The House met at 10 a.m.

Mr. GREEN of Wisconsin. Mr. Speaker, pursuant to clause 1, rule I, the Journal of the last day's proceedings and announces to the House that the ayes appear to have it.

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.

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The point of no quorum is considered withdrawn.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.

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.

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 slightest possibility of being sued for voluntarily providing health care to my employees, I will stop providing such benefits and give them the cash equivalent.
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 H.R. 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, 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 there.

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 doing 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 inexcusable theft 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 surplus.

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 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.

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 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 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 the 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 shortfall 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 their 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, remember 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 I 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 the Green Bay area and 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 milestone 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 the 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. SCHAEFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAEFFER. 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 the 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 desecration 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 post-partum 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 co-sponsor the Women and Children's Resources Act.

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 not sit down 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 intend to 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 past 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.

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 will 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 this people's money for a tax cut for four 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 pushing down on the people, taking 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.

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. This can be done.

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 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 $92.1 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."

"Bearing a teacher, I know that repetition is the soul of learning, so let me say it again. 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.

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

Mr. Speaker, but the minute 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 for 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:
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 of the Committee on Transportation and Infrastructure now in the 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 considered as a substitute for the 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 and ranking minority member of the Committee on 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 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 on the Whole may: (1) postpone until a time during further consideration in the Committee on the Whole a requested vote on an amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic intervening question, 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 and amendments the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a Journal of the debate 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 for the 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 on 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 transportation safety, 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 economic 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: [-460]

YEAS—420

[No. 460]

Abercrombie Baldwin Bereuter
Ackerman Ballenger Berkman
Adams Barcia Berry
Allen Barr Biggert
Andrews Barrett (IN) Bilirakis
Anderson Barrett (WI) Bishopp
Armey Bartlett Blagovitch
Baucus Bass Bliley
Baird Beatty Bentsen
Bakke Bateman Bentsen
Baladacchi Beilenson Blumenauer

Mr. Speaker, I reserve the balance of my time.
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 Journor of the last day's proceedings.

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

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—yes 362, nays 52, answered "present" 1, not voting 18, as follows:

[Roll No. 463]

9031
Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

The bill before us today reauthorizes the National Transportation Safety Board, and it should be done in other agencies. These limitations are that an overtime provisions have been abused at other agencies. Therefore, the over-time 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 authority in the personnel area but indicated that it was the overtime issue addressed here that it most interested.

Another important provision, Mr. Chairman, in this bill is the section that ensures complete 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 must 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.

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. This hazardous materials transportation, and it makes recommendations on ways in which to improve safety. In the last 3 years alone, the board has investigated more than 300 accidents, including 102 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, $60 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 would give the 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 trying to make sure that the NTSB is treated 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 Proclama- tion 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 change be made.

The bill would also permit the NTSB to pay time-and-a-half to its employees who work overtime on an accident investiga- tion. 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 over-time 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 must be subject to a special reporting requirement to ensure the commit- tee’s continued oversight of this issue. The NTSB had requested even more author-
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. But in 1926, and year in and year out, going back to 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 Act of 1978. That act 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 obligations are 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 it 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 litigation, 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 that 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 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 whether to 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 opportunities 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 and that 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 Illinois (Mr. Lipinski) for the extensive work that he has contributed to the formulation of this bill and to the ranking member, the gentleman from Tennessee (Mr. Duncan) for the diligent effort that he has in invested in the formulation of the legislation.

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

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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 Department of Commerce established the National Transportation Safety 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 mandatory black boxes for airbags, measures to prevent runaway 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 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 ones, 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 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 coast. These mandatory overtime for 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 there is criminal activity. Proper coordination and cooperation 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, the NTSB must agree to allow the Coast Guard to have 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 ones, however, so as not to undermine the NTSB's independence.

Second, I am concerned about the Coast Guard's process in conducting accident investigations. Under no circumstances should the Coast Guard be able to unilaterally decide when it has a conflict of interest. We do not allow the Coast Guard to set policies in aviation or any other transportation safety investigation and should not allow it here.

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.

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 it is not an issue. It is not that we 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 let 7 tears at wrongful death.” We don’t describe “freeway horror,” in our district. “In tearful, highly charged testimony, a woman told Tuesday of the horror of seeing.
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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, 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 deaths of the truck drivers, 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.

"Trucks kill when 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 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 NS

...
my children are dead!'' Lisa Groten told juro-
s. By the time the window finished testi-
ating, many in the packed courtroom were sob-
ing, tears welled in the eyes of at least two juro-
s.

He's was the first testimony in the trial of Jose Coronado Martinez, 35, charged with four counts of intoxicated man-
slaughter in the deaths of Kurt David Groten, 38, and his children, David, 6, Mad-
eleine, 4, and 11-month-old Adam.

If convicted, Martinez, a native of El Sal-
vador, 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 feeling the impact. It was like a crushing im-
yon beyond my comprehension. It still is.''

husband and all my children died, just so

the smoke got dense. She said she didn't

en,' '' Lisa Groten said.

en,' '' Lisa Groten said.

to heaven. Jesus, please take me to heav-

The couple married in 1987 and their first

tested. Kurt Groten had been in Austin on a busi-

ness trip. Lisa, after a busy day of swimming

with the children, put them in the family's Expedi-

tion 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 fer-

tilization and artificial insemination. Adam was conceived naturally.

Prosecutor Warren Diepraam said in his opening remarks that Kurt Groten had of-
tered to take a taxi home that night, but his

rational jury who the real person at fault is

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, J a-

worski 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 J aworski, who

acknowledged that his client had a "couple of beers" earlier that day.

J aworski 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 condi-

tion, J aworski said. The trailer was loaded

improperly and needed repair, and so did

Martinez's rig.

J aworski said he will rely on expert testi-
maries 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 ac-
counts from officers at the scene and others, Diepraam could also rely on expert testi-

mony. As for J aworski'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, your 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 were "his own fault," that Martinez himself might have even taken the stand.

"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. If found guilty 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.

Poe has already given Martinez a certain 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 crime 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 gentlewoman 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 the 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 of whether the Doppler weather radar system would be funded under 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 go on 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 such a short time. I am aware of the unit to which I am speaking, because I have 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 accompanying this legislation includes language making recommendations on how the NTSB can better improve coordination and cooperation with other agencies and 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 board, 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 professionals 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 TWA 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.
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 the 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.
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With that said, Mr. Chairman, that we will go on 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.

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 local, state, or federal pay for any period of 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 47?

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 1144(e) of title 49, United States Code, is amended—

(1) in the subsection heading by striking ‘‘VOICE’’;

(2) in paragraphs (1) and (2) by striking ‘‘cockpit video recorder’’ and inserting ‘‘cockpit video or voice 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 1144 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) IN GENERAL.—The Board may require any person; and

(2) DISCOVERY.—The Inspector General may conduct investigations and make inquiries concerning any person, and the Board may require any person to produce and permit inspection of any material that the Board is authorized to secure under this section.

SEC. 6. PRIORITY OF INVESTIGATIONS.

(a) IN GENERAL.—Section 1154(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 Attorney General 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 paragraphs (a) and (b) has 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 not destroyed.

‘‘(D) 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 1133(d) is amended by striking ‘‘§ 1137. Authority of the Inspector General.''.

SEC. 8. AUTHORITY OF THE INSPECTOR GENERAL.

(a) IN GENERAL.—Subchapter III of chapter 11 of title 49, United States Code, 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 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 7215 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 this section is amended by adding at the end the following:

‘‘1137. Authority of the Inspector General.’’.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 1181(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 30 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 in the New York area 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 expedient fashion.

My amendment simply strikes the section of the bill that predates an agreement that was entered into between the FAA 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 of 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 enhanced 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 MUSTER), 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 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. BARTON 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]
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 the Uniformed Services Justice for Parents Act of 1996, and the Air Force Code of Criminal Procedure, and the Uniformed Services Code of Criminal Procedure, to provide that a general crime, such as attacks by military personnel, shall be subject to amendment in the nature of a substitute now printed in the report of the Committee on Rules accompanying this resolution. Each amendment proposed in the report shall be considered as an original bill for purposes of debate only, I yield the customary 30 minutes to the gentleman 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. 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 clause 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 the 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 debate only, the amendment 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 convict the defendant, 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.

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 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, it is more serious and more emotionally jarring, and it should be treated accordingly.

J ust 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 consider necessary.

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 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 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 Unborn Victims of Violence Act. This measure aims to chip away at a constitutional right and 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 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. CONYERS).

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

Not to be repetitive, 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, this bill that 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.

I 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 is exactly what we have had here in recent years. 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, that 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 who 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. The bill that I am supporting today will also follow the lead of so many States already who have adopted laws which give legal protection to those children. Criminal convictions in those 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 fine 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 thinking 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. What we really hear today is 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. JACKSON-LEE of Texas. 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.)

I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE of Texas). Mr. Speaker, I thank the gentlewoman from New York (Ms. Slaughter) for yielding 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 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 those leagues' 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, 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 and 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 Roe versus Wade. The state courts that have expressed an opinion on this issue have done so with the utmost deference to Roe versus Wade. The proponents believe in the constitutional right of a woman to choose her pregnancy and the importance of that pregnancy that woman is carrying. But this is on a different 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 at 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 Roe versus Wade. This bill fails to address the very real need for stronger 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, or the drunk as a partial hate crime? 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 Democratic substitute, which is not a blatant 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 pregnancy—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 punishment 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 unfetuses.

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. 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 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 separate legal entity is the key to allowing the House to create a new federal criminal rule to ensure that anyone who injures or causes the death of a fetus during the commission of a federal crime will be held to account.

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 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 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 life. Instead, I believe the sponsors are seeking to advance their anti-choice agenda by altering federal law to elevate the fetus to an unprecedented legal 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 for Roe v. Wade. Furthermore, this bill fails to address the very real need for 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 friends and neighbors in 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 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 the punishment meted out by the courts is life in prison without the opportunity for parole. Can my colleagues imagine any punishment more severe than this? Can we do without the protection for the unborn child? Can we do without the protection for the mother that they will ultimately cause harm to the child?

I ask the House members 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. It is effective.

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 ostensibly powerful 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 the 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 it, it is that the purpose 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 same crime and the 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, 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 all cases, because they can float 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 it is 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 hard it is for the little human being to survive; and 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 multi-million-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 does not have a bottle of alcohol has that compounded because of the weight of the baby and then turn around and say, oh, 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 of the weight of the developing baby, at the very least, developing baby, or 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. It compounds the risks of the mother, and also to the developing and the little human being inside who will be forever impacted by the behavior of others.

Mrs. SLAUGHTER. Mr. Speaker, 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 this is not the intent of this bill at all. This does not help. And we can pass the Violence Against Women Act. Please vote no.

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.

Mrs. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield to the gentleman.

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.

The Speaker 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 have 8 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 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. 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 any third parties 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 on the floor 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 is bring 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 that Members will actually read it, to think about it. If Members have any questions, I will be glad to try and answer them the best I can.

So if any of your constituents comes to Capitol Hill and visits you and while up here, unimaginable things happen, terrible things happen, 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 few more of our women’s lives and our children to the full extent of the law.

Ms. LOFGREN. Mr. Chairman, I yield.

The Chair recognizes the gentleman from California (Ms. LOFGREN).
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 permitted under Roe v. Wade. If a baby is killed, if the perpetrator of this heinous act was that Mrs. Andrews had allegedly cut off the unborn child.

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 authorize a rescission 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 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.

J 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's conviction was convicted of 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. LOFREN. 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 respond to the challenge and I compliment the authors of the bill and the leadership on the Committee on the Judiciary on the Republican side for their calm, 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 he 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. Mr. Chairman, I have identified a separate and distinct victim of crime which is unprecedented as a matter of Federal statute and plagues 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 the 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 v. 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.

In a vote 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 v. 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 Loften-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. The bill identifies a separate and distinct victim of crime which is unprecedented as a matter of Federal statute and plagues 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.

There simply can be no argument by anyone that a pregnant woman 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 woman to 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.
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 divert attention from the perennial 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. 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 there are numerous State statutes, for example, regarding murders, 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 want to underscore their own extreme 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 criminal acts. This legislation was 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 opened 170 Violent 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 gentleman from Texas (Mr. HALL)."

Mr. Speaker, the bill to me simply applies after conception and before delivery. Does not, nor infringe on the rights of women 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) deprioritize abortion, 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 constitutionality of this measure. The Department of Justice has determined that the measure is not constitutional as explained by the Department of Justice letter to the House Committee on the Judiciary, "This Act is, in fact, careful to recognize that abortion-related conduct is constitutionally protected; however, this does not remove all doubt about the constitutionality of this measure. The Department of Justice has determined that the measure is not constitutional as explained in the Department of Justice letter to the House Committee on the Judiciary, September 9, 1999."

The Administration strongly opposes this bill, H.R. 2436. They recognize, and I quote, "that in a world not an alternative to," 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 assault against a pregnant and causing her to miscarry, and that will have the effect 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 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, "individual who commits a Federal crime of violent 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 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 prosecution of those who callously disregard that choice.

I urge my colleagues to vote for H.R. 2436, which makes it a crime for violent 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 human rights concept of punishing somebody for damaging or killing a fetus. That is about as clinical a term as we can get, fetus.

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 a little guy, to be loved and cherished, is clinically primitive. The unborn is 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 patient 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 baby can be so designed to 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). I would 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 cherished because 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 we have had 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. 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.

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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 that, and maybe even when we have 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. We have 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, Mr. Chairman, 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 because it is too early, 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 gentleman from Connecticut (Ms. DELAUR

Ms. DELAUR. 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 is not 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 Jus
diciary 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 acts of violence against women that cause the loss of a pregnancy or the death of the baby. 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 assaulted and 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 gentlewoman from Texas (Mr. ARMLEY), the majority leader.

Mr. ARMLEY. 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. Pret

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 picture I sent to the gentlewoman for my baby grandson, Chris, he was only 5 months old, and when I saw that sonogram I knew he had his grandfather’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 technology. He was entitled to every bit of protection under the law that this Congress can afford him.
Ms. LOF GREN. 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 work together 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 in a pregnancy that, according to the drafters, would cut the women’s 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.

I see my good friend, 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. LOF GREN) 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.

It is tragic that one of three women will experience domestic violence in her adulthood.

Ms. LOF GREN. Mr. Chairman, I yield 4 minutes to the gentlewoman from New York (Mrs. WILSON) who is from New York (Ms. WILSON).

Mrs. WILSON. Mr. Chairman, as my colleagues know, I have never participated in a 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 in front of us. I believe that the most pro-choice person in this body would vote in favor of this bill with enthusiasm because it is not about the unwanted pregnancies; it is about the wanted ones.

Ms. LOF GREN. 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.

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Mr. NADLER. Mr. Chairman, I thank the gentlewoman from New York (Ms. LOF GREN) 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.

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 could be protected by either the bill or the substitute.

If we truly want to protect women and their unborn children, we should pass the Violence Against Women Act. But that is not, that is not, that is not. We protect the children. We protect the children. It is both natural and admirable and I commend the gentleman for bringing forward this bill.
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 the blastocyst 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 with 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, but if the embryo or fetus is, as we have done 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.

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 gentleman from California (Ms. LOFgren) has 39 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 detail some of 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 greatest achievements that 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 rights to the unborn. Its failure to establish the legal status of a fetus as a person and does not receive legal protection 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 attacks on unborn fetuses 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 know 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 non-pregnant woman would be 10 years. This significant 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. 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 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 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 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 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 unplanned.

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 have been murdered or chemically poisoned or have had their brains sucked out by what some euphemistically call choice.

That but 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; and adds new penalties to existing ones and tracks existing statutes currently in force in approximately 24 States.

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 justice.

This is truly a humane and necessary legislative initiative, and I congratulate the gentlemen 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 3 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 on both sides of that issue who have sincere convictions 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 truth about 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.

If we are 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 respect of differences of opinion. 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 could be applied against an individual who pushes a woman in an altercation leading to a miscarriage, even in the very first, earliest part of her pregnancy.

And if our purpose were 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 do believe what is 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, we 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, without intending to do it 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. LARGENT. 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 do not support 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 somebody's wife 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, her husband, Mark, shot and killed her. 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 I feel very awkward lecturing a professor.

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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. LOF GREN. 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?

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 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 the most 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. That is what they 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 under the present law. Under the present law, 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 are 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 to protect an 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 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 this child and in her way to birth. And so, a Federal law is needed, as well, to accomplish the same thing, to protect the woman fully.

Ms. LOF GREN. 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 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 long-term goal of the right-to-life movement.

"The bill contains exceptions for medical treatment and legal abortions. This has allowed those 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 from violence."

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, if the unborn child not only has 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
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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's decision 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,” “woman,” 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 “transgression involving nuclear materials” and situations where a “Homo sapien in an attempt to destroy a human life in 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 individuals 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.

Mr. CANADY of Florida. The gentleman from Florida (Mr. CANADY) has 20 minutes remaining, and the gentleman from California (Ms. LOFGREN) has 15½ minutes remaining.

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 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 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. 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 record there would 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 true. 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 of the beginning of human life could not override the rights of the pregnant woman to choose to terminate her pregnancy. The focus 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 uncontroverted. 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 terminology. This is not whether the words are 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 the courts 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.

In Doe v. Bolton, the companion case in Roe v. Wade, the 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 confusion 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 semantic preferences of radical abortion advocates seeking to obscure the question of when human life begins. I quote Blackmun in the majority opinion in Doe v. Bolton, the companion case to Roe in which the Court struck down the Georgia abortion statute. I quote him: "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 terms "unborn" and "unborn minor" as synonymous with "fetus."

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 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 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 and protected by the law. 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 included any further list of questions 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 to talk about the time after time after time. He ends up with his opinion dissenting from the decision 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 and State courts on this issue of the 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 been 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 the author of the bill, McKinnon, 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 of 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 the unborn are not human 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 applied 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 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 this bill in fact stems from an objection to the very concept of “unborn children.” What is that? 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.

It is their credo that the unborn are nothing, nonentities; as the gentleman from Illinois (Mr. Hyde) said, ciphers. They dogmatically adhere to the doctrine that the recognition for any purpose 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.

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 assaulative 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 intention of protecting women who are pregnant.

Mr. LOFREN, Mr. Chairman, I yield 3¼ 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 this bill, and I bring this to the attention of my colleagues not to diminish the value of the debate that has occurred.

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 assaulative 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 intention of protecting women who are pregnant.

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 conception 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 pregnant deserves protection. 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 great sorrow 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 assaulative 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 intention of protecting women who are pregnant.

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3 weeks later has a miscarriage, that therefore, it opens the opportunity because it deals with the fertilized eggs post viability embryo, and that is the embryo in the first trimester and the Wade makes a distinction between the violence on the embryo. Roe v. Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I thank the gentlewoman for yielding this time to me.

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. HYDE).

Mr. HYDE of Illinois, 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 where 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, in our 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 months, a lot of people trying 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 good 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. There are 24 statutes 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. This is a woman 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 woman'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, 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. 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 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 use 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, language that implicitly restricts a 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 stalling affect such broad language would have on the health and safety of women.

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 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. In fact, the gentleman 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. We 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 of Roe v. Wade and yet again, divert 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 unfortunate
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, the initial federal law to address the violence against women, has been flawed and will not achieve its intended purpose. Congress passed the Violence Against Women Act and the Domestic Violence Prevention Act to address the violence against women. However, Congress does more damage to its reputation than it does good by passing flawed legislation.

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 an unborn child to kill her mother. Now they also defend the "right" of a husband to kill his wife, or of a wife to kill her husband. 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 is willing to bring her baby 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 knuckledusters to purchase firearms, or a restriction on the Second Amendment. All free-homes 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 is by 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 women 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 the life and liberty of each and every man and woman. 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 flouting as well the constitutional system that requires laws of each state to be accounted for, by defining specified acts of murder against a fetus.

