This language is contained in permanent law, and the conferees expect this language to be complied with.

House Section 740.—The conference agreement does not include language regarding the purchase of American-made equipment and products. This language is contained in permanent law, and the conferees expect this language to be complied with.

House Section 741.—The conference agreement does not include language regarding ''Made in America'' labeling violations. This language is now contained in permanent law, and the conferees expect this language to be complied with.

House Section 742.—The conference agreement does not include language proposed by the House prohibiting the use of funds by FDA for the testing, development, or approval of certain drugs.

House Section 743.—The conference agreement does not include language proposed by the House further reducing appropriations provided for certain accounts. This matter was addressed in the funding levels for each account rather than as a general provision.

Senate Section 738.—The conference agreement includes language (Section 740) proposed by the Senate providing FSA county office employees with Federal civil service status for certain purposes.

Senate Section 739.—The conference agreement includes language (Section 741) proposed by the Senate prohibiting the use of funds to transfer or convey federal lands and facilities at Fort Reno, Oklahoma, without the specific authorization of Congress.

Senate Section 740.—The conference agreement includes language (Section 742) proposed by the Senate directing the Chief of the Natural Resources Conservation Service to settle claims associated with the Chuquatonchee Water Project in Mississippi.

Senate Section 741.—The conference agreement includes language (Section 743) proposed by the Senate regarding a mail inspection pilot program in Hawaii.

Senate Section 742.—The conference agreement includes language (Section 744) proposed by the Senate providing authority for guaranteed lines of credit for health care facilities to address Y2K computer conversion.

Senate Section 743.—The conference agreement includes language (Section 745) requiring the Secretary of Agriculture to compensate wheat producers and handlers for losses due to karnal bunt.

House Section 736(b) and Senate Section 744.—The conference agreement (Section 746) provides $2,000,000 for hunger fellowships instead of $1,000,000 as proposed by the House and $3,000,000 as proposed by the Senate.

Senate Section 745.—The conference agreement includes language (Section 747) providing $250,000 or the program authorized under section 388 of the FAIR Act solely for New Hampshire.

Senate Section 746.—The conference agreement includes language (Section 748) proposed by the Senate amending the Immigration and Nationality Act to reduce the Department of Labor's approval time for processing farmworkers' applications for legal H–2A workers.

Senate Section 747.—The conference agreement includes language (Section 749) proposed by the Senate to provide for successorship relating to certain bargaining units and exclusive representatives.

Senate Section 748.—The conference agreement does not include language proposed by the Senate for emergency and market loss assistance, and sanctions. The conference agreement addresses these issues in Title VIII.

Senate Section 749.—The conference agreement does not include Sense of the Senate language regarding methyl tertiary butyl ether (MTBE). The conferees understand that recent studies have determined that leaking storage facilities have contributed to the detection of MTBE in groundwater. Further, the conferees support the development of alternative uses for agricultural products, including the use of ethanol in reformulated gasoline. The conferees expect the committees of jurisdiction of the House of Representatives and the Senate to carefully examine these issues to determine what, if any, action is warranted by the Congress.

Senate Section 750.—The conference agreement includes language (Section 750) that none of the funds appropriated or otherwise made available by this Act shall be used to implement a Support Services Bureau of similar organization.

Senate Section 750.—The conference agreement (Section 751) includes limitations on the awarding of contracts through the HUBZone program established by section 31 of the Small Business Act, to avoid subcontracting for the commodity being procured of if the awards would involve more than 50 percent of the dollar amount of the tender. In addition, the price evaluation preference provided under the HUBZone program may not exceed 5 percent in contracts for commodities made available by this Act. The conferees are concerned that the potential costs of the HUBZone program may diminish the effective program level of certain accounts such as title II of P.L. 480, and accordingly call to the attention of the Secretary the Compliance in Contracting Act of 1984 (specifically 41 U.S.C. 253(b)), to exclude particular sources from participating in full and open competition on a tender if it is found that a firm has received such a large market share as to jeopardize USDA's vendor base, or if necessary, to restrain program costs. The conferees emphasize that these limitations allow contracting officers to exclude particular firms as needed, not to exclude classes of businesses such as all HUBZone firms.