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—a matter of state law. Mr. Chairman, the 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 of murder and fail to protect the unborn child.

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 punish 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 passage of the Unborn Victims of Violence Act because it weakens 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, to respect the rule of each and every state government and 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.

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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 the parents 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 if he can show that the so-called unborn has no parental personality 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 our federal system.” Chief Justice 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 did not specifically mention the high seas, anything considered “seas” and counterfeiting). “Concurrent” jurisdiction, such as alcohol prohibition in the past or transport of alcohol was concurrently a federal and state crime. “Concurrent” jurisdiction includes the unborn as a person in some instances and as a non-person in others. 

By specifically exempting from prosecution both the parents and the mothers of the unborn child, the Court in Roe v. Wade overruled the old doctrine of double jeopardy. The doctrine of double jeopardy was a form of collateral estoppel and was a substantive safeguard against being tried twice for the same offense did not offend either the federal government and a state government. In 1922 Congress passed a ruling that being tried by both the federal and state courts for the same offense did not offend both the federal and state governments and, in so doing, threws legal philosophical, the Constitution, the bill of rights, and the insights of Chief Justice Rehnquist. The Supreme Court incorrectly allowed the backdoor 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 law—shot 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.

An incident that 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 law would create 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 end to end wrongful legal rights for 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 into poverty because their mothers and families 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 failing welfare rolls as a "primary reason" that an estimated 250,000 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 their 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 allocates 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 desire to defend 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 child care services 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. Public debate must be based on the protection of the innocent and the protection 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 section 930 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 section 1365 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) 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 in a medical emergency; or

(2) for conduct relating to any medical treatment of the pregnant woman or her unborn child.

(d) In this section, the term ‘unborn child’ means a child in utero.’’

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, may be considered read, debatable for a time specified in the report, equally divided and controlled by the proponent and an opponent, shall be subject not to amendment, and shall not be subject to a division vote on the amendment.
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”.

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 a child is intended 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 to 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 following 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 panel (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 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. 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, we 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 parts 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.

I may consume.
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 recommend 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.

Mr. Robbins pled guilty to involuntary manslaughter for Jasmine's death, and those State laws made Federal law via, quote, the Assimilated Crimes Act. And those State laws made Federal law all Federal crimes, criminal statutes of the Uniform Code of Military Justice, and the request for support by this body is illustrated by the case of United States versus Robbins.

The 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 at the purpose of the committee and waiving jurisdiction, I simply reported what they had done. I do not say that they viewed it as noncontroversial. The gentleman member of that body, that is exactly what I said, and I was not making it clear. 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, he cannot speak for the Committee in 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 the House using parliamentary procedure. 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 now speaks. 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:

Section 1. Short Title.

This Act may be cited as the 'Motherhood Protection Act of 1999'.

Section 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 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 preterm 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, 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, 222, 224, 226, 247, 249, 351, 831, 844(d), (f), (h)(1), and (i), 924(f), 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)(i)(b), (a)(2)(b), and (a)(3)(b), 1959, 1961, 1962, 2113, 2114, 2116, 2118, 2119, 2120, 2231, 2241(a), 2245, 2261, 2263(a), 2268, 2281, 2332, 2332a, 2332b, 2340, and 2441 of title 18, United States Code.

(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848).


(4) Sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of title 10, United States Code.
The CHAIRMAN. Pursuant to House Resolution 313, the gentlewoman from California (Ms. LOFGREN) and the gentleman from Florida (Mr. CANADY) each will control 15 minutes.

The Chair recognizes the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, H.R. 2436 creates a separate Federal criminal offense that is directed at, quote, a 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 is for 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 right 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 that 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. It requires a conviction for the underlying criminal offense and focuses only on the woman but also cause her 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 offenses.

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.

The substitute focuses on what is real for American women. Open 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, 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 gentlewoman from Florida (Mr. CANADY) for yielding me this time.

Mr. Chairman, I urge 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 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 communication. It may sound strange to me, but it came 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. The words are not taken 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 attached 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. 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 and will 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 charges. One, a crime against the mother, Mrs. J. 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 enhanced 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. It is only 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 v. Wade and I do not in the least 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.

I do not think that there is a constitutional foundation for that right. I do not think that there is a constitutional foundation for that right.

It is not the reason why I support the bill.

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. DeFazio), 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. Heflin), the chairman of the committee, for making it clear 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 women’s rights. 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 really only a foundation for a fresh 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.

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 lawmakers. We are here to make it clear that 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 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 engagement 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. I remember there are a 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 here 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
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 prove 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 the 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 and time again. 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 those 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 taking place. The courts would be saying the fantasy here that somehow the whole structure is going to come crumbling down 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 this case because they make a person.” Well, we have already heard the tragic story of Jasmine Robbins. The law can punish the criminal for beating 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 make a Missouri law 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 argument in this case are the unborn 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. MILLER-EN-MCDONALD). Ms. MILLER-EN-MCDONALD. Mr. Chairman, as a mother of five children, I know and have experienced the suffering 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 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 prosecute 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 baby. 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 strengthening federal legislation to prevent and punish crimes committed 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 as a murder weapon against 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’ to this Lofgren substitute. The Lofgren-Conyers substitute, the Motherhood Protection Act, and support the Lofgren-Conyers substitute, the Motherhood Protection Act, because it reads, there is a woman who has legal recognition of the moment of conception, of the beginning of life. It recognizes that the pregnant woman is the primary victim of this crime. Where is the justice when a criminal can inflict harm a pregnancy, they will focus on the punishment of 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 or a Federal crime for any violent conduct against a pregnant woman, especially pregnant women, are tragic and should be punished appropriately. H.R. 2436 is not the best way to achieve this goal.

H.R. 2436 is not designed to prosecute 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 baby. In fact, it does not even mention the woman.

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Approximately half of the States, including my home State of Virginia, have seen the wisdom in holding violent criminals accountable for their actions. They make 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.

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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 talked at a length that the substitute amendment may be 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.

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. It does 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 same criticism. So I have some puzzles that are made against the underlying bill.

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, I have it subject to the same criticism.

I would suggest to the Members of the House that if 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 charged in the indictment?

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 mother. 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 subject 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 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 death of a "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胎儿. 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. This 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, urges 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 in the substitute.

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. COWERS), 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 v. Wade.

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, the Court has 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 ever recognized the unborn child as having legal status, and in both cases the Supreme Court refused to do so.

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.

So if there’s a back-door attack on Roe v. Wade, that is something you remember for the rest of your life. 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. JOHNS). Mr. Chairman, I reserve the balance of my time.

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 substitute, because it is a substitute amendment. 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. Thirdly, if they can support H.R. 2436, they can support the substitute because it requires a conviction for the underlying criminal offense.

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

Now, the conclusion of this debate is pregnant women 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 for your whole life. That is something that is grievous 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 if the substitute accomplishes 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 also have every right to engage in a pre-natal injury or cause you to miscarry 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 don’t stoop 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 unborn 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 gentilewoman’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 made this illegal, 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 for the American women who we 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. COWGERS) 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 right. The words in the substitute will allow criminals to get away with killing unborn children, which 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 fully prosecute 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 people 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 ayes had 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.

AMENDMENT NO. 1 OFFERED BY MR. CANADY OF FLORIDA

The Chair will reduce to 5 minutes the time for the second electronic vote.

The Clerk will redesignate the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

The vote was taken by electronic device, and there were—ayes 269, noes 158, not voting 6, as follows:

[Roll No. 463]
The Clerk will redesignate the amendment. The Clerk redesignated the amendment.

**RECORDED VOTE**

The CHAIRMAN. A recorded vote has been demanded.

**NOT VOTING—6**

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**AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. LOGFREN**

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from California (Ms. LOGFREN) on which further proceedings were postponed and on which the noes were prevailed by voice vote.

**NOT VOTING—8**

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**AMENDMENT NO. 3 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. JOHNSON**

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.

**NOT VOTING—9**

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**AMENDMENT NO. 4 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ROHRABACHER**

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.

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**AMENDMENT NO. 5 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WATERS**

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.

**NOT VOTING—10**

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**AMENDMENT NO. 6 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SCHAEFFER**

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.

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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, 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. LOFREN'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 who 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 "YEAS" ON ROLLCALL VOTE 460; "YEAS" ON ROLLCALL VOTE 461; "NAY" ON ROLLCALL VOTE 462; "NO" ON ROLLCALL VOTE 463; "YEAS" ON ROLLCALL VOTE 464; AND "NO" ON ROLLCALL VOTE 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. LATOURRETT). 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 gentleman 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. 981) 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 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,

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

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,

DA N 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 and October 1 on account of personal business.

Mr. CHENOWETH (at the request of Mr. ARMey) for after 100 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. MCELWAIN) 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. MILLERENDE-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.
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commodating 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. SULLIVAN: Committee on Transportation and Infrastructure. H.R. 1300. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to reform 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. 2006. 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. 2006) 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 information, in an amendment; referred to the Committee on Commerce for a period ending not later than October 8, 1999, for consideration of such provisions as fall within the jurisdiction of the committee pursuant to clause 1(f), rule X (Rept. 106-349, Pt. 1).

Mr. BLILLEY: Committee on Commerce. H.R. 1188. 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 Commerce for a period ending not later than October & 1999, for consideration of such provisions as fall within the jurisdiction of that committee pursuant to clause 1(f), 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 severely referred to the following:

By Mr. BLILLEY: 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, Ms. MALONEY of New York, Mr. MILLER of California, Mr. BLUMENAUER, Mr. CAPUANO, Mr. DELAHUNT, Mr. HINCHey, Mr. HOLTY, Mr. KENNEDY of Rhode Island, Mr. KUSCHEL, Mr. MARTINEZ, Mr. MCDERMOTT, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. VENTO, and Mr. WYGAND): H.R. 2980. A bill to reduce emissions of mercury, carbon dioxide, nitrogen oxides, and sulfur dioxide from fossil fuel-fired electric generating units operating in the United States, and for other purposes; to the Committee on Commerce, and in addition to the Committee on 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. BLILLEY: 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, and in addition to the Committee on Energy and Infrastructure, the Committee on 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. ANDREWS: H.R. 2982. A bill to provide grants to States and local educational agencies to recruit, train, and hire 100,000 school-based resource officers to help school district and local school systems address the 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, and in addition to the Committee on Transportation and Infrastructure.

By Mr. BARRETT of Nebraska: H.R. 2984. 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: H.R. 2985. A bill to provide for a biennial conservation of 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. 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, Mr. LORENZEN of Texas, Mr. SANCHEZ, Mr. HINOJOSA, Mr. GEORGE MILLER of California, Mr. TIERNEY, and Mr. MENENDEZ): H.R. 2987. A bill to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, 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. 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. BONILLA (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 a deduction for health maintenance organizations; 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. Biley.
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, Mr. Bush, Mr. Barcia, Mr. Franks of New Jersey, Mr. Tows, 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. Musso, Mr. Murphy, and Mr. Vitter.
H.R. 870: Mr. Vitter.
H.R. 914: Mr. Watt of North Carolina.
H.R. 961: Mr. Send and Mr. Hinoosa.
H.R. 976: Ms. McCarthy of Missouri.
H.R. 1041: Mr. Vitter.
H.R. 1070: Mr. Bereuter.
H.R. 1178: Mr. Tiahrt, Mr. DeFazio, Mr. Walden of Oregon, and Mr. Weldon of Florida.
H.R. 1190: 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. 1308: 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. 1325: Mr. Estez.
H.R. 1399: Mr. Cummings and Mr. Moakley.
H.R. 1456: Mrs. Maloney of New York.
H.R. 1465: 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. 1530: 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. 1726: Mr. Linder.
H.R. 1791: Mr. Evans.
H.R. 1876: Mr. McIntosh, Mr. Barr of Georgia, Mr. Vaughan, Mr. Dainlin, Mr. Brady of Texas, and Mr. Goodson.
H.R. 2059: Mrs. Kelly.
H.R. 2162: Mr. Stupak.
H.R. 2222: Mr. Meléndez of Florida, Mr. Spratt, and Ms. Eddie Bernice Johnson of Texas.
H.R. 2260: Mr. Isakson.
H.R. 2265: Mr. Becerra, Mr. Metcalfe, Mr. Mchugh, Mr. Cramer, and Mr. Wynn.

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 disagreement between 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:

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:

TITLES

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, $660,000.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $500,000.

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY

For necessary expenses of the Office of the Assistant Secretary for Policy, $538,000.

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.

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 al- location 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 AIR CREATION

For necessary expenses of the Office of the Assistant Secretary for Air Creation, $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, $2,222,000.

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, $6,075,000.

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.
CONGRESSIONAL RECORD – HOUSE

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. 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 head: 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 type of services provided 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 Congestion Mitigation Act of 1994: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $33,775,000: In addition, for administrative expenses to carry out the direct loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses for minority business outreach activities, $9,200,000, of which $2,635,000 shall remain available until expended, and from the sale of properties listed under this heading, and from the sale of HU-25 aircraft and other properties, to remain available until September 30, 2000: Provided further, That none of the funds in this Act 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; $63,900,000 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, 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 further, 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 property or utility on, or anything of value in, any aircraft and Coast Guard property, and improvements thereto, in South Haven, Michigan; ESMT Manasquan, New Jersey; Petaluma, California; ESMT Chesapeake, Virginia; 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 obliga.

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 of income and services; $72,000,000, to remain available until expended: Provided, That none of the funds provided in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency head: 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 type of services provided are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation facilities and air- craft, including equipment related thereto, $389,326,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $18,150,000 shall be available for acquisition, 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; $63,900,000 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, 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 further, 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 property or utility on, or anything of value in, any aircraft and Coast Guard property, and improvements thereto, in South Haven, Michigan; ESMT Manasquan, New Jersey; Petaluma, California; ESMT Chesapeake, Virginia; 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 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 property or utility on, or anything of value in, any aircraft and Coast Guard property, and improvements thereto, in South Haven, Michigan; ESMT Manasquan, New Jersey; Petaluma, California; ESMT Chesapeake, Virginia; 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:

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard’s environmental compliance and restoration programs, pursuant to title 43, 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 pay adjustments and retroactive pay for 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 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 $25,000,000 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 of support which were not so charged during fiscal year 1997.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, in connection with research and development, test, and evaluation; maintenance, rehабilitation, 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 any funds in the Treasury of the United States, or in the Treasury of any State or local governments, or in the Treasury of any other public authorities, or in any private sources, or in 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, in connection with operations and expenses directly related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, support of the operation (including staffing) 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 75 of title 49, United States Code, and 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 these funds shall be available for the Federal Aviation Administration to plan, finalize, or implement any regulation that would promulgate new aviation user fees for the purpose of financing an operating account to be used to finance the construction, renovation, and improvement of aids to navigation and aviation safety; $72,000,000, for federal capital outlay, for medical care for retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $17,000,000, to remain available until expended.

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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 financial 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 Federal Aviation Administration’s School of Aviation Maintenance Technology: 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 for time worked 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 for facilities 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 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

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of title 49, United States Code, including construction activities 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 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.

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 title 49, United States Code, including construction activities 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 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.

Privatization System program, as authorized; $8,000,000 shall be available for National Historic Covered Bridge Preservation Program under section 122 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 Center and to construct a facility which will 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; $1,300,000 shall be available for the Refuge Road Program under section 204 of title 23, United States Code; $2,000,000 shall be available for the Transportation and Community System Preservation pilot program under section 1221 of Public Law 105-178; and $750,000 shall be available for the Airline Passenger Protection Education Grants'' under section 2003(b) of Public Law 105-178, as amended.

Federal-Aid Highways

LIMITATION ON OBLIGATIONS

AIRPORT AND AIRWAY TRUST FUND

None of the funds in this Act shall be available for the implementation or execution of programs 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 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 Development Program (sections 507 and 5117 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 of the Bureau of Transportation Statistics (section 111 of title 23, 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; Clearwater County, Minnesota, $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;
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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, $1,000,000; Greater Metropolitan Capital Region, DC, $5,000,000; Greater Yellowstone, Montana, $1,000,000; Houston, 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, $1,500,000; 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, $500,000; San Francisco, California, $1,000,000; Santa Clara, California, $1,000,000; St. Louis, Missouri, $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, $1,000,000; Spokane, Washington, $500,000; St. Louis, Missouri, $1,000,000; 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, $6,000,000; State of Vermont, $500,000; State of Virginia, $1,000,000; State of Wisconsin, $1,000,000; State of Wyoming, $649,000; Statewide Transcom/Transmit upgrades, New Jersey, $4,000,000; Tacoma Puyallup, Washington, $500,000; Thurston County, Washington, $1,000,000; Towamencin, Pennsylvania, $600,000; Wahusau-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 $6,000,000 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, 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 $100,000 for implementation of the program 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 AUTHORIZATIONS

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 and derived from the Highway Trust Fund, to remain available until expended.

MOTOR CARRIER SAFETY GRANTS

LIQUIDATION OF CONTRACT AUTHORIZATIONS

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.

ALCOHOL-IMPARED DRIVING COUNTERMEASURES GRANTS

LIQUIDATION OF CONTRACT AUTHORIZATIONS

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.

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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.
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 Davison 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 section 5002 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, 5309, 5311, 5327, and section 3038 of Public Law 105-178, $619,600,000, to remain available until expended: Provided, That no more than $307,000,000 of budget authority shall be available for these purposes: Provided further, That $107,000,000 of budget authority shall be 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 $207,000,000 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. 5313(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)); $1,500,000 is available for operations of the National Railroad Passenger Corporation; $1,000,000 is available for the national planning and research program (49 U.S.C. 5314); and $1,000,000 is available for the Federal Transit Administration's transit planning and research program.

RHODE ISLAND TRANSPORTATION SEATS

For the purposes of carry out 49 U.S.C. 5307, 5308, 5309, 5311, 5327, and section 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:

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<thead>
<tr>
<th>No.</th>
<th>State</th>
<th>Project</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1</td>
<td>Alaska</td>
<td>Anchorage Ship Creek intermodal facility</td>
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<td>Alaska</td>
<td>Fairbanks intermodal rail/bus transfer facility</td>
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<td>3</td>
<td>Alaska</td>
<td>Juneau downtown mass transit facility</td>
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<td>North Star Borough-Fairbanks intermodal facility</td>
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<td>6</td>
<td>Alaska</td>
<td>Whittier intermodal facility and pedestrian overpass</td>
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<td>7</td>
<td>Alabama</td>
<td>Alabama statewide rural bus needs</td>
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<td>Alabama</td>
<td>Baldwin Rural Area Transportation System buses</td>
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<td>Alabama</td>
<td>Birmingham intermodal facility</td>
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<td>Alabama</td>
<td>Escambia County buses and bus facility</td>
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<td>Gees Bend Ferry facilities, Wilcox County</td>
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<td>Alabama</td>
<td>Mobile intermodal facility</td>
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<td>19</td>
<td>Alabama</td>
<td>Jasper buses</td>
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<td>20</td>
<td>Arkansas</td>
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<td>22</td>
<td>Arizona</td>
<td>M ontgomery Union Station intermodal center and buses</td>
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<td>23</td>
<td>Arizona</td>
<td>Valley bus and bus facilities</td>
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<td>Fayetteville, University of Arkansas Transit System buses</td>
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<td>36</td>
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<td>37</td>
<td>California</td>
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<tr>
<td>174</td>
<td>New York</td>
<td>Ithaca intermodal transportation center</td>
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<tr>
<td>175</td>
<td>New York</td>
<td>Ithaca, TCAI bus technology improvements</td>
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<td>176</td>
<td>New York</td>
<td>Long Island, CNG transit vehicles and facilities and bus replacement</td>
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<tr>
<td>177</td>
<td>New York</td>
<td>Mineola/Hicksville, LIRR intermodal centers</td>
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<td>178</td>
<td>New York</td>
<td>New York City Midtown West 38th Street ferry terminal</td>
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<tr>
<td>179</td>
<td>New York</td>
<td>New York, West 72nd St. Intermodal Station</td>
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<tr>
<td>180</td>
<td>New York</td>
<td>Putnam County, New York buses and bus facilities</td>
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<tr>
<td>181</td>
<td>New York</td>
<td>Rensselaer intermodal bus facility</td>
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<tr>
<td>182</td>
<td>New York</td>
<td>Rochester buses and bus facility</td>
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<tr>
<td>183</td>
<td>New York</td>
<td>Syracuse, buses</td>
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<tr>
<td>184</td>
<td>New York</td>
<td>Utica Union Station</td>
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<td>185</td>
<td>New York</td>
<td>Westchester County DOT, articulated buses</td>
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<td>186</td>
<td>New York</td>
<td>Westchester County, Bee-Line transit system fareboxes</td>
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<td>Westchester County, Bee-Line transit system shuttle buses</td>
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<tr>
<td>188</td>
<td>New York</td>
<td>Cleveland, Triskett Garage bus maintenance facility</td>
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<td>189</td>
<td>Ohio</td>
<td>Dayton, Multimodal Transportation Center</td>
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<td>Ohio</td>
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<td>Ohio</td>
<td>Oklahoma statewide buses and bus facilities</td>
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<td>Oklahoma</td>
<td>Texas statewide buses and bus facilities</td>
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<td>Oregon</td>
<td>Lane County, Bus Rapid Transit, buses and facilities</td>
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<td>194</td>
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<td>Lincoln County Transit District buses</td>
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<td>Oregon</td>
<td>Portland, Tri-Met bus maintenance facility</td>
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<td>196</td>
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<td>Project</td>
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<td>Pennsylvania</td>
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<td>214</td>
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<td>Mid-Mon Valley buses and bus facilities</td>
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<td>Norristown, parking garage (SEPTA)</td>
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<td>Philadelphia, Intermodal 30th Street Station</td>
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<td>Reading, BARTA Intermodal Transportation Facility</td>
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<td>Robinson, Towne Center Intermodal Facility</td>
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<td>Somerset County bus facilities and buses</td>
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<td>Wilkes-Barre, Intermodal Facility</td>
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<td>Central Midlands COG/Columbia transit system</td>
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<td>South Carolina</td>
<td>Greenville intermodal authority</td>
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<td>232</td>
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<td>Pee Dee buses and facilities</td>
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<td>Tennessee</td>
<td>Southern Coalition for Advanced Transportation (SCAT) (TN, GA, FL, AL) electric buses</td>
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<td>Texas</td>
<td>Alamo Area transportation system buses and bus facilities</td>
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<td>238</td>
<td>Texas</td>
<td>Brazos Transit Authority buses and bus facilities</td>
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<td>239</td>
<td>Texas</td>
<td>El Paso Sun Metro buses</td>
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<td>Texas</td>
<td>Fort Worth bus replacement (including CNG vehicles) and paratransit vehicles</td>
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<td>Texas</td>
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<td>242</td>
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<td>Galveston buses and bus facilities</td>
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<td>243</td>
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<td>Utah</td>
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<td>Utah Transit Authority, intermodal facilities</td>
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<td>Virginia</td>
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<td>Richmond, GRTC bus maintenance facility</td>
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<td>Virginia</td>
<td>Statewide buses and bus facilities</td>
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<td>Vermont</td>
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<td>254</td>
<td>Vermont</td>
<td>Chittenden County Transportation Authority buses</td>
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<td>255</td>
<td>Vermont</td>
<td>Essex Junction multimodal station rehabilitation</td>
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<td>256</td>
<td>Vermont</td>
<td>Killington-Sherburne satellite bus facility</td>
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<td>257</td>
<td>Washington</td>
<td>Bremerton multimodal center—Sinclair’s Landing</td>
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<td>258</td>
<td>Washington</td>
<td>Sequim Clallam Transit multimodal center</td>
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<td>Everett, Multimodal Transportation Center</td>
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<td>261</td>
<td>Washington</td>
<td>Grays Harbor County, buses and equipment</td>
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<td>262</td>
<td>Washington</td>
<td>King County Metro King Street Station</td>
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<td>263</td>
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<td>264</td>
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<td>King County park and ride expansion</td>
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<td>265</td>
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<td>Mount Vernon, buses and bus related facilities</td>
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<td>266</td>
<td>Washington</td>
<td>Pierce County Transit buses and bus facilities</td>
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<td>267</td>
<td>Washington</td>
<td>Seattle, intermodal transportation terminal</td>
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<td>268</td>
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<td>Snohomish County, Community Transit buses, equipment and facility</td>
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<td>269</td>
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<td>Spokane, HEV buses</td>
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<td>270</td>
<td>Washington</td>
<td>Tacoma Dome Station</td>
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<td>271</td>
<td>Washington</td>
<td>Vancouver Clark County (C-TRAN) bus facilities</td>
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<td>272</td>
<td>Washington</td>
<td>Washington State DOT combined small transit system buses and bus facilities</td>
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<td>273</td>
<td>Wisconsin</td>
<td>Milwaukee County, buses and equipment</td>
<td>6,000,000</td>
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<tr>
<td>274</td>
<td>Wisconsin</td>
<td>Wisconsin statewide bus facilities and buses</td>
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<td>275</td>
<td>West Virginia</td>
<td>Huntington intermodal facility</td>
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<td>276</td>
<td>West Virginia</td>
<td>Parkersburg, intermodal transportation facility</td>
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<tr>
<td>277</td>
<td>West Virginia</td>
<td>West Virginia Statewide Intermodal Facility and buses</td>
<td>5,000,000</td>
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</table>
and there shall be available for new fixed guide-
way systems $980,400,000, to be available as fol-
lows: $10,400,000 for Alaska or Hawaii ferry
project; $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 dou-
ble track project; $3,000,000 for the Birmingham, Alabama trans-
sit corridor; $1,000,000 for the Boston Urban Ring project; $500,000 for the Calais, Maine branch line rail
regional transit program; $2,500,000 for the Canton-Akron-Cleveland
commuter rail project; $2,500,000 for Charleston, South Carolina
Monosboro corridor project; $4,000,000 for the Charlotte, North Carolina,
north-south corridor transitway; $2,500,000 for the Chicago METRA
commuter rail project; $3,500,000 for the Chicago Transit Authority
Douglas branch line project; $5,500,000 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 Governor, New Jersey line"; $1,000,000 for the Cleveland Euclid corridor
improvement project; $1,000,000 for the Colorado Roaring Fork Val-
ley 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
budget; $7,000,000 for the Greater Albuquerque mass transit project;
$1,000,000 for the Harrisburg-Lancaster capital area area expressway 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
extension project; $50,000,000 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 Holly-
wood 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—Sil-
ver Spring intermodal and Penn-Camden rail connection; $1,000,000 for the Massachusetts North Shore
corridor project; $2,500,000 for the Memphis, Tennessee, Med-
cal City connected project; $1,500,000 for the Miami-Dade Transit East-
west multimodal corridor project;
$1,000,000 for the Nashville, Tennessee, commu-
ter rail project; $99,000,000 for the New Jersey Hudson Bergen
project; $5,000,000 for the New Jersey/New York Trans-
Hudson Midtownt corridor; $1,000,000 for the New Orleans Canal Street
transitway; $12,000,000 for the Newark rail link MOS-1
project; $1,000,000 for the Norfolk-Virginia Beach cor-
ner project; $4,000,000 for the Northern Indiana south
shore commuter rail project; $2,000,000 for the Oceanside-Encinito, Cali-
ifornia light rail system; $10,000,000 for temporary and permanent
Olympic transportation infrastructure investment:
Provided, That these funds shall be alloc-
ated 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 avail-
able 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 railroad corridor; $4,000,000 for the Philadelphia-Reading
SEPTA Schuylkill Valley metro project; $1,000,000 for the Philadelphia SEPTA cross-
cyntメトロ project; $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
and Central business district corridor project; $8,000,000 for the Pittsburgh stage II light rail
extension 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; $37,025,000 for the San Antonio, Texas, light
rail project; $5,000,000 for the San Diego Mid-Corc
extension project; $20,000,000 for the San Diego Mission Valley
East light rail transit project; $65,000,000 for the San Francisco BART exten-
sion 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/Eli Dorado, New
Mexico rail link; $35,895,000 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 project (phase II) extension project;
$1,000,000 for the Stamford, Connecticut fixed
guideway connector; $1,000,000 for the Stockton, California
Altamont connection project; $1,000,000 for the Tampa Bay regional rail
project; $3,000,000 for the Twin Cities Transitways
project; $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 re-
construction 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
completing out 49 U.S.C. 5338(b), $1,500,000,000,
to remain available until expended and to be
de-ceived 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 CORPORA-
TION**

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such
expenditures, within the limits of funds and bor-
rowing authority available to the Corporation,
and in accord with law, and to make such con-
tracts and commitments without regard to fiscal
year limitations as provided by section 104 of the
Government Corporation Control Act, as amend-
ed, as may be necessary in carrying out the pro-
grams set forth in the Corporation’s budget for
the current fiscal year.

**OPERATIONS AND MAINTENANCE**
**(HARBOR MAINTENANCE TRUST FUND)**

**RESEARCH AND SPECIAL PROGRAMS**
**ADMINISTRATION**

**RESEARCH AND LEND PROGRAMS**

For expenses necessary to discharge the func-
tions of the Research and Special Programs Ad-
ministration, $32,061,000, of which $645,000
shall be derived from the Pipeline Safety F
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 ap-
propriation, to be available until expended,
funds received from States, counties, municipali-
ties, other public authorities, and private
sources for expenses incurred for training, for
reports publication and dissemination, and for
costs incurred in performance of haz-
ardous materials exemptions and approvals
functions.

**PIPELINE SAFETY**
**(PIPELINE SAFETY FUND)**

**OIL SPILL LIABILITY TRUST FUND**

For expenses necessary to conduct the func-
tions of the pipeline safety program, as
authorized by 49 U.S.C. 60107, and to discharge the
pipeline program responsibilities of the Oil
Congo Act of 1990, $15,000,000, of which
$5,479,000 shall be derived from the Oil Spill Li-
ability 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 transportation agencies.

EMERGENCY PREPAREDNESS GRANTS (EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. §127(c), $200,000, to be derived from the Em- ergency Preparedness Fund; of which $50,000 shall remain available until September 30, 2002: Provided, That none of the funds made available by 49 U.S.C. §116(i) and §127(d) shall be available for obliga- tion for any period of time after December 31, 1998, and that this heading shall be used for the purposes of the Inspector General, or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspect- or General to carry out the provisions of the Inspector General Act of 1978, as amended, $44,840,000: Provided, That the Inspector Gen- eral shall have all necessary authority, in car- rying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3) to in- vestigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person with respect to which the Inspector General Act of 1978, as amended, generally authorized by section 5 of the Inspector General Act of 1978, as amended, (other than the Secretary of Transportation, or his designee.

SEC. 305. None of the funds in this Act shall be available for the planning of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

TITLE II

RELATED AGENCIES

ARCHITECTURAL ACCESS 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 Rehabilita- tion Act of 1973, as amended, $4,833,000: Pro- vided, That, notwithstanding any other provi- sion of law, there may be credited to this appro- priation funds received for publications and representation expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Trans- portation Safety Board, including hire of pas- senger 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), $57,000,000, of which not to exceed $2,000 may be used for official representation expenses.

GENERAL PROVISIONS

INCLUDING TRANSFERS OF FUNDS

SEC. 301. During the current fiscal year appli- cable appropriations to the Department of Transportation shall be available for mainte- nance of operation of aircraft, hire of pas- senger 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 approipa- tions Acts.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Admin- istration shall be available: (1) except as other- wise provided by this Act or any other law, for expenditures by the Federal Aviation Administration under the Air Traffic Organization, equal to the amount referred to in sub- section (b) and sums authorized to be appro- priate by paragraph (1) of this subsection; (2) for the payment of expenses of, or otherwise program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

For necessary expenses of the Surface Trans- portation Board, including 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 (49 U.S.C. 5902), $67,000,000: Provided, That none of the personnel covered by this pro- vision may be assigned on temporary detail out- side the Department of Transportation.

SEC. 306. None of the funds in this Act shall be available for the planning 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 be- yond the current fiscal year, nor may any be transferred to other appropriations, unless ex- pressly so provided herein.

SEC. 308. The Secretary of Transportation may enter into grants, cooperative agreements, and other transactions with States and local government, the District of Columbia, or other governmental entities.

SEC. 310. (a) For fiscal years 1999 and 2000, the Sec- retary of Transportation shall—

1. determine the ratio that—

SEC. 309. The expenditure of any approipa- tion provided in this Act shall not be offset through procurement contract pursuant to sec- tion 3109 of title 5, United States Code, shall be limited to those contracts where such expendi- tures 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. 311. (a) For fiscal years 1999 and 2000, the Secretary of Transportation shall—

SEC. 312. None of the funds available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid Highways and Highway Safety Programs, as authorized by the Federal-aid Highways Acts of 1997 (P.L. 105-177), and the Federal-aid Highways Acts of 1998, in an amount of $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 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 bear to--

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year.

(6) Except as provided in subsection (a), the obligation limitations provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and the 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, and (2) in the event that the Secretary determines that 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 obligated in the same manner as prescribed in section 133(b) of title 23, United States Code.

(f) SPECIAL RULE.—Obligation limitation distributed for a fiscal year under 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 highways programs for future fiscal years.

Sec. 311. The limitations on obligations for the program of the Federal Aviation 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 used to implement section 405 of title 23, United States Code.

Sec. 314. Notwithstanding any other provision of law, the obligation limitation for the Federal-aid Highways programs (other than the program defined in title 49, 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 under section 105 of title 23, United States Code, but only in an amount equal to $39,000,000 for such fiscal year.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year reallocate the obligation limitation for this program made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds appropriated under sections 104 and 104 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 105 of the Intermodal Surface Transportation Efficiency Act of 1991 (95 Stat. 1943-1945).

(d) 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 that are authorized only 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 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 under this section.

(f) DISTRIBUTION UNDER OBLIGATION AUTHORITY.—The distribution under obligation authority made available under paragraph (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highways programs for future fiscal years.

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. Funds provided 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 Highway Administration and the National Highway Traffic Safety Administration and for the purchase of equipment necessary to carry out the purposes of the Safe Horizon project.

Sec. 319. Funds provided in this Act for the Transportation Administration Service Center (TASC) shall be reduced by $15,000,000, which limits fiscal year 2000 TASC obligatory authority for Federal-aid highway programs funded in this Act to no more than $133,673,000. Provided, That such reductions from the budget request shall be allocated to the obligation limitation for Federal-aid highways programs in proportion to the amount included in each account for the Transportation Administration 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 used to prepare or otherwise make available 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, 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 ORIGIN-DESTINATION INFORMATION REQUIREMENTS.—(a) A VAILABILITY 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 section (b) in fiscal year 2000 in an amount equal to the amount apportioned to that sponsor in 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; and

(2) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate the apportionment to airport sponsors in a fiscal year; and

(3) the cause of the shortfall in passenger boardings in the calendar year prior to the calendar year used to calculate the apportionment to airport sponsors in a fiscal year was a temporary but significant interruption in service by a major air carrier for which the airport was not responsible 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’’ and

(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 323 and 331 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 and Highway Safety Construction Fund under the heading for any such 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. 325. None of the funds in this Act may be obligated or expended for employee training which—

(a) does not meet identified needs for existing employees; (b) includes the purchase of which was assisted by a Federal grant or loan program; (c) is not necessary to carry out the purposes of the Safe Horizon project; (d) is not necessary for emergency highway safety construction.
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 courses provided for the purpose; (d) contains any content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Guidance on Compliance with Title VII of the Civil Rights Act of 1964, dated September 23, 1998; (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 immuno-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, telegram, 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 which they deem necessary or to a State legislature or to a State legislature, through the proper 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 which they deem necessary for the efficient conduct of business.

SEC. 327. (a) IN GENERAL. — None of the funds made available by 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 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 shall, to the extent practicable, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing 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 statute made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS MADE IN AMERICA.—If it has been finally determined by a court of law that any supplier has 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 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 for or made available under 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. 551–570a, 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, in connection with performance 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 require 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 number of unassigned slots within the designated period 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 shall determine.

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 more than 500 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 located within 20 miles of the nearest large or medium hub airport.

SEC. 333. Rebates, refunds, incentive payments, minor fees, and other funds received by the Department from the travel management centers, the subleasing of building space, and miscellaneous sources are not to be credited to 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 issue the issuance 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 of Public Law 105–134 shall include the identification of Amtrak routes which are candidates for closure or realignment, based on performance rankings 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 necessary expenses.

SEC. 340. Funds provided in Public Law 104–205 for the Griffin light rail project shall be available for alternative analysis and environment study and draft environmental impact statements, and any prior year unobligated funds, for the Griffin light rail project shall be available to Amtrak and Amtrak alternatives for alternative analysis and environmental impact statements and to those who are eligible for light rail alternatives in the Griffin corridor from Hartford to Bradley International Airport.

SEC. 341. Section 3030(c)(1)(A) 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 3030(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, 2002 and to be expended by the manager of the Office for Acquisition, Construction, and Improvements.

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 and to be used for any purpose other than 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 within the City of Los Angeles; and California has approved in the Record of Decision on State Route 710 Freeway, issued by the United States Department of Transportation—Federal Highway Administration, 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 thereon, that requires or encourages the use of a facility whose availability is determined under section 40102 of title 49, United States Code, to an intrastate or interstate air transportation (as those terms are defined in section 40102 of title 49, United States Code) to

(1) provide a peanut-free buffer zone or any other related peanut-restricted area; or
mandant.

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 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 improvements thereto) located in New Castle, New Hampshire, consisting of approximately five acres and including a pier.

(b) IDENTIFICATION OF PROPERTY.—The Commandant shall 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 by subsection (a).

(2) The Commandant shall, in connection with such conveyance, reserve in favor of the United States easement and rights of way the Commandant considers necessary to protect the interests of the United States, including easements or rights regarding access to and utility of the property.

(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 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.

(4) 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 (a), shall maintain the property conveyed 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) R EVERSIONARY INTEREST.—All right, title, and interest in and to the property conveyed under this section, including any improvements thereto, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(1) No conveyance, assignment, or exchange of the property conveyed, or any part thereof, for consideration or without the approval of the Commandant;

(2) the conveyance of, assignment of, exchange of, or encumbrance of any part thereof, unless such conveyance, assignment, exchange, or encumbrance is otherwise approved by 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 condition established by the Commandant under this section with respect to the property is violated.

The SEC. 350. (a) ASSIGNMENTS OF FUNDS.—Any conveyance 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 provided that disappearance or information is not an address available 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. 2721(2) 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 programs.

The SEC. 351. Notwithstanding any other provision of law, within the funds provided in this Act for 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 Walsingham Bridge #63, Harford County, MD" and inserting in lieu thereof the following: "For improvements to Bottom Road Bridge, Village Hill Road Bridge and South Common Road Bridge, in Walsingham #63, Harford County, MD".

(b) FINDINGS.—The Senate makes the following findings:

(1) The Civil War 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 in 1980.

(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 2000.

(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 public policy.

(b) 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 has wrongfully decided not to include marital status on the census questionnaire to be distributed to the majority of American households for the 2000 decennial census.