Senate Section 751.—The conference agreement does not include Sense of the Senate language regarding inadvertent planting of dry beans on contract areas. The conferees are aware that there may be instances in which producers, in good faith or in reliance on information provided by agricultural consultants, inadvertently planted crops in violation of section 118 of the Federal Agriculture Improvement and Reform Act of 1996. The Secretary is urged to exercise reasonable treatment of producers in order to avoid harmful consequences.

Senate Section 752.—The conference agreement includes language (Section 752) proposed by the Senate redesignating the National School Lunch Act as the ''Richard B. Russell National School Lunch Act''.

Senate Section 753.—The conference agreement includes language (Section 753) proposed by the Senate clarifying the membership of a commission.

Senate Section 754.—The conference agreement does not include Sense of the Senate language regarding an action plan on food safety. The conferees request the President to include in the fiscal year 2001 budget request funding to implement a United States Action Plan on Food Security.

Senate Section 755.—The conference agreement does not include Sense of Senate language regarding apple farmers. The conferees are aware of financial hardships facing apple farmers, and direct the Farm Service Agency to review all programs that assist apple growers, review the limits currently set on operating loan programs used by apple growers to determine whether the current limits are insufficient to cover operating costs and to report its findings to the Committees on Appropriations of the House of Representatives and the Senate not later than January 1, 2000.

Senate Section 756.—The conference agreement includes language (Section 754) proposed by the Senate designating the ''Harry K. Dupree'' Stuttgart National Aquaculture Research Center.

Senate Section 757.—The conference agreement includes language (Section 755) to add Kentucky, Indiana and Ohio to existing law regarding cross-county tobacco leasing and to provide for the release of marketing information to State trusts or similar organizations.

Senate Section 758.—The conference agreement includes language (Section 756) proposed by the Senate that makes the city of Berlin, New Hampshire eligible for a rural utilities grant or loan during fiscal year 2000.

Senate Section 759.—The conference agreement includes language (Section 757) proposed by the Senate regarding cranberry marketing orders.

Senate Section 760.—The conference agreement includes language (Section 758) proposed by the Senate to include native villages in Alaska under section 16(a) of the Food Stamp Act.

Senate Section 761.—The conference agreement does not include Sense of Senate language regarding periodic review of food packages. The conferees expect the Secretary of Agriculture to periodically review the food packages listed at 7 C.F.R. 246.10(c) (1996) and consider including additional nutritious foods for women, infants and children.

Senate Section 762.—The conference agreement includes language (Section 759) proposed by the Senate regarding education grants to Alaska Native Serving Institutions and Native Hawaiian Serving Institutions.

Senate Section 763.—The conference agreement does not include language proposed by the Senate providing minimum Smith-Lever allocations for certain states.

Senate Section 764.—The conference agreement does not include language proposed by the Senate providing minimum Hatch Act allocations for certain states.

Senate Section 765.—The conference agreement does not include Sense of Senate language regarding timely FDA testing of imported food. The conferees expect FDA, to the maximum extent possible, to ensure timely testing of produce imports by conducting survey tests at the USDA or FDA laboratory closest to the port of entry so that testing results are provided within 24 hours of collection.

Senate Section 766.—The conference agreement includes language (Section 760) that effective October 1, 1999, the price of milk paid

by a handler at a plant operating in Clark County, Nevada shall not be subject to the Agricultural Marketing Agreement Act of 1937.

Senate Section 767.—The conference agreement does not include Sense of Senate language regarding World Trade Organization negotiations. The conferees expect that members of the World Trade Organization should undertake multilateral negotiations to eliminate policies and programs that distort world markets for agricultural commodities.

Section 761.—The conference agreement makes the city of Olean, New York eligible for grants and loans administered by the Rural Utilities Service.

Section 762.—The conference agreement makes the municipality of Carolina, Puerto Rico eligible for grants and loans administered by the Rural Utilities Service.

Section 763.—The conference agreement makes technical corrections to the Food Security Act of 1985.

Section 764.—The conference agreement provides that none of the funds made available by this Act shall be used to implement FSA Notice CRP–338.

The conference agreement allows for the enrollment of certain lands in the conservation reserve program for which a federally cost-shared conservation practice may have previously been installed. The conference agreement requires a reduction in federal rental payments for such lands by an amount equal to the remaining value of the federal costs already incurred. This action is necessary to avoid the double payment for an ongoing conservation practice.