(b) (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 2, part 250, of the Code of Federal Regulations, so as to double the applicable penalties for involuntary denied boardings and allow those passengers that are involuntarily denied boardings the options 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 section 1215(h) to the States for the 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) and (c) of section 1202 of title 23, United States Code.

SEC. 357. (a) Notwithstanding the January 4, 1997, 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) and (c) of section 1202 of title 23, United States Code.

(b) shall not affect the Secretary's decision of January 4, 1997, that exclude heavy duty trucks and permit use by vehicles bound to or from 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 (2) of section 106(b) of title 23, United States Code, for construction of Type I noise barriers at the locations identified in section 1215(h)(5) 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. 257) 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 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:

```
1298. Arkansas

1299. Arkansas
```

Sec. 362. Section 1105(c)(18)(C)(ii) of the Intermodal Surface Transportation Efficiency Act of 1991 (52 U.S.C. 2105(c)(18)(C)(ii)) is amended by striking “in the vicinity of” and inserting “east of Wilmar, Arkansas, and west of”.

Sec. 363. 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. 365. Sec. 3030(b) of the Transportation Equity Act for the 21st Century (112 Stat. 373-375) is amended by adding at the end the following:

```
(E) Dane County Corridor-East-West Madison Metropolis area.
```

Sec. 366. 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. 367. SEC. 366. Notwithstanding the Federal Airport Act (as in effect on April 3, 1956) or sections 47225 and 47153 of title 49 of the 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 the airport.

Sec. 368. 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. 369. 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. 370. 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 104 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.
The conference agreement includes a provision (sec. 396) which authorizes the Secretary to transfer funds appropriated for any office of the Secretary to any other office of the Secretary, provided that no appropriation shall be increased or decreased by more than 12 percent in any 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 or position determination requested by the Secretary, as proposed by both the House and the Senate.

**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 $652,000 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 with the Office of the Secretary. The Conference Agreement includes a provision which authorizes the Assistant Secretary for Policy to transfer funds appropriated for any office of the Secretary to any other office of the Secretary, provided that no appropriation shall be increased or decreased by more than 12 percent in any such transfers and that such transfers shall be submitted for approval to the House and Senate Committees on Appropriations.

**Office of the Assistant Secretary for Aviation and Accessibility**

The conference agreement provides $1,110,000 for expenses of the Office of Small and Disadvantaged Business Utilization as proposed by the Senate.

**Office of the Assistant Secretary for Intelligence and Security**

The conference agreement provides $1,836,000 for expenses of the Office of Intelligence and Security as proposed by the Senate.

**Office of the Assistant Secretary for Administration**

The conference agreement provides $1,454,000 for expenses of the Office of Intelligence and Security as proposed by the Senate. The House bill provided $1,435,000 for expenses of the Office of Intelligence and Security as proposed by the Senate.

**Office of the Chief Information Officer**

The conference agreement provides $5,075,000 for expenses of the Office of the Chief Information Officer as proposed by the Senate. The Senate bill provided $4,300,000 for expenses of the Office of the Chief Information Officer as proposed by the Senate.

**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 Senate.

**Office of the Assistant Secretary for Transportation**

The conference agreement provides $5,008,000 for expenses of the Office of the Assistant Secretary for Transportation as proposed by the Senate.

**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 Senate.
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 Aeronaautical 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 OUTREACH 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 RESOURCE CENTER PROGRAM

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 Senate. The conference agreement is $150,000,000 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 $334,000,000 proposed by the Senate. The agreement does not include language proposed by the Senate which would have allowed a transfer of up to $50,000,000 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 conference agreement continues 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 Uniformed 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)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Estimate</td>
<td>House</td>
<td>Senate</td>
<td>Agreement</td>
</tr>
<tr>
<td><strong>I. Personnel Resources</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Military pay &amp; allowances</td>
<td>$1,879,381</td>
<td>$1,879,381</td>
<td>$1,764,109</td>
<td>$1,779,842</td>
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<tr>
<td>B. Civilian pay &amp; benefits</td>
<td>1,359,891</td>
<td>1,359,891</td>
<td>1,268,022</td>
<td>1,264,852</td>
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<tr>
<td>C. Military health care</td>
<td>220,631</td>
<td>220,631</td>
<td>211,091</td>
<td>220,631</td>
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<tr>
<td>D. Perm. change of station</td>
<td>139,070</td>
<td>139,070</td>
<td>133,395</td>
<td>139,070</td>
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<tr>
<td>E. Training &amp; education</td>
<td>66,028</td>
<td>66,028</td>
<td>63,160</td>
<td>63,528</td>
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<tr>
<td>F. Recruiting</td>
<td>71,793</td>
<td>71,793</td>
<td>70,634</td>
<td>71,793</td>
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<tr>
<td>G. FECA/UCX</td>
<td>10,877</td>
<td>10,877</td>
<td>6,716</td>
<td>8,877</td>
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<tr>
<td><strong>II. Operating Funds and Unit</strong></td>
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<td></td>
<td></td>
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<tr>
<td>Level Maintenance</td>
<td>655,472</td>
<td>655,472</td>
<td>617,280</td>
<td>635,972</td>
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<tr>
<td>A. Atlantic area command</td>
<td>109,616</td>
<td>109,616</td>
<td>104,146</td>
<td>103,366</td>
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<tr>
<td>B. Pacific area command</td>
<td>117,990</td>
<td>117,990</td>
<td>112,490</td>
<td>111,740</td>
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<tr>
<td>C. District commands</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. 1st district (Boston)</td>
<td>40,429</td>
<td>40,429</td>
<td>40,401</td>
<td>40,429</td>
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<tr>
<td>2. 7th dist. (Miami)</td>
<td>45,454</td>
<td>45,454</td>
<td>44,555</td>
<td>45,454</td>
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<tr>
<td>3. 8th dist. (New Orleans)</td>
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<td>28,483</td>
<td>28,483</td>
<td>28,483</td>
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<tr>
<td>4. 9th dist. (Cleveland)</td>
<td>17,418</td>
<td>17,418</td>
<td>17,418</td>
<td>17,418</td>
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<td>5. 13th dist. (Seattle)</td>
<td>13,721</td>
<td>13,721</td>
<td>13,165</td>
<td>13,721</td>
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<tr>
<td>6. 14th dist. (Honolulu)</td>
<td>7,332</td>
<td>7,332</td>
<td>7,332</td>
<td>7,332</td>
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<tr>
<td>7. 17th dist. (Juneau)</td>
<td>20,174</td>
<td>20,174</td>
<td>20,402</td>
<td>20,174</td>
</tr>
<tr>
<td>D. Headquarters offices</td>
<td>205,871</td>
<td>205,871</td>
<td>184,674</td>
<td>198,871</td>
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<tr>
<td>E. HQ-managed units</td>
<td>42,096</td>
<td>42,096</td>
<td>37,360</td>
<td>42,096</td>
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<td>F. Other activities</td>
<td>6,888</td>
<td>6,888</td>
<td>6,854</td>
<td>6,888</td>
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<td><strong>III. Depot-Level Maintenance</strong></td>
<td>406,186</td>
<td>406,186</td>
<td>390,611</td>
<td>405,186</td>
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<tr>
<td>A. Aircraft maintenance</td>
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<td>156,862</td>
<td>150,337</td>
<td>156,862</td>
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<td>B. Electronic maintenance</td>
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<td>35,783</td>
<td>38,079</td>
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<tr>
<td>C. Shore maintenance</td>
<td>102,792</td>
<td>102,792</td>
<td>101,478</td>
<td>101,792</td>
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<tr>
<td><strong>IV. Account-Wide Adjustments</strong></td>
<td>0</td>
<td>-150,039</td>
<td>0</td>
<td>-40,000</td>
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<tr>
<td>A. Funding previously provided</td>
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<td>-150,039</td>
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<td>-40,000</td>
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<tr>
<td><strong>Total</strong></td>
<td>2,941,039</td>
<td>2,791,000</td>
<td>2,772,000</td>
<td>2,781,000</td>
</tr>
</tbody>
</table>
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**

<table>
<thead>
<tr>
<th>Program Name</th>
<th>FY 2000 Estimate</th>
<th>FY 2000 House</th>
<th>FY 2000 Senate</th>
<th>Conference Agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Vessels:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Survey and design - cutters and boats</td>
<td>500,000</td>
<td>500,000</td>
<td>500,000</td>
<td>500,000</td>
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<tr>
<td>Seagoing buoy tender (WLB) replacement</td>
<td>77,000,000</td>
<td>108,000,000</td>
<td>77,000,000</td>
<td>77,000,000</td>
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<tr>
<td>47-foot motor lifeboat (MLB) replacement project</td>
<td>24,360,000</td>
<td>24,360,000</td>
<td>24,360,000</td>
<td>24,360,000</td>
</tr>
<tr>
<td>Buoy boat replacement project (BUSL)</td>
<td>5,000,000</td>
<td>5,000,000</td>
<td>5,000,000</td>
<td>5,000,000</td>
</tr>
<tr>
<td>Polar icebreaker - USCGC Healy</td>
<td>1,900,000</td>
<td>1,900,000</td>
<td>1,900,000</td>
<td>1,900,000</td>
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<tr>
<td>Configuration management</td>
<td>3,700,000</td>
<td>3,700,000</td>
<td>3,700,000</td>
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<tr>
<td>Surface search radar replacement project</td>
<td>4,000,000</td>
<td>4,000,000</td>
<td>4,000,000</td>
<td>4,000,000</td>
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<tr>
<td>Polar class icebreaker reliability improvement program</td>
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<td>4,100,000</td>
<td>4,100,000</td>
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<tr>
<td>Barracuda coastal patrol boat (CPB)</td>
<td>1,000,000</td>
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<tr>
<td>Mackinaw replacement</td>
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<td>3,000,000</td>
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<tr>
<td>Deepwater capability concept exploration</td>
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<td>40,000,000</td>
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<td><strong>Deepwater Project Revolving Fund:</strong></td>
<td>0</td>
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<td>44,200,000</td>
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<tr>
<td><strong>Integrated Deepwater Systems:</strong></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>44,200,000</td>
</tr>
<tr>
<td><strong>Aircraft:</strong></td>
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<tr>
<td>HC-130 engine conversion</td>
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<td>0</td>
<td>1,100,000</td>
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<tr>
<td>HH-65A helicopter kapton reworking</td>
<td>3,360,000</td>
<td>3,360,000</td>
<td>3,360,000</td>
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<tr>
<td>HH-65A helicopter mission computer replacement</td>
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<td>HH-65A engine control program</td>
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<td>0</td>
<td>10,000,000</td>
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<td>HH-65 conversion, AIRFAC Southern Lake Michigan</td>
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<td>8,000,000</td>
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<tr>
<td>Long range search aircraft capability preservation</td>
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<td>5,900,000</td>
<td>5,900,000</td>
<td>5,900,000</td>
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<tr>
<td>胡-25 Avioics improvements</td>
<td>2,900,000</td>
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<td>2,900,000</td>
<td>2,900,000</td>
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<tr>
<td>HH-60J navigation upgrade</td>
<td>3,800,000</td>
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<td>3,800,000</td>
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<tr>
<td>SLAR upgrade</td>
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<td>2,500,000</td>
<td>2,500,000</td>
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<tr>
<td>C-130H oil debris detection/burnoff technology</td>
<td>0</td>
<td>1,200,000</td>
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<tr>
<td>HU-25 re-engining</td>
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<td>7,000,000</td>
<td>6,000,000</td>
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<tr>
<td><strong>Other Equipment:</strong></td>
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<tr>
<td>Fleet logistics system</td>
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<td>6,000,000</td>
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<td>Ports and waterways safety system (PAWSS)</td>
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<td>Marine information for safety and law enforcement (MISLE)</td>
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<td>10,274,000</td>
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<td>Aviation logistics management information system (ALMIS)</td>
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<td>National distress system modernization</td>
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<td>Local notice to mariners automation</td>
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<td>Defense message system implementation</td>
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<td>Commercial satellite communications</td>
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<td>Human resources information system</td>
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<td>Loran-C continuation</td>
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<td><strong>Shore Facilities and Aids to Navigation:</strong></td>
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<td></td>
<td></td>
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<tr>
<td>Survey and design - shore projects</td>
<td>6,000,000</td>
<td>6,000,000</td>
<td>6,000,000</td>
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<td>Air Station Kodiak, AK - renovate hanger</td>
<td>8,300,000</td>
<td>8,300,000</td>
<td>8,300,000</td>
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<tr>
<td>Air Station Elizabeth City, NC - ramp improvements</td>
<td>3,800,000</td>
<td>3,800,000</td>
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<td>3,800,000</td>
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<td>Air Station Miami, FL-renovate fixed wing hanger</td>
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<td>3,500,000</td>
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<td>Coast Guard Academy, New London, CT - educ. Facilities</td>
<td>5,000,000</td>
<td>5,000,000</td>
<td>5,000,000</td>
<td>5,000,000</td>
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<tr>
<td>Base San Juan, PR - patrol boat maintenance facility</td>
<td>3,100,000</td>
<td>3,100,000</td>
<td>3,100,000</td>
<td>3,100,000</td>
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<td>Station Shinnecock, NY - modernize</td>
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<td>3,500,000</td>
<td>3,500,000</td>
<td>3,500,000</td>
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<td>MISO/Station Cleveland, OH - relocate</td>
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<td>0</td>
<td>1,000,000</td>
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<td>Drug interdiction assets - homeporting</td>
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<td>2,800,000</td>
<td>2,800,000</td>
<td>2,800,000</td>
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<tr>
<td>Unalaska, AK - pier</td>
<td>0</td>
<td>8,000,000</td>
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<td>8,000,000</td>
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<tr>
<td><strong>Personnel and Related Support:</strong></td>
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<td>Direct personnel costs</td>
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<td>50,180,000</td>
<td>51,180,000</td>
<td>50,180,000</td>
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<td>Core acquisition costs</td>
<td>1,750,000</td>
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<td>750,000</td>
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<tr>
<td><strong>Total appropriation</strong></td>
<td>350,326,000</td>
<td>410,000,000</td>
<td>370,426,000</td>
<td>389,326,000</td>
</tr>
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</table>
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:

<table>
<thead>
<tr>
<th>Bridge and location</th>
<th>Conference agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Orleans, LA, Florida Avenue RR/HW Bridge</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Brunswick, GA, Sidney Lanier Highway Bridge</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>Charleston, SC, Limehouse Bridge</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Mobile, AL, Fourteen Mile Bridge</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Morris, IL E &amp; E Railroad Bridge</td>
<td>$2,000,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$15,000,000</strong></td>
</tr>
</tbody>
</table>

RETIRED PAY

The conference agreement includes $173,027,000 for Coast Guard retired pay as proposed by the Senate instead of $172,000,000 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 eliminate $20,000,000. The conference agrees 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 $23,000,000 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 sub-marine 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

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. The conference agreement deletes the permissive transfer from the Transportation administrative service center (TASC). The department is encouraged to eliminate the TASC role in FAA's administration of the DAFIS system.

Limitations on leases. The conference agreement provides a limitation 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.

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

**AIR TRAFFIC SERVICES:**

<table>
<thead>
<tr>
<th>Budget line</th>
<th>FY 2000 House</th>
<th>FY 2000 Senate</th>
<th>Conference Agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Budget estimate:</strong></td>
<td>4,696,487,000</td>
<td>4,696,487,000</td>
<td>4,696,487,000</td>
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<tr>
<td><strong>Adjustments to estimate:</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Runway incursion program</td>
<td>2,500,000</td>
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<td>3,300,000</td>
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<tr>
<td>Host maintenance</td>
<td>-1,000,000</td>
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<td>-1,000,000</td>
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<tr>
<td>Interim incentive pay phaseout</td>
<td>-12,190,000</td>
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<td>0</td>
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<tr>
<td>Overtime</td>
<td>-5,000,000</td>
<td>0</td>
<td>-5,000,000</td>
</tr>
<tr>
<td>Controller in charge deferral</td>
<td>-5,600,000</td>
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<tr>
<td>Supervisors</td>
<td>1,800,000</td>
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<td>1,800,000</td>
</tr>
<tr>
<td>Sick leave buyback savings</td>
<td>-1,000,000</td>
<td>0</td>
<td>0</td>
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<tr>
<td>WIGs/GTG increases</td>
<td>-4,425,000</td>
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<td>-4,425,000</td>
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<tr>
<td>Airspace redesign</td>
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<td>0</td>
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<tr>
<td>RTCA support</td>
<td>-135,000</td>
<td>0</td>
<td>-135,000</td>
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<tr>
<td>Contract tower cost-sharing</td>
<td>5,000,000</td>
<td>5,000,000</td>
<td>5,000,000</td>
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<tr>
<td>Flight service station staffing</td>
<td>3,967,000</td>
<td>0</td>
<td>3,967,000</td>
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<tr>
<td>NAS handoff</td>
<td>-12,122,000</td>
<td>-18,000,000</td>
<td>-15,000,000</td>
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<tr>
<td>Terminal leave savings</td>
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<td>-2,000,000</td>
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<tr>
<td>Performance award savings</td>
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<td>-770,000</td>
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<td>Travel</td>
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<td>MARC</td>
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<td>2,000,000</td>
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<tr>
<td>Undistributed decrease</td>
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<td>-3,741,000</td>
<td>-15,000,000</td>
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<tr>
<td>Rocky Mtn Emergency Center</td>
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<tr>
<td>FAALC transfer from ARC</td>
<td>0</td>
<td>0</td>
<td>6,762,000</td>
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<tr>
<td><strong>Amount recommended:</strong></td>
<td>4,660,892,000</td>
<td>$4,681,246,000</td>
<td>4,666,766,000</td>
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</table>

### 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:

<p>| Budget estimate: | 50,608,000 | $50,608,000 | 50,608,000 |
| Adjustments to estimate:      |            |            |            |
| Transfer to AIP               | 0          | -50,608,000 | -50,608,000 |
| <strong>Amount recommended:</strong>       | 50,608,000 | $0          | 0          |</p>
<table>
<thead>
<tr>
<th></th>
<th>FY 2000 House</th>
<th>FY 2000 Senate</th>
<th>Conference Agreement</th>
</tr>
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<tr>
<td><strong>RESEARCH AND ACQUISITION:</strong></td>
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<td>183,740,000</td>
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<td>Adjustments to estimate:</td>
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<tr>
<td>Human capital management – delete</td>
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<td>-2,205,000</td>
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<td>Undistributed reduction</td>
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<td>FAALC xfer to ATS</td>
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<td>-6,762,000</td>
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<td>FOB-10B</td>
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<td>$6,838,000</td>
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<tr>
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<td>Amount recommended:</td>
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<td>Adjustments to estimate:</td>
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<tr>
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<td>FOB 10B – slip in occupancy schedule</td>
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<td>Amount recommended:</td>
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<tr>
<td>Adjustments to estimate:</td>
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<td>Amount recommended:</td>
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<td>0</td>
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<tr>
<td>Adjustments to estimate:</td>
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<td></td>
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<tr>
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<td>IPPS – deferral</td>
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<tr>
<td>General counsel: +4% vs. +11%</td>
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</tr>
<tr>
<td>Budget line</td>
<td>FY 2000 House</td>
<td>FY 2000 Senate</td>
<td>Conference Agreement</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>---------------</td>
<td>---------------</td>
<td>----------------------</td>
</tr>
<tr>
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**ACCOUNTWIDE ADJUSTMENTS:**

<table>
<thead>
<tr>
<th>Adjustments to estimate</th>
<th>Budget estimate:</th>
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</thead>
<tbody>
<tr>
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</tr>
<tr>
<td></td>
<td>$0</td>
</tr>
<tr>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>

- **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 conference agrees not to allow expansion of the FAA franchise fund during fiscal year 2000.

Aircraft firefighting training.—The conference does 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 conference is aware of the cooperative National Institute for Occupational Safety and Health, 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. The conference understands that FAA’s involvement in this initiative in fiscal year 2000 requires a resource commitment of approximately $250,000. The conference anticipates similar involvement by the NTSA.

Contract tower program.—The conference does not agree with Senate direction requiring the establishment of an air traffic control tower in Salisbury, Maryland. However, it is the conference’s understanding that the contract towers listed in the Senate report, including the FAA’s approval of the existing contract tower program and should receive consideration for funding. The conference has been assured that the FAA is considering the 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 conference further directs the 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 conference understands the draft report indicates that annual savings of $30,000,000 to $50,000,000 are achievable except for a provision in the current budget that would require the agency to employ a minimum level of 15,000 government air traffic controllers. The DOT Inspector General recently reported “FAA has a weakness in its Air Traffic Organization in 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 conference directs the FAA to use these funds to 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 FAA’s airspace redesign effort.

Outagamie County Regional Airport.—The conference does not agree with Senate direction concerning Outagamie County Regional Airport.

Reprogrammings.—The conference affirms the importance of the existing reprogramming reporting requirements, which request the department to submit, on a quarterly basis, a summary of reprogramming actions, whether below or above Congressional approval thresholds.

Controller-in-charge.—The conference agreement accepts the position of the House-reported bill related to the controller-in-charge (CIC) concept, as included in last year’s labor agreement with the National Air Traffic Controllers Association (NATCA) 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 conference agrees with the House that any change in the current level of supervisors at the end of fiscal year 1999 to be 2,025, which is down from approximately 2,060 the year before. The conference expects 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 supervisors and replaced them with performance-based increases such as an “organizational success increase” (OSI), to be developed as part of the agency’s core compensation plan. However, since the agency has reached 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, as it does not recognize an experience-based increase with an automatic general increase. The conference disapprove funding budgeted for grade increases or performance-based increases because until the agency reaches agreement with NATCA on implementation of performance-based increases such as OSI and OSI, it is not developed as part of the agency’s core compensation plan. However, since the agency has reached 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, as it does not recognize an experience-based increase with an automatic general increase.

The conference disagrees with the House proposal to begin a phaseout of the Interim Incentive Pay (IIP), and consequently restore the reduction of $12,100,000 in the House-reported bill.

General pay raise.—The conference agreement affirms the House position that the $50,000,000 requested for 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.

The conference agreement maintains the House proposal to reduce funding for the Radio Technical Commission for Aeronautics (RTCA) by $135,000. The conference shares the concern of the House that the agency should not continue, on a sole-source basis, the “consensus-building” and program planning and implementation activities of RTCA. Although originally tasked to provide advice on FAA’s “black box” requirements, RTCA has recently been chartered by FAA to act more broadly, to develop industry consensus and implementation plans for a variety of agency proposed 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 control and independence. RTCA’s task forces make technical recommendations, establish schedules, locations, and funding requirements, and the agency accepts these decisions with few or no changes. This collaborative network of industry and FAA officials appears to be unusual for a federal advisory committee. Therefore, the conference directs the 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 government advisory committees.

This report should be completed and submitted to the Congress no later than March 1, 2000.

English language proficiency.—The conference does 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 has used previous appropriations to validate this data and to raise the level of cooperation and effort in the international arena. The conference agrees that further work in this area can 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 conference 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, the House recommendation relating to the introduction of fractional aircraft ownership concepts for the execution of selected air transportation requirements. The conferees disagree with 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:
<table>
<thead>
<tr>
<th>TITLE</th>
<th>FY 2000 Estimate</th>
<th>House Bill</th>
<th>Senate Bill</th>
<th>Conference Bill Agreement</th>
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<p>| 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                | 2,000.0    | 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 COMM'S 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                |</p>
<table>
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<tr>
<th>TITLE</th>
<th>FY 2000</th>
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<th>Senate Bill</th>
<th>Conference Agreement</th>
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### Facilities and Equipment
**Fiscal Year 2000**
**Conference Agreement**
(In Thousands of Dollars)

<table>
<thead>
<tr>
<th>TITLE</th>
<th>FY 2000</th>
<th>House Bill</th>
<th>Senate Bill</th>
<th>Conference Agreement</th>
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<td>825,576.7</td>
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#### NON-ATC FACILITIES AND EQUIPMENT:

- **NAS MANAGEMENT AUTOMATION PROGRAM (NASMAP)**
  - FY 2000: 1,100.0
  - House Bill: 1,100.0
  - Senate Bill: 800.0
  - Conference Agreement: 800.0

- **HAZARDOUS MATERIALS MANAGEMENT**
  - FY 2000: 22,500.0
  - House Bill: 22,500.0
  - Senate Bill: 22,500.0

- **AVIATION SAFETY ANALYSIS SYSTEM (ASAS)**
  - FY 2000: 16,400.0
  - House Bill: 16,400.0
  - Senate Bill: 11,600.0
  - Conference Agreement: 14,000.0

- **OPERATIONAL DATA MANAGEMENT SYSTEM (ODMS)**
  - FY 2000: 600.0
  - House Bill: 600.0
  - Senate Bill: 600.0

- **FAA EMPLOYEE HOUSING - PROVIDE**
  - FY 2000: 8,000.0
  - House Bill: 8,000.0
  - Senate Bill: 8,000.0

- **LOGISTICS SUPPORT SYSTEM AND FACILITIES**
  - FY 2000: 3,000.0
  - House Bill: 3,000.0
  - Senate Bill: 2,300.0

- **TEST EQUIPMENT - MAINTENANCE SUPPORT**
  - FY 2000: 1,000.0
  - House Bill: 1,000.0
  - Senate Bill: 1,000.0

- **INTEGRATED FLIGHT QUALITY ASSURANCE**
  - FY 2000: 5,000.0
  - House Bill: 5,000.0
  - Senate Bill: 4,000.0

- **SAFETY PERFORMANCE ANALYSIS SUBSYSTEM (SPAS)**
  - FY 2000: 5,200.0
  - House Bill: 5,200.0
  - Senate Bill: 3,500.0

- **NATIONAL AVIATION SAFETY DATA CENTER**
  - FY 2000: 1,500.0
  - House Bill: 1,500.0
  - Senate Bill: 1,500.0

- **PERFORMANCE ENHANCEMENT SYSTEM**
  - FY 2000: 5,000.0
  - House Bill: 5,000.0
  - Senate Bill: 2,000.0

- **EXPLOSIVE DETECTION SYSTEMS**
  - FY 2000: 97,500.0
  - House Bill: 97,500.0
  - Senate Bill: 100,000.0

- **FACILITY SECURITY RISK MANAGEMENT**
  - FY 2000: 11,500.0
  - House Bill: 11,500.0
  - Senate Bill: 11,500.0

- **INFORMATION SECURITY**
  - FY 2000: 10,325.0
  - House Bill: 10,325.0
  - Senate Bill: 4,000.0

- **NAS RECOVERY COMMUNICATIONS (RCOM)**
  - FY 2000: 1,000.0
  - House Bill: 1,000.0
  - Senate Bill: 1,000.0

**SUBTOTAL - SUPPORT EQUIPMENT**
- FY 2000: 189,625.0
- House Bill: 189,625.0
- Senate Bill: 174,300.0
- Conference Agreement: 181,400.0

#### MISSION SUPPORT:

- **SYSTEM ENGINEERING AND DEVELOPMENT SUPPORT**
  - FY 2000: 27,300.0
  - House Bill: 27,300.0
  - Senate Bill: 22,200.0
  - Conference Agreement: 22,200.0

- **PROGRAM SUPPORT LEASES**
  - FY 2000: 31,100.0
  - House Bill: 31,100.0
  - Senate Bill: 31,100.0

- **LOGISTICS SUPPORT SERVICES**
  - FY 2000: 5,600.0
  - House Bill: 5,600.0
  - Senate Bill: 5,600.0

- **MIKE MONROKE AERONAUTICAL CENTER - LEASE**
  - FY 2000: 14,600.0
  - House Bill: 14,600.0
  - Senate Bill: 14,600.0

- **IN-PLANT NAS CONTRACT SUPPORT SERVICES**
  - FY 2000: 2,800.0
  - House Bill: 2,800.0
  - Senate Bill: 2,800.0

- **TRANSITION ENGINEERING SUPPORT**
  - FY 2000: 40,900.0
  - House Bill: 40,900.0
  - Senate Bill: 38,700.0

- **FREQUENCY AND SPECTRUM ENGINEERING - PROVIDE**
  - FY 2000: 3,000.0
  - House Bill: 3,000.0
  - Senate Bill: 3,000.0

- **PERMANENT CHANGE OF STATION MOVES**
  - FY 2000: 3,200.0
  - House Bill: 3,200.0
  - Senate Bill: 3,200.0

- **FAA SYSTEM ARCHITECTURE**
  - FY 2000: 2,500.0
  - House Bill: 2,500.0
  - Senate Bill: 2,330.0

- **TECHNICAL SERVICES SUPPORT CONTRACT (TSSC)**
  - FY 2000: 48,800.0
  - House Bill: 40,000.0
  - Senate Bill: 47,143.0

- **RESOURCE TRACKING PROGRAM**
  - FY 2000: 1,500.0
  - House Bill: 1,500.0
  - Senate Bill: 1,000.0

- **CENTER FOR ADVANCED AVIATION SYSTEM DEV. (MITRE)**
  - FY 2000: 63,400.0
  - House Bill: 63,400.0
  - Senate Bill: 60,100.0

**TOTAL ACTIVITY 4**
- FY 2000: 244,700.0
- House Bill: 231,200.0
- Senate Bill: 231,773.0
- Conference Agreement: 222,500.0

#### PERSONNEL AND RELATED EXPENSES:

- **PERSONNEL AND RELATED EXPENSES**
  - FY 2000: 308,793.9
  - House Bill: 283,000.0
  - Senate Bill: 274,566.0
  - Conference Agreement: 265,000.0

**TOTAL ACTIVITY 5**
- FY 2000: 308,793.9
- House Bill: 283,000.0
- Senate Bill: 274,566.0
- Conference Agreement: 295,000.0

**TOTAL**
- FY 2000: 2,319,000.0
- House Bill: 2,200,000.0
- Senate Bill: 2,045,652.0
- Conference Agreement: 2,075,000.0
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 restrained 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 commitments, a percentage 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 agency was not successful in acquiring projects. The conferees have no objection to FAA's use of operating funds for this work.

Next generation landing systems (ILS).—The conferees believe 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. The conferees believe that FAA has 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 not provide additional funding until this system is shown not only a single, pre-production system. The conferees believe the program should go unrestrained in the absence of compelling financial justification.

Funding provided is $80,000,000 for the WAAS program. The conference agreement provides $2,000,000 for the Transponder landing system. The conferees believe that this system is 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.
Control tower tracor 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 Senate, instead of $165,000,000 as proposed by the House. The conferees do not agree with Senate directions regarding fair share of perceived civil benefits.

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 navais and ATC facilities, and NAS recovery communication 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 AOS O system 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 $61,000,000 for modernization of $130,000,000 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.

GFS 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.

The following table compares the budget estimates, House and Senate recommended levels, and the conference agreement:

<table>
<thead>
<tr>
<th>Location</th>
<th>Fiscal year 2000</th>
<th>Budget</th>
<th>House</th>
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<td></td>
<td>76,000,000 64,346,000 75,520,000 78,800,000</td>
</tr>
</tbody>
</table>

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 $356,495,000 for FAA research, engineering, and development instead of $327,000,000 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**

<table>
<thead>
<tr>
<th>Program Name</th>
<th>FY99</th>
<th>FY00</th>
<th>FY00</th>
<th>FY00</th>
<th>Conference</th>
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<td>Enacted</td>
<td>Estimate</td>
<td>House</td>
<td>Senate</td>
<td>Agreement</td>
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<td>16,280,000</td>
<td>17,139,000</td>
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<td>1,294,000</td>
<td>1,164,000</td>
<td>1,164,000</td>
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<td>4,900,000</td>
<td>4,900,000</td>
<td>4,900,000</td>
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<td><strong>Capacity and Air Traffic Management Technology</strong></td>
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<td><strong>Weather</strong></td>
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<td>Juneau, AK</td>
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<td>Ice monitoring and detection system</td>
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<td><strong>Aircraft Safety Technology</strong></td>
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<td>Advanced materials/structural safety</td>
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<td>2,338,000</td>
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<tr>
<td>Propulsion and fuel systems</td>
<td>2,831,000</td>
<td>3,126,000</td>
<td>3,126,000</td>
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<tr>
<td>Flight safety/atmospheric hazards research</td>
<td>2,619,000</td>
<td>3,844,000</td>
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<td>Aging aircraft</td>
<td>14,694,000</td>
<td>15,998,000</td>
<td>20,998,000</td>
<td>18,094,000</td>
<td>21,594,000</td>
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<td>Aircraft catastrophic failure prevention research</td>
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<td>1,981,000</td>
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<td>Aviation safety risk analysis</td>
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<tr>
<td><strong>System Security Technology</strong></td>
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<td>58,400,000</td>
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<td>43,700,000</td>
<td>45,877,000</td>
<td>50,859,000</td>
<td>39,500,000</td>
<td>42,606,000</td>
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<td>Airport security technology integration</td>
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<td>2,285,000</td>
</tr>
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<td>Aviation security human factors</td>
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<td>5,256,000</td>
<td>5,256,000</td>
<td>5,256,000</td>
<td>5,256,000</td>
</tr>
<tr>
<td><strong>Human Factors &amp; Aviation Medicine</strong></td>
<td>25,065,000</td>
<td>26,207,000</td>
<td>27,829,000</td>
<td>20,207,000</td>
<td>21,971,000</td>
</tr>
<tr>
<td>Flight deck/maintenance/system integration human factors</td>
<td>11,000,000</td>
<td>10,142,000</td>
<td>11,000,000</td>
<td>9,142,000</td>
<td>9,142,000</td>
</tr>
<tr>
<td>Air traffic control/airway facilities human factors</td>
<td>10,000,000</td>
<td>11,236,000</td>
<td>12,000,000</td>
<td>8,000,000</td>
<td>8,000,000</td>
</tr>
<tr>
<td>Aeromedical research</td>
<td>4,065,000</td>
<td>4,829,000</td>
<td>4,829,000</td>
<td>3,065,000</td>
<td>4,829,000</td>
</tr>
<tr>
<td><strong>Environment and Energy</strong></td>
<td>2,891,000</td>
<td>3,481,000</td>
<td>3,481,000</td>
<td>2,891,000</td>
<td>3,481,000</td>
</tr>
<tr>
<td><strong>Innovative/Cooperative Research</strong></td>
<td>1,000,000</td>
<td>1,421,000</td>
<td>1,421,000</td>
<td>1,000,000</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total appropriation</strong></td>
<td>150,000,000</td>
<td>172,535,000</td>
<td>173,000,000</td>
<td>150,000,000</td>
<td>156,495,000</td>
</tr>
</tbody>
</table>
Weather research.—The conference agrees to provide $19,300,000 for aviation weather research instead of $20,950,000 as proposed by the House and $15,765,000 as proposed by the Senate. The conferees direct that, of these funds, $1,000,000 is to be made available for the national laboratory program, $2,000,000 is available to continue Project Socrates, $900,000 is available to continue the Department of Transportation for Wind, Fog, and $3,100,000 is to continue the turbulence and windshear research project at Jungle, Ala.

Explosives and weapons detection and aircraft hardening.—The conference agreement includes $42,606,000 instead of $50,859,000 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 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 palleterized cargo at Huntsville International, Ala. 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 $23,500,000 as proposed by the House and $20,070,000 as proposed by the Senate. The conferees note that recently the focus of the “ATC/AF human factors” research has shifted away from today’s human factors problems since it would not seem beneficial to implement from tomorrow’s technologies. These technology development efforts have their own funding which could address these issues. The conferees do not believe RE&D funds are needed 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
(Effectiveness 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 conference agrees 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 conference expects FAA to make AIP discretionary grants within fifteen days after submission to the office of the secretary of grant decisions, notwithstanding departmental guidelines and practices. The conferees found that, in some cases, awards were being delayed significantly in the office of the secretary due to slow administrative practices. The conferees note that recently the focus of “ATC/AF human factors” research has shifted away from today’s human factors problems since it would not seem beneficial to implement from tomorrow’s technologies. These technology development efforts have their own funding which could address these issues. The conferees do not believe RE&D funds are needed 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
(RECESSION 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 108(a)(21) 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 technology research, development, and demonstration activities under section 108(f)(2) of title 23, U.S.C., as amended; $5,000,000 shall be available for the nationwide differential

H9108
CONGRESSIONAL RECORD—HOUSE
September 30, 1999
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 TEA-21. These “operating” funds are intended to support transportation management planning activities and related temporary and permanent transportation infrastructure investments based on the transportation management plan for the Winter Olympic Games.

In addition, the conferees recommend that the Secretary give priority consideration when allocating any highway funding that is not committed to the following transportation projects to support the 2002 Winter Olympic Games:

- I-80: Kimball Junction-modification/reconstruction
- Silver Creek Junction-modification/reconstruction
- SR 248 reconstruction: US 40 to Park City
- Soldier Hollow Improvements: Wasatch County
- 1-15 reconstruction: 1080 South to 600 North
- I-80: 3500 South-interchange reconfiguration
- I-15: 2100 South

The conference agreement includes $70,484,000 for administrative expenses of the Office of Inspector General. These funds are transferred to the Office of Inspector General from FHWA's administrative takedown as authorized under section 104(a) of title 23 to the Inspector General cost reimbursements.

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, $20,000,000 shall be available to conduct the school transportation safety study and $30,000 shall be available for Operation Impact.

The conference agreement provides up to $2,000,000 for Inspector General audit cost reburdenments. These funds are transferred from FHWA's administrative takedown as authorized under section 104(a) of title 23 to the Inspector General.

The conference agreement includes $79,450,000 for transportation research as proposed by the Senate instead of $55,418,000 as proposed by the Senate. The conference agreement includes $79,450,000 for transportation research as proposed by the Senate instead of $55,418,000 as proposed by the Senate.

The conference agreement includes a provision proposed by the Senate providing $10,000,000 for the national historic covered bridge preservation program from the House instead of $5,000,000 as proposed by the Senate.
Safety.—The conferees direct the FHWA to encourage the use of polymer additives and to work with the University of Mississippi to further research in this area.

Structures.—Within the funds provided for structures research, the conferees encourage the FHWA to provide up to $1,200,000 to develop advanced engineering and wood composites for bridge construction.

Environment.—The FHWA is encouraged to work with the University of Maine to develop concepts for environment research and to develop technologies that will lead to better construction.

Policy.—The FHWA is encouraged to support research into the use of electronic control of magnets to reduce sound during construction.

Advanced research.—The FHWA is encouraged to collaborate with the National Environmental Research Center on its research strategy.

Highway operations.—Within the funds provided for highway research and development, the conferees encourage the 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 conferees encourage the FHWA to work with interested parties to explore a standard of technologies for access to and the relevant data to be recorded in this area.