Section 765.—The conference agreement provides that none of the funds made available by this Act shall be used to implement FSA Notice CRP–327.

The conference agreement includes language which provides for certain commercial hunting activities on conservation reserve program lands. The conferees note inclusion of a requirement of strict compliance of program guidelines to ensure protection of environmental benefits and wildlife habitat. The House and Senate included no similar provision.

Section 766.—The conference agreement includes language designating the ''George E. Brown, Jr., Salinity Laboratory''.

Section 767.—The conference agreement includes technical changes to title 18 of the United States Code.

Section 768.—The conference agreement includes a provision that maximum income limits established for single family housing in the high cost areas of Alaska shall be 150 percent of the state metropolitan income level for Alaska.

Section 769.—The conference agreement includes a general provision relating to the conservation reserve program that will allow the Secretary to approve not more than 6 projects in which harvests may occur for the recovery of biomass used in energy production. No similar provision was included in the House or Senate bill.

TITLE VIII—EMERGENCY AND DISASTER ASSISTANCE FOR PRODUCERS

The conference agreement includes a new title (Title VIII) providing market loss payments and other disaster assistance to producers of 1999 crops. The Senate had proposed similar provisions in section 748. The House bill contained no similar provisions.

Section 801.—The conference agreement includes $1,200,000,000 in assistance to producers who have incurred losses for crops harvested or intended to be planted or harvested in 1999, which reflects an estimated need as stated by the Department of Agricultural prior to Hurricane Floyd. While funds provided by this Act shall be available for damage caused by Hurricane Floyd, the conferees-note that only preliminary estimates for Hurricane Floyd are available and it is understood that additional resources may be needed to fully address all natural disaster losses in 1999. The conferees expect the Department to forward complete damage estimates to the Appropriations Committee of the House and Senate as soon as practicable. The Secretary may make assistance available for losses in quantity, quality or severe economic losses due to damaging weather or related conditions. The conferees note that the statement of managers accompanying the conference agreement on H.R. 1141, dated May 14, 1999, called on the administration to submit requests for supplemental appropriations for disaster assistance for agricultural producers. Subsequently, other Members of Congress made similar requests to the administration. To date, no request has been transmitted to the Congress for any disaster assistance to producers. The conferees understand that recent weather events and those yet to occur in 1999 may affect the need for crop loss assistance. The conferees continue to invite requests for supplemental funds to address these needs.

Similar to provisions included in P.L. 105–277, this Act grants broad authority to the Secretary of Agriculture to create and implement a crop loss assistance program, However, the conferees note that the Department took seven months to make payments to producers for 1998 losses. Such delays in delivering 1999 payments are unacceptable. If necessary to avoid delay in delivering payments, the Department should consider developing a method by which preliminary payments may be made to producers to allow at least minimal payments to be made expeditiously while avoiding depletion of funds before all producers receive assistance. Further, it is expected that final payments will be made before January 31, 2000.

The conferees note significant losses in the 1999 crops of fruits and vegetables, particularly capsicums, valencia oranges, and apples. The conferees expected the Secretary to ensure fair and equitable treatment of these producers when allocating disaster assistance. In particular, the conferees expect the Secretary to compensate producers for both quantity and quality losses, as authorized by section 801(c) of this Act.

The conferees are aware of losses suffered by California citrus growers during a freeze in late 1998 totaling at least $90 million. Because the crop was for harvest in 1999, the Department of Agriculture determined that these producers were ineligible for assistance provided in P.L. 105–277. The conferees expect the Secretary to identify adequate funds provided in this title to address these needs.

The conferees note that the Department has failed to implement statutory provisions making producers who obtained non-federally reinsured crop insurance eligible under certain circumstances for the multi-year disaster assistance provided in P.L. 105–277. Similarly, the Department has failed to provide assistance as directed to 1997 producers of apples in New York. The conferees do not view favorably the Department's disregard of directives issued by the Congress. The conferees expect the Department to comply with both statutory and other guidance provided by the Congress in addressing the needs of these and all producers.