Technology and deployment.—The conferees encourage the FHWA to work with interested parties to explore a standard of technologies for access to and the relevant data to be recorded in this area.
<table>
<thead>
<tr>
<th>Project location</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seattle, Washington</td>
<td>2,100,000</td>
</tr>
<tr>
<td>Shennadoah Valley, Virginia</td>
<td>2,500,000</td>
</tr>
<tr>
<td>Shreveport, Louisiana</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Silicon Valley, California</td>
<td>1,500,000</td>
</tr>
<tr>
<td>Southeast Michigan</td>
<td>2,000,000</td>
</tr>
<tr>
<td>Spokane, Washington</td>
<td>500,000</td>
</tr>
<tr>
<td>St. Louis, Missouri</td>
<td>1,000,000</td>
</tr>
<tr>
<td>State of Missouri</td>
<td>1,000,000</td>
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<tr>
<td>State of Alabama</td>
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<tr>
<td>State of Alaska</td>
<td>3,000,000</td>
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<tr>
<td>State of Arizona</td>
<td>2,000,000</td>
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<tr>
<td>State of Colorado</td>
<td>1,500,000</td>
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<tr>
<td>State of Delaware</td>
<td>2,000,000</td>
</tr>
<tr>
<td>State of Idaho</td>
<td>2,000,000</td>
</tr>
<tr>
<td>State of Indiana</td>
<td>1,000,000</td>
</tr>
<tr>
<td>State of Maine</td>
<td>1,000,000</td>
</tr>
<tr>
<td>State of Nebraska</td>
<td>500,000</td>
</tr>
<tr>
<td>State of Oregon</td>
<td>1,000,000</td>
</tr>
<tr>
<td>State of Texas</td>
<td>4,000,000</td>
</tr>
<tr>
<td>State of Vermont rural systems</td>
<td>1,000,000</td>
</tr>
<tr>
<td>States of New Jersey and New</td>
<td>2,000,000</td>
</tr>
<tr>
<td>York</td>
<td></td>
</tr>
<tr>
<td>Statewide TransCom/Transmit</td>
<td>upgrades, New Jersey</td>
</tr>
<tr>
<td>Tacony, Pennsylvania</td>
<td>500,000</td>
</tr>
<tr>
<td>Thurst, Washington</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Towamenc, Pennsylvania</td>
<td>600,000</td>
</tr>
<tr>
<td>Wausau-Stevens Point-Wisconsin</td>
<td>1,500,000</td>
</tr>
<tr>
<td>Wayne County, Michigan</td>
<td>1,000,000</td>
</tr>
</tbody>
</table>

Projects selected for funding shall contribute to the integration and interoperability of intelligent transportation systems, consistent with the criteria set forth in TEA-21.

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 nation's 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 $90,000,000 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 conferences encourage the FHWA to work with Drexel University to focus on the link between transportation systems and transportation infrastructure.

Within the funds provided for evaluations, the conferences 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 conference directs 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:

<table>
<thead>
<tr>
<th>Project</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hokes Bluff, Alabama ferry</td>
<td>$350,000</td>
</tr>
<tr>
<td>LaPoint, Wisconsin ferry</td>
<td>$575,000</td>
</tr>
<tr>
<td>Mc Celidr, Wisc. and Carter</td>
<td>1,500,000</td>
</tr>
<tr>
<td>New Bedford, Massachusetts</td>
<td>1,500,000</td>
</tr>
<tr>
<td>North London ferry terminal</td>
<td>800,000</td>
</tr>
<tr>
<td>North Carolina ferry system</td>
<td>2,000,000</td>
</tr>
<tr>
<td>Penn’s landing ferry, Pennsylvania</td>
<td>1,500,000</td>
</tr>
<tr>
<td>Port Clinton, Ohio ferry and passengers terminal</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Potomac River ferry</td>
<td>500,000</td>
</tr>
<tr>
<td>Savannah, Georgia water taxi</td>
<td>500,000</td>
</tr>
<tr>
<td>Seattle Elliott Bay water taxi</td>
<td>500,000</td>
</tr>
<tr>
<td>State of Hawaii intra-island ferry service from Barbers Point to Honolulu Harbor</td>
<td>1,500,000</td>
</tr>
</tbody>
</table>
| 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 (SERAPHM) 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 (SERAPHM) project—The conferences have provided $1,000,000 for the SERAPHM project. The project is to devise a low-speed maglev research. This technology has been identified as a potential transit option for the Colorado intermountain fixed guideway authority and 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:

<table>
<thead>
<tr>
<th>Project</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Columbus port-of-entry realignment, Columbus, New Mexico</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Corridor 18, Texas</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>I-5, Washington</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>I-66, Kentucky</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>Mon-Fayette expressway, West Virginia</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Route 2, New Hampshire, corridor planning</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>Stevenson Expressway, Chicago, Illinois</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>STH 29, Wisconsin development corridor, Chappap Falls to Elk Mound</td>
<td>$12,000,000</td>
</tr>
</tbody>
</table>

In addition, the conferences direct that $8,000,000 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 additional and upgrade improvements directly related to the efficient operation of the facilities.

**TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PROGRAM**

The conference agreement provides a total of $30,000,000 for the transportation and community and system preservation program, of which $10,000,000 are derived from the administration of the national Highway Trust Fund. The conference directs funds provided for the transportation and community and system preservation program, funds are to be available for the following projects and activities:

<table>
<thead>
<tr>
<th>Project</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama Department of Transportation Statewide Dock Improvement</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>Anchorage, Alaska Ship Creek development &amp; port access planning</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>Arlington County, Virginia pedestrian, bicycle access and other transit improvements</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>Burlington, Vermont North Vitalization project</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>City of New Haven, Connecticut trolley cars</td>
<td>$250,000</td>
</tr>
<tr>
<td>City of Warwick, Rhode Island, Station Redevelopment Planning</td>
<td>$300,000</td>
</tr>
<tr>
<td>Community and environmental transportation system accessibility program of southern California</td>
<td>$500,000</td>
</tr>
<tr>
<td>Concord, New Hampshire 2020 Vital Rail community planning guide</td>
<td>$400,000</td>
</tr>
<tr>
<td>Denver, Colorado 16th Street Pedestrian Improvements</td>
<td>$500,000</td>
</tr>
<tr>
<td>Desert Research Institute Air Quality Study</td>
<td>$500,000</td>
</tr>
<tr>
<td>DuPage County, Illinois transportation alternatives development</td>
<td>$750,000</td>
</tr>
<tr>
<td>Fairbanks, Alaska Riverwalk Centennial Bridge community connector project</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Florence, Alabama and other transportation improvements</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Fort Worth, Tennessee rural infrastructure and transit linkages</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>Green Bay, Wisconsin pedestrian improvements and livable communities projects</td>
<td>$750,000</td>
</tr>
<tr>
<td>Houston, Texas Main Street corridor pedestrian communities</td>
<td>$500,000</td>
</tr>
<tr>
<td>Jackson, Mississippi Pearl River Airport Connector Study</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Kalispell, Montana Bus Barn Facility</td>
<td>$400,000</td>
</tr>
<tr>
<td>Knoxville, Tennessee electric transit project</td>
<td>$500,000</td>
</tr>
<tr>
<td>Lufkin, Texas Small Town Livability Demonstration Project</td>
<td>$400,000</td>
</tr>
<tr>
<td>Metrowest regional transportation study, Massachusetts</td>
<td>$250,000</td>
</tr>
<tr>
<td>Monmouth, County, New Jersey pedestrian improvements</td>
<td>$300,000</td>
</tr>
<tr>
<td>Montclair New Jersey connection transitivable communities</td>
<td>$250,000</td>
</tr>
<tr>
<td>Muncie, Indiana community connectors</td>
<td>$250,000</td>
</tr>
<tr>
<td>New Rochelle, New York intermodal center</td>
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<tr>
<td>North Jersey transportation planning authority</td>
<td>$800,000</td>
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<tr>
<td>Northwest Michigan transportation use initiative</td>
<td>$125,000</td>
</tr>
<tr>
<td>Omak, Washington “Back to the River” community project and pedestrian access</td>
<td>$2,000,000</td>
</tr>
</tbody>
</table>
B R I D G E  D I S C R E T I O N A R Y  P R O G R A M
Within the funds available for the bridge discretionary program, funds are to be available for the following projects and activities:

**Project** | **Conference** | **Pennsylvania Avenue traffic mitigation measures** | 500,000
| Putnam County, West Virginia Route 25 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 project | 250,000
| State of Oregon TCSP Program | 500,000
| Utah-Colorado “Isolated Empire” Rail Connector Study | 1,000,000
| White Plains, New York TRANSCENDER 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 | $155,000,000
| 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 | $3,000,000
| Umatilla, Oregon | 9,000,000
| Williamston-Marietta Bridge, Wood County, West Virginia | 4,000,000
| Witt-Penn Bridge, New Jersey | 3,000,000
| **FEDERAL LANDS** | $155,000,000
| within the funds available for federal lands, funds are to be available for the following projects and activities: | $155,000,000
| Austin Junction-Baker County Line section of US 26, Oregon | $6,500,000
| Blackstone Valley National Heritage Corridor, Rhode Island | 2,500,000
| Boise National Forest, Idaho | 2,000,000
| Chincoteague National Wildlife Refuge, Nebraska | 1,500,000
| Chugach National Forest, Bird Creek Road widening and public safety project | 1,000,000
| Daniel Boone Parkway, Kentucky | 1,000,000
| Delaware River Water Gap National Recreation Area, New Jersey | 2,000,000
| Donlin Creek access road, Alaska | 3,400,000
| Hakalau Forest National Wildlife Refuge | 500,000
| Harpers Ferry National Historical Park Shoreline Drive improvements, West Virginia | 500,000
| Highway 117 feasibility study, Louisiana | 2,000,000
| Highway 323 upgrade between Alzada and Elkala, Montana | 2,000,000
| Historic Columbia River Highway state trail, Oregon | 2,000,000
| Katmai National Park, Lake Clark National Park, and the Kachemak Bay, Alaska | 3,000,000
| Kealia Pond National Wildlife Refuge | 500,000
| Lava butte, Oregon | 500,000
| Leavenworth Improvement Project | 500,000
| Lompoc Valley, California | 500,000
| Lummus Point, Nevada | 500,000
| Mather South, California | 500,000
| McSwain South, California | 500,000
| Menlo Park, California | 500,000
| Mesa Verde National Park, Colorado | 500,000
| Mission Ranch, California | 500,000
| Missouri Breaks National Monument, Montana | 500,000
| Mount Rushmore National Memorial, South Dakota | 500,000
| New Mexico Route 4 J emex Pueblo Bypass, New Mexico | 500,000
| New River Gorge National River, pavel and realign Cunard Road, West Virginia | 960,000
| North Canyon Bridge, Lumbia 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 | 2,000,000
| Timucuan Preserve Road, Florida | 1,000,000
| US 89, west boundary to Bishoff Canyon, Idaho | 2,000,000
| **FEDERAL-ASSISTED HIGHWAYS** | 2,000,000
| **LIQUIDATION OF CONTRACT AUTHORIZATION** | 2,000,000
| **HIGHWAY TRUST FUND** | 2,000,000

**LIQUIDATION OF CONTRACT AUTHORIZATION**

**HIGHWAY TRUST FUND**

The conference agreement provides a liquidating cash appropriation of $26,285,000,000 for the federal-aid highways program instead of $26,300,000,000 as proposed by the Senate.

**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 $135,000,000.

**MOTOR CARRIER SAFETY GRANTS**

**LIMITATION ON OBLIGATIONS**

**HIGHWAY TRUST FUND**

The conference agreement includes a limitation on obligations of $26,265,000,000 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: $75,801,250
- 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 PRI and Driver program: $825,000

**TOTAL**: $105,000,000

**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:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and benefits</td>
<td>$52,643,000</td>
</tr>
<tr>
<td>Travel</td>
<td>$1,355,000</td>
</tr>
<tr>
<td>Operating expenses</td>
<td>$18,409,000</td>
</tr>
<tr>
<td>Contract programs</td>
<td>$3,429,000</td>
</tr>
<tr>
<td>Safety assurance</td>
<td>$9,065,000</td>
</tr>
<tr>
<td>Highway safety programs</td>
<td>$37,513,000</td>
</tr>
<tr>
<td>Research and analysis</td>
<td>$48,901,000</td>
</tr>
<tr>
<td>General administration</td>
<td>$645,000</td>
</tr>
<tr>
<td>Grants administration reimbursements</td>
<td>$10,340,000</td>
</tr>
</tbody>
</table>

**TOTAL**: $161,400,000

**Staffing**

The conference agreement does not provide any funding for the 34 new staff requested by NHTSA. The agency currently has a number of vacancies that need to be filled prior to hiring new staff ($560,000). Operating expenses—subject 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 for $3,000. This should be used to fund travel related to international harmonization activities ($346,000).

**Human resource information system**—Fundings are 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 Rough Road 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 ($1,400,000).
Drivers license identification.—Funding has been denied for the drivers license identification program, consistent with action taken by both the House and the Senate (–$260,000).

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 Aikens Neuroscience Center during this phase of the program and to initiate training of emergency medical services personnel in as many states as possible.

Aggressive driving.—A total of $1,000,000 has been provided to develop and implement a regionally based driver modification program to combat aggressive driving in Maryland, Virginia, and the District of Columbia.

Rural trauma.—The conference agreement allocates $175,000 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 network at the University of Alabama to test the interoperability of vehicular systems: (1) $250,000 for the Center of Advanced Transportation Test Center.

Vehicles technologies at the University of Alabama to test the interoperability of vehicular systems: (1) $250,000 for the Center of Advanced Transportation Test Center.

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.

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 information technology system, as specified in the Senate report, as part of its fiscal year 2001 budget justification.

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 information technology system, as specified in the Senate report, as part of its fiscal year 2001 budget justification.

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 information technology system, as specified in the Senate report, as part of its fiscal year 2001 budget justification.
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 Appropriations to identify new direct loan guarantee commitments can be made using federal funds for the payment of any credit premium amount during fiscal year 2000. These direct loan guarantee commitments are intended to be made only when a non-federal infrastructure partner may contribute the subsidy amount required by the Credit Reform Act of 1990 in the form of a capital contribution. Once a Federal Transportation Infrastructure Improvement Grant has been declared, 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:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Train control projects:</td>
<td></td>
</tr>
<tr>
<td>Illinois project</td>
<td>5,500,000</td>
</tr>
<tr>
<td>Michigan project</td>
<td>3,000,000</td>
</tr>
<tr>
<td>Alaska project</td>
<td>5,000,000</td>
</tr>
<tr>
<td>Transportation safety research</td>
<td>500,000</td>
</tr>
<tr>
<td>Non-electric locomotives:</td>
<td></td>
</tr>
<tr>
<td>Advanced locomotive propulsion</td>
<td>4,000,000</td>
</tr>
<tr>
<td>system</td>
<td></td>
</tr>
<tr>
<td>Prototype locomotives</td>
<td>3,000,000</td>
</tr>
<tr>
<td>Grade crossings and innovative</td>
<td></td>
</tr>
<tr>
<td>technologies</td>
<td></td>
</tr>
<tr>
<td>North Carolina sealed corridor</td>
<td>400,000</td>
</tr>
<tr>
<td>Middletown rail corridor</td>
<td>2,500,000</td>
</tr>
<tr>
<td>Low-cost technologies</td>
<td>1,100,000</td>
</tr>
<tr>
<td>Track and structures</td>
<td>1,200,000</td>
</tr>
</tbody>
</table>

Total ..................................27,200,000

Rail-highway crossing hazard eliminations.—Under section 1103 of TEA-21, an automatic crossing can be considered for elimination if (a) the rail line and highway are not carrying essential traffic, (b) the crossing is not considered necessary for administrative expenses to provide a report to the Interstate Hayden-Allen Company prior to November 30, 1999, (c) the FTA shall include a finance plan and shall include an as-

<table>
<thead>
<tr>
<th>Activity</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety and security</td>
<td></td>
</tr>
<tr>
<td>Fencing along the Northeast</td>
<td>750,000</td>
</tr>
<tr>
<td>Corridor</td>
<td></td>
</tr>
<tr>
<td>High-speed rail corridor</td>
<td>750,000</td>
</tr>
<tr>
<td>Mobile, AL and New Orleans,</td>
<td>1,000,000</td>
</tr>
<tr>
<td>LA</td>
<td></td>
</tr>
<tr>
<td>By the Empire Corridor</td>
<td>500,000</td>
</tr>
<tr>
<td>between Schenectady and New York</td>
<td></td>
</tr>
<tr>
<td>City, NY</td>
<td></td>
</tr>
<tr>
<td>High-speed rail corridor in Linn</td>
<td>500,000</td>
</tr>
<tr>
<td>and Muncie counties, OR</td>
<td></td>
</tr>
<tr>
<td>By the Stamped Pass, near</td>
<td>750,000</td>
</tr>
<tr>
<td>Yakima, WA</td>
<td></td>
</tr>
<tr>
<td>State of Wisconsin</td>
<td>750,000</td>
</tr>
<tr>
<td>Minneapolis/St. Paul to Chicago</td>
<td>250,000</td>
</tr>
<tr>
<td>corridor</td>
<td></td>
</tr>
<tr>
<td>Grade crossing safety—FRA and the</td>
<td></td>
</tr>
<tr>
<td>Federal Highway Administration</td>
<td></td>
</tr>
<tr>
<td>(FHWA) shall work with the states</td>
<td></td>
</tr>
<tr>
<td>to identify the ten most</td>
<td></td>
</tr>
<tr>
<td>deadly crossings in each state</td>
<td></td>
</tr>
<tr>
<td>and identify ways that these</td>
<td></td>
</tr>
<tr>
<td>crossings could be closed or</td>
<td></td>
</tr>
<tr>
<td>reconfigured to reduce the risks.</td>
<td></td>
</tr>
<tr>
<td>The conferees believe that</td>
<td></td>
</tr>
<tr>
<td>focusing on the most</td>
<td></td>
</tr>
<tr>
<td>dangerous crossings in each state</td>
<td></td>
</tr>
<tr>
<td>would greatly reduce the number</td>
<td></td>
</tr>
</tbody>
</table>
| of fatalities. FRA and FHWA shall identify those crossings and the mitigations under consideration in a re-

The conference agreement includes bill language provided by both the House and Senate Appropriations on appropriations for August 1, 2000. In addition to these activities, FRA, in conjunction with NHTSA and FHWA, should complete the remaining safety, 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 Senate bill included $22,000,000 for the Alaska Railroad. 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 the Senate bill. The House bill included $22,000,000 for 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 for the safety and security of the Corridor. The conferees also direct Amtrak to continue to focus on increased public and private financial support for the Amtrak service. The conferees also direct Amtrak to continue to work with the states and local authorities to enhance 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 implement level crossing safety measures along the rail line. The conferees direct the FTA to consider providing funds for these 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. 367) 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 finalizing any full funding grant agreement. In addition, the conferees agree that the FTA shall increase its financial management oversight reviews of major transit projects, instead of $570,976,000 as proposed by both the House and the Senate. Bill language, as proposed by the Senate, is retained that limits the Secretary from obligating more than $60,000,000 for administrative expenses of the Federal Railway Administration as proposed by the House. The conferees also 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) year 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 full funding grant agreements; and (e) a financial analysis of the project’s cost and sponsor’s ability to finance costs, 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 making any changes to scope 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.

The 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 proposed project, that the project sponsor shall be able to complete the project under the terms of the agreement. Areas which FTA should consider in ensuring that this condition is met include potential legal risks, 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); or other action to finalize the availability of non-federal funds); and the need for acquisition of existing railroad rights-of-way. FTA should enter into new funding agreements during the final design phase. While a specific level of final design approval cannot be specified because of differences in each project development plan, 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 funding level, 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 $362,000,000 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 $50,000,000 for university transportation research as proposed by both the House and the Senate. Within the total, the conference agreement appropriates $1,200,000 of 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 the Senate. The conference agreement provides that the general fund appropriation shall be available until expended.