The conferees note that the price received for cottonseed is far below historical averages. The conferees also note that in many areas, revenues from cottonseed sales offset the cost of ginning. Given these depressed prices, the conferees expect the Secretary to consider additional assistance to cotton producers through direct payments or other means to help alleviate the problems caused by those unusually low prices.

The conferees direct the Department to provide, from the amounts appropriated in this title, compensation to Michigan peach producers who purchased a crop insurance policy for the 1999 fresh market peaches crop under the adjusted price election and pricing methodology established by the Risk Management Agency for the 2000 crop year.

Sections 801 and 805.—Section 801 of the conference agreement provides $1,200,000,000 for agricultural losses to crops and livestock in 1999 and an additional $325 million is provided in section 805 specifically for livestock and dairy. Of these amounts, the conferees expect the Secretary to identify no less than $200 million in order to provide direct grant assistance to livestock producers who have suffered economic losses in 1999 in counties in which a Secretarial or Presidential drought declaration has been issued. The conferees note that in some states, such as West Virginia, all or most counties have received such a designation. Net farm income is low due to forced liquidations and increased costs for feed, transportation, and herd maintenance, severely affecting local rural economies. Producers are also faced with high costs of restoring pasture lands in the immediate future and the Secretary is encouraged to exercise authorities of EC–7 of the Emergency Conservation Program to assist affected producers toward recovery. The conferees stress the importance of providing assistance to livestock producers at a level commensurate with the relief provided for crop losses and further note that additional funds may be available for other livestock-related disaster losses.

Section 802.—To ensure timely delivery of market loss payments to eligible producers and owners, the conferees urge the Secretary to make the payments available under the same terms and conditions as the 1999 contract payments. However, any market loss payments made under authority of this legislation shall not be treated as a contract (AMTA) payment for purposes of section 115 of Title I of the Federal Agriculture Improvement and Reform Act of 1996, or section 1001, paragraphs (1) through (4) of the Food Security Act of 1985. Further, it should not be necessary to require eligible owners and operators to file new contracts or redesignate shares in order to receive market loss payments.

Section 803.—The conferees expect the Secretary to utilize all funds collected and not yet transferred to the Treasury under the peanut marketing assessment from producers and first handlers to offset expected losses in area quota pools for the 1999 peanut marketing year as authorized under Section 155(d) of Public Law 104–127.

The conferees recognize that the timing of payments made under this section is critically important to peanut producers and intend for the Secretary to expedite such payments. With producers and acreage information readily available from the Farm Service Agency, the conferees expect the Secretary to make payments to peanut producers based on projected yields for the 1999 crop year. By using projected yields, the conferees expect the Secretary to ensure that payments are made to producers as soon as practicable and, in any case, within 60 days from the enactment of this legislation.

Section 805.—The conferees note the significant losses of feed for livestock producers. The Department shall insure that a portion of the $325,000,000 in assistance provided under this section is provided in the form of Livestock Feed Assistance.

Further, from the total amount provided under section 805, no less than $125,000,000 is to be made available for losses suffered by dairy producers.

Producers impacted by natural and economic disasters deserve to be treated as equally as possible. The conferees are aware that many livestock producers faced a payment limitation this past year of $40,000, while grain producers had a limit of $80,000. Payment methods that provide more assistance to one group of producers than another should be avoided whenever possible. With the administration of this new disaster program, the conferees strongly urge the Department to provide livestock producers with assistance equivalent to that of grain producers.

Section 806.—The conferees intend that the reinstatement of the Step–2 program for upland cotton be implemented with respect to sales for exports and domestic purchases by domestic textile mills beginning October 1, 1999. Any agreement entered into with participants in the Step–2 program should cover sales occurring between October 1, 1999 and the date of enactment of this Act in order to ensure that the program is effective with the beginning of fiscal year 2000.

Section 811.—Authority is provided under this section to allow the Department of Agriculture to make production flexibility contract payments on or after October 1 of each remaining contract year. The conferees intend that these payments be made in a timely manner to alleviate cash flow problems. However, the conferees expect the Department to work to notify all program participants of the availability of these advance payments to allow them ample time to take action to avoid payments to producers who will not be leasing a property for that contract year.