Within the funds appropriated for transit planning and research, $3,250,000 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; $45,652,000 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, the administration of the Federal Transit Administration’s share of transit-related capital projects, the Federal Transit Administration’s responsibilities for transit-related research and development, the interaction of transit-related agreements (including construction and maintenance of bus facilities) with the Federal Transit Assistance Program; and the current state of the national transit database. The conference agreement provides 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 advanced propulsion control system (TEA21) ........ 3,000,000
- Project ACTION (TEA21) ........................................................................... 3,000,000
- Advanced transportation and alternative fueled vehicle technology (CALSTART) ................................................. 3,250,000
- Safety and security programs ................................................................. 1,000,000
- Santa Barbara Electric Transit Institute .................................................. 5,450,000
- Pittsfield economic development authority electric bus program ........... 500,000
- Citizens for modern transit, Missouri .............................................. 1,350,000
- Hennepin County community transportation, Minnesota .................... 300,000

The conference agreement deletes funding requested for an information outreach program ($200,000).

The conference directs 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. Within the total program level, the conference agreement includes $1,000,000 for the international program as authorized in section 5332(e) of title 49. The conference has provided the funds to address the needs in the frontline states to the Kosovo conflict.

Fuel cell bus and bus facilities program.—None of the funds derived from the fuel cell bus and bus facilities program (TEA21) shall be used 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); or other action to finalize the availability of non-federal funds); and the need for acquisition of existing railroad rights-of-way. The conference agreement appropriates $4,200,000 of 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.

Within the funding provided for the fuel cell bus and bus facilities program (TEA21), $200,000 is provided for the clean fuel formula grant program totaling $50,000,000 are to 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; and $980,400,000 is provided for new fixed guideway systems, as proposed by both the House and the Senate.

Within the total program level, $980,400,000 is provided for fixed guideway modernization. $980,400,000 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 to and merged with funding provided for the replacement, rehabilitation and purchase of buses and related equipment and the construction of bus-related facilities and programs, as proposed by both the House and the Senate.

Three-year availability of section 5309 discretionary funds.—The conference agreement includes a provision that permits the FTA to reallocate discretionary new start and bus facilities funds from projects which remain unobligated after three years. The conference, however, directs 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 White Plains terminal; the central terminal of the Connecticut Grifﬁn line project; the Virginia Railway Express Quanto bridge project; the New Rochelle, New York intermodal facility; the Long Island Rail Road, Ronkonkoma branch; the Bloomington (Indiana) 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 reallocate these funds after notification to and approval of the House and Senate Committees on Appropriations and only to the extent that these projects are able to fully obligate additional resources in the course of fiscal year 2000. With the 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 project designations for fiscal year 2000—Continued

<table>
<thead>
<tr>
<th>State and project</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkansas—Little Rock, Central Arkansas Transit buses</td>
<td>300,000</td>
</tr>
<tr>
<td>Arkansas—Phoenix bus and bus facilities</td>
<td>3,750,000</td>
</tr>
<tr>
<td>Arizona—Phoenix South Central Avenue intermodal facility</td>
<td>500,000</td>
</tr>
<tr>
<td>Arizona—San Luis bus</td>
<td>70,000</td>
</tr>
<tr>
<td>Arizona—Tucson buses</td>
<td>2,955,000</td>
</tr>
<tr>
<td>Arizona—Yuma paratransit bus</td>
<td>125,000</td>
</tr>
<tr>
<td>California—California Mountain Area Regional Transit Authority fueling stations</td>
<td>80,000</td>
</tr>
<tr>
<td>California—Culver City, CityBus buses</td>
<td>1,250,000</td>
</tr>
<tr>
<td>California—Davis, Unitrans transit maintenance facility</td>
<td>625,000</td>
</tr>
<tr>
<td>California—Healdsburg, intermodal facility</td>
<td>1,000,000</td>
</tr>
<tr>
<td>California—I-5 Corridor intermodal transit centers</td>
<td>1,250,000</td>
</tr>
<tr>
<td>California—Livermore automatic vehicle locator program</td>
<td>1,000,000</td>
</tr>
<tr>
<td>California—Lodi multimodal facility</td>
<td>850,000</td>
</tr>
<tr>
<td>California—Los Angeles County Metropolitan Transportation Authority buses</td>
<td>3,000,000</td>
</tr>
<tr>
<td>California—Los Angeles County Foothill Transit buses and HEV vehicles</td>
<td>1,750,000</td>
</tr>
<tr>
<td>California—Los Angeles, Union Station Gateway Intermodal Transit Center</td>
<td>1,250,000</td>
</tr>
<tr>
<td>California—Mountain View, Caltrain station</td>
<td>800,000</td>
</tr>
<tr>
<td>California—Monterey, Monterey-Salinas buses</td>
<td>625,000</td>
</tr>
<tr>
<td>California—Orange County, bus and bus facilities</td>
<td>625,000</td>
</tr>
<tr>
<td>California—Perris bus maintenance facility</td>
<td>2,000,000</td>
</tr>
<tr>
<td>California—Redlands trolley project</td>
<td>800,000</td>
</tr>
<tr>
<td>California—Sacramento CNG buses</td>
<td>1,250,000</td>
</tr>
<tr>
<td>California—San Bernardino Valley CNG buses</td>
<td>1,000,000</td>
</tr>
<tr>
<td>California—San Bernardino train station</td>
<td>3,000,000</td>
</tr>
<tr>
<td>California—North County buses and CNG fueling station</td>
<td>3,000,000</td>
</tr>
<tr>
<td>California—Santa Barbara buses and bus facilities</td>
<td>250,000</td>
</tr>
<tr>
<td>California—San Francisco, Islais Creek maintenance facility</td>
<td>2,150,000</td>
</tr>
<tr>
<td>California—Santa Barbara buses and bus facilities</td>
<td>1,750,000</td>
</tr>
<tr>
<td>California—Santa Clara bus maintenance facility</td>
<td>1,250,000</td>
</tr>
<tr>
<td>California—Santa Cruz buses and bus facilities</td>
<td>1,250,000</td>
</tr>
<tr>
<td>California—Santa Maria Valley/Santa Barbara County buses</td>
<td>1,250,000</td>
</tr>
<tr>
<td>California—Sacramento/Sacramento, Intermodal Transportation Facilities</td>
<td>3,500,000</td>
</tr>
<tr>
<td>California—Westminster senior citizen van</td>
<td>110,000</td>
</tr>
<tr>
<td>California—Windsor, Intermodal Facility</td>
<td>250,000</td>
</tr>
<tr>
<td>California—Woodland Hills, Warner Center, short-haul</td>
<td>625,000</td>
</tr>
<tr>
<td>Colorado—Denver, Stapleton Intermodal Center</td>
<td>1,250,000</td>
</tr>
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</table>

Bus and bus facilities project designations for fiscal year 2000—Continued

<table>
<thead>
<tr>
<th>State and project</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connecticut—New Haven bus facility</td>
<td>2,250,000</td>
</tr>
<tr>
<td>Connecticut—Waterbury, bus facility</td>
<td>2,250,000</td>
</tr>
<tr>
<td>District of Columbia—Fuel cell buses and bus facilities, Georgetown University</td>
<td>4,850,000</td>
</tr>
<tr>
<td>District of Columbia—Washington, D.C., Intermodal Transportation Center, District of Columbia</td>
<td>2,500,000</td>
</tr>
<tr>
<td>Delaware—New Castle County buses and bus facilities</td>
<td>2,000,000</td>
</tr>
<tr>
<td>Florida—Daytona Beach, Intermodal Center</td>
<td>2,500,000</td>
</tr>
<tr>
<td>Florida—Gainesville hybrid-electric buses and facilities</td>
<td>500,000</td>
</tr>
<tr>
<td>Florida—Jacksonville buses and bus facilities</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Florida—Lee, Gulf to Bay, Bus Facility</td>
<td>2,000,000</td>
</tr>
<tr>
<td>Florida—Orlando, Lynx Connection transit vehicles and related equipment</td>
<td>2,250,000</td>
</tr>
<tr>
<td>Florida—Miami Beach, electric shuttle service</td>
<td>750,000</td>
</tr>
<tr>
<td>Georgia—Atlanta, MARTA buses</td>
<td>13,500,000</td>
</tr>
<tr>
<td>Georgia—Chatham Area Transit Bus Transfer Center and buses</td>
<td>3,500,000</td>
</tr>
<tr>
<td>Georgia—Georgia Regional Transportation Authority buses</td>
<td>2,000,000</td>
</tr>
<tr>
<td>Georgia—Georgia statewide buses and bus-related facilities</td>
<td>2,750,000</td>
</tr>
<tr>
<td>Hawaii—Hawaii bus and bus facilities</td>
<td>2,250,000</td>
</tr>
<tr>
<td>Hawaii—Honolulu, bus facility and buses</td>
<td>2,000,000</td>
</tr>
<tr>
<td>Iowa—Ames transit facility expansion</td>
<td>700,000</td>
</tr>
<tr>
<td>Iowa—Cedar Rapids intermodal facility</td>
<td>3,500,000</td>
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<tr>
<td>Iowa—Clinton transit facility expansion</td>
<td>500,000</td>
</tr>
<tr>
<td>Iowa—Fort Dodge, Intermodal Facility (Phase II)</td>
<td>885,000</td>
</tr>
<tr>
<td>Iowa—Iowa city intermodal facility</td>
<td>1,500,000</td>
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<td>Iowa—Sioux City buses and bus facilities</td>
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<tr>
<td>Iowa—Iowa/Indianola Transit Consolidation Authority bus safety and security</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Illinois—East Moline transit center</td>
<td>650,000</td>
</tr>
<tr>
<td>Illinois—Illinois statewide buses and bus-related equipment</td>
<td>8,200,000</td>
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<tr>
<td>Indiana—Gary, Transit Consortium buses</td>
<td>1,250,000</td>
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<td>Indiana—Indianapolis buses</td>
<td>5,000,000</td>
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<tr>
<td>Indiana—South Bend Urban Intermodal Transportation Facility</td>
<td>1,250,000</td>
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<tr>
<td>Indiana—West Lafayette, transfer station terminal (Wabash Landing)</td>
<td>1,750,000</td>
</tr>
<tr>
<td>Kansas—Girard buses and vans</td>
<td>700,000</td>
</tr>
<tr>
<td>Kansas—Johnson County Facebook equipment</td>
<td>250,000</td>
</tr>
<tr>
<td>Kansas—Kansas City buses</td>
<td>750,000</td>
</tr>
<tr>
<td>Kansas—Kansas Public Transit Association buses and bus facilities</td>
<td>1,500,000</td>
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<tr>
<td>Kansas—Kansas City Airport buses and bus facilities</td>
<td>1,500,000</td>
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<td>Kansas—Kansas City Airport, bus and bus facilities</td>
<td>1,500,000</td>
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<tr>
<td>Kansas—Topeka Transit downtown transfer facility</td>
<td>600,000</td>
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<tr>
<td>State and project</td>
<td>Conference Budgets</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Bus and bus facilities project designations for fiscal year 2000—Continued</td>
<td>State and project</td>
</tr>
<tr>
<td>Missoula—Montana, City buses and bus facilities</td>
<td>2,500,000</td>
</tr>
<tr>
<td>Kentucky—Franklin County (TANK) buses</td>
<td>2,500,000</td>
</tr>
<tr>
<td>Kentucky—Lexington (LexTran) maintenance facility</td>
<td>1,000,000</td>
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<tr>
<td>Kentucky—River City buses</td>
<td>1,500,000</td>
</tr>
<tr>
<td>South Dakota—Statewide transportation service rural, elderly, disabled service</td>
<td>1,250,000</td>
</tr>
<tr>
<td>Missouri—Jackson County buses and bus facilities</td>
<td>500,000</td>
</tr>
<tr>
<td>Missouri—Franklin County buses and bus facilities</td>
<td>1,500,000</td>
</tr>
<tr>
<td>Missouri—Southeast Missouri State University park and ride facility improvements</td>
<td>1,250,000</td>
</tr>
<tr>
<td>Missouri—Harrison County multimodal center</td>
<td>3,000,000</td>
</tr>
<tr>
<td>Missouri—JACKs maintenance and administration facility project</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Mississippi—North Delta planning and development district, buses and statewide bus facilities</td>
<td>600,000</td>
</tr>
<tr>
<td>Montana—Missoula urban transportation district buses</td>
<td>3,399,000</td>
</tr>
<tr>
<td>North Carolina—Greensboro multimodal center</td>
<td>1,500,000</td>
</tr>
<tr>
<td>North Carolina—Greensboro, Bee-Line transit system fareboxes</td>
<td>979,000</td>
</tr>
<tr>
<td>North Carolina—Greensboro, Bee-Line transit system</td>
<td>1,500,000</td>
</tr>
<tr>
<td>Intermodal Center</td>
<td>2,000,000</td>
</tr>
<tr>
<td>and bus facilities</td>
<td>3,500,000</td>
</tr>
<tr>
<td>Missouri—St. Louis, Bi-state Intermodal Center</td>
<td>1,250,000</td>
</tr>
<tr>
<td>Missouri—South Dakota statewide and bus facilities</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Missouri—Altoona, Metro Transit Authority buses and transit system improvements</td>
<td>842,000</td>
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<tr>
<td>Missouri—Altoona, Metro Transit Authority buses and transit system improvements</td>
<td>1,750,000</td>
</tr>
<tr>
<td>Pennsylvania—Allegheny County buses</td>
<td>1,500,000</td>
</tr>
<tr>
<td>Pennsylvania—Altoona, bus testing</td>
<td>3,000,000</td>
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<tr>
<td>Pennsylvania—Altoona, Metro Transit Authority buses and transit system improvements</td>
<td>1,750,000</td>
</tr>
<tr>
<td>Pennsylvania—Cambria County, bus facilities</td>
<td>575,000</td>
</tr>
<tr>
<td>Pennsylvania—Chester County, Intermodal facility</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Pennsylvania—Erie, Metropolitan Transit Authority buses</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Pennsylvania—Fayette County, Intermodal facilities and buses</td>
<td>1,270,000</td>
</tr>
<tr>
<td>Pennsylvania—Lackawanna County Transit System buses</td>
<td>600,000</td>
</tr>
<tr>
<td>Pennsylvania—Norristown parking garage (SEPTA)</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Pennsylvania—Lackawanna County intermodal bus facility</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Pennsylvania—Mid-Mon Valley Borough, Intermodal facility</td>
<td>250,000</td>
</tr>
<tr>
<td>Pennsylvania—Philadelphia, Frankford Transportation Center</td>
<td>5,000,000</td>
</tr>
<tr>
<td>Pennsylvania—Philadelphia, Intermodal 30th Street Station</td>
<td>1,250,000</td>
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<tr>
<td>Pennsylvania—Reading, BARTA Intermodal Transportation Facility</td>
<td>1,750,000</td>
</tr>
<tr>
<td>Pennsylvania—Robinson, Towne Center Intermodal Facility</td>
<td>1,500,000</td>
</tr>
<tr>
<td>Pennsylvania—Somerset County bus facilities</td>
<td>1,750,000</td>
</tr>
<tr>
<td>Pennsylvania—Washington County intermodal facilities</td>
<td>1,500,000</td>
</tr>
<tr>
<td>Pennsylvania—Westmoreland County, Intermodal facility</td>
<td>1,500,000</td>
</tr>
<tr>
<td>Pennsylvania—Williamsport bus facility</td>
<td>1,200,000</td>
</tr>
<tr>
<td>Puerto Rico—San Juan Intermodal access</td>
<td>600,000</td>
</tr>
</tbody>
</table>
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:

<table>
<thead>
<tr>
<th>Project</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albuquerque access to jobs</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Job access for children and families, Alabama</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Centennial transit to comprehensive public transportation task force</td>
<td>$500,000</td>
</tr>
</tbody>
</table>

**DISCRETIONARY GRANTS**

The conference agreement includes $3,500,000,000 in liquidating cash for discretionary grants as proposed by both the House and the Senate.
The conference agreement appropriates $12,042,000 for operations and maintenance of the Saint Lawrence Seaway Development Corporation, as proposed by the House instead of $575,000 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 Senate bill, and $1,200,000 in fees be collected and deposited in the general fund of the Treasury as offsetting receipts. Also, bill language is included to permit the reserve fund to be used for one-call notification and public education activities.

The following table reflects the total allocation of $36,879,000 for pipeline safety in fiscal year 2000:

<table>
<thead>
<tr>
<th>Financial Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and expenses</td>
<td>$8,919,000</td>
</tr>
<tr>
<td>Administrative expenses</td>
<td>$3,902,000</td>
</tr>
<tr>
<td>Technical assistance and training, preparation of technical manuals</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>Risk assessment and technical studies</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>Compliance</td>
<td>$300,000</td>
</tr>
<tr>
<td>Training and information dissemination</td>
<td>$971,000</td>
</tr>
<tr>
<td>Emergency notification</td>
<td>$100,000</td>
</tr>
<tr>
<td>Public education</td>
<td>$400,000</td>
</tr>
<tr>
<td>Implement Oil Pollution Act</td>
<td>$2,443,000</td>
</tr>
<tr>
<td>Research and development</td>
<td>$1,894,000</td>
</tr>
<tr>
<td>State grants</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>Risk management grants</td>
<td>$500,000</td>
</tr>
<tr>
<td>One-call grants</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Damage prevention grants</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Total</td>
<td>$36,879,000</td>
</tr>
</tbody>
</table>

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 conference directs 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 other innovative approaches to advance underground damage prevention.

EMERGENCY PREPAREDNESS GRANTS

The conference agreement provides $200,000 for emergency preparedness grants as proposed by the Senate and $36,000,000, as proposed by the House. The conference agreement deletes bill language proposed by the House that limits obligations for emergency preparedness to $50,000. The Senate bill carried no similar provision.
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, to study the number of passengers and cargo passengers accessing and using air transportation services and to ensure that such services are available on a fair and equal basis.

The conference agreement includes a provision specifying that the Inspector General of the Department of Transportation has the authority to investigate allegations of fraud by any person or entity that is subject to the jurisdiction of the Department.

SURFACE TRANSPORTATION BOARD

The conference agreement appropriates $17,000,000 for salaries and expenses of the Surface Transportation Board as proposed by the Senate 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 conference agrees that the Board has continuance jurisdiction over the Union Pacific/Southern Pacific merger in connection with the STB Finance Docket No. 3279. If it becomes necessary for the Board to issue a rule regarding the merger, the conference directs that it be done in a manner consistent with the environmental mitigation study for Wichita, Kansas, the Board shall base its final environmental mitigation conditions for Wichita on verifiable and appropriate facts and that there is a material change in the bases of the assumptions on which the final mitigation for Wichita is imposed, the conference expects the Board to exercise that jurisdiction by reexaming the final environmental mitigation measures. Also, if the Union Pacific Corporation, subsidiaries 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 No. 3279, if requested, and prescribe additional rules or orders properly reflecting these changes, if shown to be appropriate.

TITLe II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

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

The conference agreement appropriates $57,000,000 for salaries and expenses of the National Transportation Safety Board as proposed by the Senate instead of $55,000,000 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 appropriation, as 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 the Board to make an appropriation for the period of time 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 employees stationed outside the continental United States as proposed by both the House and Senate.

Sec. 304 limits appropriations for services authorized under the rate for 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 the Board be authorized to assign temporary detail outside the Department of Transportation as proposed by both the House and Senate.

Sec. 306 prohibits the Board from using any of the funds provided in this Act for any purpose other than the purposes for which the funds are appropriated, except for raising awareness of medical conditions that may be covered under the Federal Employee Health Benefits Program or for activities of the center for family and life services.

Sec. 307 prohibits the Board from using any of the funds provided in this Act for any purpose other than the purposes for which the funds are appropriated, except for raising awareness of medical conditions that may be covered under the Federal Employee Health Benefits Program or for activities of the center for family and life services.

Sec. 308 allows the Board to collect $1,600,000 in fees to augment its appropriation.