Section 813.—The conferees are concerned about an inequity in loan deficiency payments (LDP's) made to producers of feed grains. Currently, producers of corn may receive LDP's on their crops of corn for silage, but producers of grain sorghum whose crops are ensiled or baled as hay fodder are ineligible for LDP's on those crops. This inequity occurs even though grain sorghum for silage or hay has the same intended and actual use as corn silage. In this regard, the conferees expect the Department of Agriculture to make LDP's to eligible producers of grain sorghum in the same manner and, as appropriate, to the same extent as corn producers for the 1999 and subsequent crop years.

The conferees also are concerned about producers who graze their wheat crops and are unable to receive LDP's for the value of those crops. The conferees expect the Department of Agriculture to make LDP's on the 2000 and subsequent crops of wheat that are grazed.

The conferees are concerned that repayment rates for marketing loans for durum wheat do not adequately reflect the unique quality discounts that are assessed against this class of wheat. Further, the conferees understand that the present method for calculating these repayments unfairly presumes a high quality for durum, which is not imposed on other classes of wheat. The conferees direct the Department to revise the repayment rates for the 1999 crop of durum wheat at a rate per bushel equal to the market value of the quality subclass immediately above sample grade for durum wheat, less any applicable discounts, to correct this inequity.

In implementing the marketing assistance loan program for minor oilseeds, the conferees understand the Department has established separate loan programs for oil-type and confection sunflower seed that do not accurately reflect market relationships. The conferees are concerned that this implementation disadvantages confection-type sunflower seed growers and threatens the domestic confection industry when oil-type sunflower seed prices are below marketing loan levels. The conferees understand under these circumstances grower contracts are offered at levels unrepresentative of world market prices, presenting the opportunity for foreign competitors to contract for and export confection products at levels that undercut U.S. access to traditional foreign markets by the domestic industry. The conferees direct the Department to revise implementation of the marketing assistance loan program for confection sunflower seed, to determine the level at which a loan may be repaid for confection seed using solely the market price for oil-type sunflower seed.

Section 814.—The conference agreement includes $400,000,000 to provide agricultural producers with a premium discount toward the purchase of crop insurance for the 2000 crop year. The conferees intend and fully expect this premium discount to apply toward the purchase of crop insurance for all crops grown in the 2000 crop year, including all crops for which a fall sales closing date applies.

The conferees note there is no statutory sales closing date for fall-planted crops. Accordingly, should the existence of an early sales closing date create an obstacle toward the provision of a premium discount for producers who plant a fall crop, the Secretary can remove that obstacle by administratively extending the sales closing date. Second, the conferees note that a discount was provided for all crops in the 1999 crop year, including for all crops for which a 1998 fall sales closing date applied, even though the Secretary did not announce the discount until January 8, 1999. With no statutory obstacles in the way and in view of last year's precedent, the conferees fully expect the Secretary to provide producers of fall planted crops with the benefit of a premium discount toward the purchase of crop insurance.

Section 822.—The conference agreement provides additional funding of up to $56,000,000 for salaries and expenses of the Farm Service Agency for additional administrative costs incurred in the delivery of the assistance provided under this title.

TITLE IX

The conference agreement includes legislation reported by the Senate Committee on Agriculture, Nutrition and Forestry (S. Rpt. 106–168) requiring certain processors to report the price paid for livestock.

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 (obliga- tional) authority, fiscal year 1999	$61,127,644
Budget estimates of new (obligational) authority, fiscal year 2000	66,883,182
House bill, fiscal year 2000	60,736,572
Senate bill, fiscal year 2000	68,358,618
Conference agreement, fiscal year 2000	69,017,125
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1999	+7,889,481
Budget estimates of new (obligational) authority, fiscal year 2000	+2,133,943
House bill, fiscal year 2000	+8,280,553
Senate bill, fiscal year 2000	+658,507

JOE SKEEN,
JAY DICKEY,
JACK KINGSTON,
HENRY BONILLA,
TOM LATHAM,
JO ANN EMERSON,
BILL YOUNG,
SAM FARR,
ALLEN BOYD,
DAVID R. OBEY,
Managers on the Part of the House.

THAD COCHRAN,
CHRISTOPHER S. BOND,
SLADE GORTON,
MITCH MCCONNELL,
CONRAD BURNS,
TED STEVENS,
HERB KOHL,
DIANNE FEINSTEIN,
ROBERT BYRD,
Managers on the Part of the Senate.