Sec. 309 limits the Board's authority to use funds for administrative purposes to $13,673,000 as proposed by both the House and Senate.

Sec. 310 allows funds for salaries and expenses of more than 100 political and Presidential appointees in the Department of Transportation and includes a provision that the Board be authorized to assign temporary detail outside the Department of Transportation as proposed by both the House and Senate.

Sec. 311 exempts previously made transit grants from the obligation limitation for federal-aid highways and highway safety construction as proposed by both the House and Senate.

Sec. 312 prohibits the Board from using any of the funds provided in this Act for any purpose other than the purposes for which the funds are appropriated, except for raising awareness of medical conditions that may be covered under the Federal Employee Health Benefits Program or for activities of the center for family and life services.

Sec. 313 allows the Board to collect $1,600,000 in fees to augment its appropriation.

Sec. 314 allows funds for the Federal Aviation Administration to purchase and develop materials for the purpose of training, except for raising awareness of medical conditions that may be covered under the Federal Employee Health Benefits Program or for activities of the center for family and life services.

Sec. 315 prohibits the Board from using any of the funds provided in this Act for any purpose other than the purposes for which the funds are appropriated, except for raising awareness of medical conditions that may be covered under the Federal Employee Health Benefits Program or for activities of the center for family and life services.

Sec. 316 allows funds for discretionary grants of the Federal Transit Administration for specific projects, except for fixed guideway systems,$ 13,673,000 as proposed by both the House and Senate.

Sec. 317 allows the Board to collect $1,600,000 in fees to augment its appropriation.

Sec. 318 prohibits the Board from using any of the funds provided in this Act for any purpose other than the purposes for which the funds are appropriated, except for raising awareness of medical conditions that may be covered under the Federal Employee Health Benefits Program or for activities of the center for family and life services.

Sec. 319 reduces funding by $15,000,000 for activities of the Transportation Administration, the Federal Highway Administration, the Federal Railroad Administration, the Federal Transit Administration, and the Federal Aviation Administration as proposed by the Senate. The House proposed no similar provision.

Sec. 320 allows funds for the Federal Highway Administration, Federal Transit Administration, and the Federal Railroad Administration as proposed by the Senate. The House proposed $10,000,000 for activities of the center and limiting obligation authority to $13,673,000 as proposed by both the House and Senate.
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 not more than $250,000 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 facilities for the support of 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 $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. 331 credits to appropriations of the Federal Highway Administration to inform the House and Senate of Department of Transportation activities under this Act and prior year unobligated balances of $776 million as proposed by the Senate. The House proposed no similar provision.

Sec. 332 amends section 303(c)(1)(A)(v) of Public Law 105–178 to include the "light rail" from the authorization for the Hartford City light rail project in Public Law 105–277 and 105–66 to be used for any aspect of the Griffin corridor from Hartford, Connecticut, to Bradley International Airport as proposed by the Senate. The House proposed a similar provision.

Sec. 333 credits to appropriations of the Federal Highway Administration to include the Bethlehem, Pennsylvania ferry terminal facilities. The House and Senate proposed no similar provision.

Sec. 334 prohibits funds in this Act for the planning or development of the California State Route 710 freeway extension project in the State of California as proposed by the Senate. The House proposed a similar provision.

Sec. 335 provides $750,000 for the Amtrak Reform Council as proposed by the House instead of $500,000 as proposed by the Senate. The House proposed no similar provision.

Sec. 336 amends section 105 of Public Law 105–134 regarding the Amtrak Reform Council's recommendations on Amtrak routes identified for closure or realignment as proposed by the House. The Senate proposed no similar provision.

Sec. 337 requires 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. The Senate proposed no similar provision.

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 funds for the operation of a railroad outside the Federal Highway Administration. The House proposed prohibiting funds to carry out the functions and operations of the Federal Highway Administration. The Senate proposed no similar provision.

Sec. 339 provides that the funds received for operating assistance in fiscal years 1999 and 2000 under section 507 of title 49, United States Code, for certain urbanized areas may not be more than $800,000 as proposed by the House. The Senate proposed no similar provision.

Sec. 340 provides that the funds received for the Griffin light rail project in Public Law 105–205 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 section 303(c)(1)(A)(v) of Public Law 105–178 by deleting "light rail" from the authorization for the Hartford City light rail project in Public Law 105–277 and 105–66 as proposed by the House. The Senate proposed no similar provision.

Sec. 342 provides that the federal share of project costs for the Corridor-East-West Madison Metropolitan Transit Authority project shall be 90 percent of the project cost as proposed by the House. The Senate proposed no similar provision.

Sec. 343 amends section 303 of the American Act 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 for the maintenance of single hull vessels' double hull compliance date, unless specifically authorized by 4 U.S.C. 3703(a). 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 amends section 303(c)(1)(A)(v) of Public Law 105–178 by deleting "light rail" from the authorization for the Hartford City light rail project in Public Law 105–277 and 105–66 as proposed by the Senate. The House 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 212(g) of Public Law 105–178 to provide the State of New Jersey highway project perfectibility within the State as proposed by the Senate. The House proposed no similar provision.

Sec. 349 amends section 212(g) of Public Law 105–178 to provide the State of New Jersey highway project perfectibility within the State as proposed by the Senate. The House proposed no similar provision.

Sec. 350 amends section 212(g) 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. 351 amends section 212(g) of Public Law 105–178 to authorize the Phoenix Highway Project. The House and Senate proposed no similar provision.

Sec. 352 permits the reallocation of $500,000 from funds provided in this Act to the Federal Highway 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. 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 million American households in the 2000 short form and the decennial census as proposed by the Senate. The House proposed no similar provision.

Sec. 354 expresses the sense of the Senate that the Department of Transportation fitness centers to be available to supplemental personal information and photographs. The Senate proposed no similar provision.

Sec. 355 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. 356 amends section 652(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. 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 102 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 102 of Public Law 105–178 as it pertains to a railroad corridor in Saratoga, New York as proposed by the Senate. The House and Senate proposed no similar provision.

Sec. 360 pertains to the use of funds made available for Alaska and state-issued drivers' licenses and comparable identification documents as proposed by the Senate. The House proposed no similar provision.

Sec. 361 amends section 1105 of Public Law 102–240 pertaining to high priority corridors in the State of Arkansas. The Senate proposed no similar provision.

Sec. 362 amends section 105 of Public Law 105–178 to include the Bethlehem, Pennsylvania, intermodal facility. The House and Senate proposed no similar provision.
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 conference directs 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 conference directs the Environmental Protection Agency to work closely with the grantee, the Department of Transportation, and the Department of Energy. The conference also directs 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 1994 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 expresses the sense of 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 provides that $20,000,000 be available in fiscal year 2001 for the James A. Farley Post Office project in New York City.
### TITLE I - DEPARTMENT OF TRANSPORTATION

**Office of the Secretary**

<table>
<thead>
<tr>
<th>Salaries and expenses:</th>
<th>FY 1999 Enacted</th>
<th>FY 2000 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>Conference vs. enacted</th>
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<td>Senate</td>
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<td>Senate</td>
<td>Conference</td>
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<td>Rescission of contract authority</td>
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<td>(Limitations on obligations)</td>
<td>(1,950,000)</td>
<td>(1,600,000)</td>
<td>(2,250,000)</td>
<td>(1,710,000)</td>
<td>(1,950,000)</td>
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<td>(10,131,000)</td>
<td>(4,623,000)</td>
<td>(9,763,102)</td>
<td>(10,081,495)</td>
<td>(+518,937)</td>
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<td>(9,463,602)</td>
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<tr>
<td>Federal Highway Administration</td>
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<td>Limitation on administrative expenses</td>
<td>FY 1999</td>
<td>FY 2000</td>
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<td>(RABA transfer under Title III)</td>
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<td>Operations and research</td>
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<td>National Highway Traffic Safety Administration</td>
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<td>Highway Traffic Safety Grants (Highway Trust Fund)</td>
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<td>Federal Railroad Administration</td>
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<td>Fiscal Year</td>
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<td>Senate</td>
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<tr>
<td>(Limitation on obligations)</td>
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<td>(35,400)</td>
<td>-</td>
<td>-</td>
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<td>749,653</td>
<td>734,952</td>
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<td>(Limitations on obligations)</td>
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<td>(35,400)</td>
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<tr>
<td>Total budgetary resources</td>
<td>(777,791)</td>
<td>(677,877)</td>
<td>(718,724)</td>
<td>(749,653)</td>
<td>(734,952)</td>
<td>(-42,839)</td>
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Federal Transit Administration

<p>| 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) |</p>
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<th>House</th>
<th>Senate</th>
<th>Conference</th>
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<td>619,600</td>
<td>619,600</td>
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<td>Conference</td>
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<td>33,340</td>
<td>32,361</td>
<td>30,752</td>
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<td>32,361</td>
<td>30,752</td>
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<td>Conference vs. enacted</td>
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<td>Conference vs. enacted</td>
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<td>(Limitations on obligations)</td>
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**TITLE II - RELATED AGENCIES**

Architectural and Transportation Barriers Compliance Board

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National Transportation Safety Board

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<td>Conference vs. enacted</td>
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<td>Current year, FY 2000</td>
<td>(14,547,023)</td>
<td>(14,644,820)</td>
<td>(8,356,275)</td>
<td>(13,925,522)</td>
<td>(14,372,057)</td>
<td>(-174,966)</td>
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<td>Appropriations</td>
<td>(14,103,859)</td>
<td>(14,644,820)</td>
<td>(8,656,275)</td>
<td>(14,225,022)</td>
<td>(14,402,057)</td>
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<tr>
<td>Rescissions</td>
<td>(-405,455)</td>
<td></td>
<td>(-300,000)</td>
<td>(-299,500)</td>
<td>(-30,000)</td>
<td>(+375,455)</td>
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<tr>
<td>Emergency appropriations</td>
<td>848,619</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(-848,619)</td>
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<tr>
<td>Advance appropriation, FY 2001</td>
<td>(20,000)</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>(Limitation on obligations)</td>
<td>(32,095,800)</td>
<td>(34,386,150)</td>
<td>(34,987,450)</td>
<td>(34,444,150)</td>
<td>(34,673,150)</td>
<td>(+2,577,350)</td>
</tr>
<tr>
<td>(Exempt obligations)</td>
<td>(1,424,047)</td>
<td>(1,132,116)</td>
<td>(1,132,116)</td>
<td>(1,132,116)</td>
<td>(1,132,116)</td>
<td>(-291,931)</td>
</tr>
<tr>
<td>Net total budgetary resources</td>
<td>(48,066,870)</td>
<td>(50,183,086)</td>
<td>(44,475,841)</td>
<td>(49,521,788)</td>
<td>(50,177,323)</td>
<td>(+2,110,453)</td>
</tr>
</tbody>
</table>

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
### Budgetary Adjustments for FY 1999 and FY 2000

<table>
<thead>
<tr>
<th>Description</th>
<th>FY 1999 Enacted</th>
<th>FY 2000 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>Conference vs. enacted</th>
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<tr>
<td>Trans Admin Service Center adjustment</td>
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<td>1,000</td>
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<tr>
<td>Advance appropriations</td>
<td></td>
<td>-20,000</td>
<td></td>
<td>-20,000</td>
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<tr>
<td><strong>Total, adjustments</strong></td>
<td>-843,014</td>
<td>-25,000</td>
<td>-2,000</td>
<td>-22,000</td>
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<tr>
<td>Net grand total (including scorekeeping)</td>
<td>13,704,009</td>
<td>14,639,820</td>
<td>8,354,275</td>
<td>13,923,522</td>
<td>14,369,057</td>
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<td>Appropriations</td>
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<td>(14,639,820)</td>
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<td>(14,223,022)</td>
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<tr>
<td>Rescissions</td>
<td>(-405,455)</td>
<td>(-300,000)</td>
<td>(-299,500)</td>
<td>(-30,000)</td>
<td></td>
<td>(+375,455)</td>
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<tr>
<td>(Limitations on obligations)</td>
<td>(32,095,800)</td>
<td>(34,386,150)</td>
<td>(34,987,450)</td>
<td>(34,444,150)</td>
<td>(34,673,150)</td>
<td>(+2,577,350)</td>
</tr>
<tr>
<td>(Exempt obligations)</td>
<td>(1,424,047)</td>
<td>(1,132,116)</td>
<td>(1,132,116)</td>
<td>(1,132,116)</td>
<td>(1,132,116)</td>
<td>(-291,931)</td>
</tr>
<tr>
<td>Net grand total budgetary resources</td>
<td>(47,223,856)</td>
<td>(50,158,086)</td>
<td>(44,473,841)</td>
<td>(49,499,788)</td>
<td>(50,174,323)</td>
<td>(+2,950,467)</td>
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<tr>
<td>RECAP BY FUNCTION</td>
<td>FY 1999 Enacted</td>
<td>FY 2000 Request</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>Conference vs. enacted</td>
</tr>
<tr>
<td>-------------------</td>
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<td>-----------------</td>
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<tr>
<td>Mandatory</td>
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<td>Discretionary:</td>
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<tr>
<td>Highway category: (Limitation on obligations)</td>
<td>(25,883,000)</td>
<td>(27,821,480)</td>
<td>(28,085,150)</td>
<td>(28,085,150)</td>
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<td>Mass Transit category</td>
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<td>1,159,000</td>
<td>1,159,000</td>
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<td>(Limitation on obligations)</td>
<td>(4,251,800)</td>
<td>(4,929,270)</td>
<td>(4,638,000)</td>
<td>(4,638,000)</td>
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<td>Total, Mass Transit category</td>
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<td>6,088,270</td>
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<td>5,797,000</td>
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<td>General purpose discretionary:</td>
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<td>Defense discretionary</td>
<td>300,000</td>
<td>334,000</td>
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<td>534,000</td>
<td>300,000</td>
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<tr>
<td>Nondefense discretionary</td>
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<td>12,425,820</td>
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<td>11,500,195</td>
<td>12,179,730</td>
<td>+180,921</td>
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<tr>
<td>Total, General purpose discretionary</td>
<td>12,298,809</td>
<td>12,759,820</td>
<td>6,474,275</td>
<td>12,034,195</td>
<td>12,479,730</td>
<td>+180,921</td>
</tr>
<tr>
<td>Total, Discretionary</td>
<td>12,298,809</td>
<td>12,759,820</td>
<td>6,474,275</td>
<td>12,034,195</td>
<td>12,479,730</td>
<td>+180,921</td>
</tr>
</tbody>
</table>
President of the United States:

The amendment of the Senate to 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", having met, after full and free conference, have agreed to and recommend the same to their respective Houses as follows: That the House receiv...
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 provided by the Department of Agriculture 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 available for 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 distribution of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress, including the Office of Public Affairs, $8,198,000, including 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 $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 financial institutions 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 and official expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 12(a) 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 Cooperative State Research, Education, and Extension Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative 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 Market Development and Reform Act of 1987 (7 U.S.C. 1602), 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) and not to exceed $100,000 for employment under 5 U.S.C. 3109.

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 105-112, and other laws, $99,405,000: 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), 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 of data concerning home economics or nutrition and consumer use, and the acquisition of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchange and purchase at a fair market value or 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 interest therein, and improvements, marketing surveys, and the coordination of information, work, and programs authorized by Congress, including the Office of Public Affairs, $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 $2,000,000 for higher education research, or $1,000,000 for landgrant divisions, or $500,000 for 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 $115,000 for each 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 for the purpose of alteration or alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriation hereunder shall be available for granting easements at the Beltsville Agricultural Research Center, including an easement to the University of Maryland to construct the Transportation Research Center upon completion, the cost of which 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 any research facility or research project of the Agricultural Research Service, as authorized by law.

In fiscal year 2000, the agency is authorized to make grants for the Sustainable Agriculture Research and Education Program, for the production, processing or marketing of tobacco products, and to carry out research related to the production, processing or marketing of tobacco products.

For payments for cooperative extension service, $3,000,000; for the farm safety program under section 3(d) of the Act, $10,983,000; for payments for the pest management program under section 3(d) of the Act, $13,783,000; for payments for the pest management program under section 3(d) of the Act, $10,983,000; for payments for the farm safety program under section 3(d) of the Act, $10,983,000; for payments for the farm safety program under section 3(d) of the Act, $10,983,000; for payments for the farm safety program under section 3(d) of the Act, $10,983,000.
Public Law 95–113 (7 U.S.C. 3222b), $12,000,000, to remain available until expended; for the rural development centers under section 3(d) of the Act, $908,000; payments for youth-at-risk prevention, 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 education as authorized by section 2900 of Public Law 101–624 (7 U.S.C. 2661 note, 2662), $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 2900 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 may use such funds only to undertake control of outbreaks of insects, plant diseases, and 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 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. 1623(b)), $1,000 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 agricultural quarantine inspection facilities in the quantity of $446,000.

For expenses to carry out the provisions of the Agricultural Marketing Act of 1946, including funds for the development of wholesale and farmer market development program for the design, planning, and development of wholesale and farmer market facilities, $1,000,000 may be credited to this account from the General Services Administration, including funds for the whole- sale market development program for the design, planning, and development of wholesale and farmer market facilities, $4,000,000; payments for the methyl bromide transition program, $4,541,000; payments for the Food Quality Protection Act implementation, $1,000,000; for federal food inspection, and in addition, which no less than $544,902,000 shall be available for employment under 5 U.S.C. 3109, $1,200,000.

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs as authorized by law, and for administration of pay- ments to States and possessions, including transfers of funds, $39,541,000, as follows: payments for the water quality program, $3,130,000; payments for the food safety program, $15,000,000; payments for the national organic program, $2,424,902,000; payments for the Food Quality Protection Act implementation, $1,000,000; and payments for the methyl bromide transition program, $1,000,000.

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 Administration of Marketing and Inspection Services, the Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $618,000.

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 Administration of Marketing and Inspection Services, the Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $618,000.

For necessary expenses to carry out the provisions of the Animal and Plant Health Inspection Service and the Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $618,000.

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 Administration of Marketing and Inspection Services, the Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $618,000.

For necessary expenses to carry out the provisions of the Animal and Plant Health Inspection Service and the Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $618,000.

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 Administration of Marketing and Inspection Services, the Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $618,000.

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 Administration of Marketing and Inspection Services, the Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $618,000.

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 Administration of Marketing and Inspection Services, the Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $618,000.

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 Administration of Marketing and Inspection Services, the Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $618,000.

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 Administration of Marketing and Inspection Services, the Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $618,000.

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 Administration of Marketing and Inspection Services, the Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $618,000.

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 Administration of Marketing and Inspection Services, the Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $618,000.

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 Administration of Marketing and Inspection Services, the Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $618,000.

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 Administration of Marketing and Inspection Services, the Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $618,000.

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 Administration of Marketing and Inspection Services, the Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $618,000.
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 or repairing 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 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 Federal Crop Insurance Corporation, 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 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. 1511-1506), $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 the presence of nuclear radiation or fallout if such contamination is not due to the fault of the farmer; and (2) residues of chemical 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. 2208b): 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 a willful failure to follow the 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. 1926a-2, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $559,422,000, of which $433,373,000 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; milk production loans as authorized by 25 U.S.C. 488, $1,028,000; and for emergency insured loans, $21,000; and for emergency insured loans, $100,000,000.

For the cost of direct and guaranteed loans, including the cost of transferring 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 and $2,070,000, 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 order 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 Farm Service Agency, Salaries and Expenses: Provided further, That these funds shall be available 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.

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 $700,000 shall be available for administrative, general, and representation expenses, as authorized by 7 U.S.C. 1506(i)."
For the cost of direct loans, loan guarantees, and grants, as authorized by U.S. Code, 1926a, 1926c, 1926d, and 1932, which are payable to the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service, the Department of Agriculture, $588,000.

RURAL COMMUNITY AND ECONOMIC DEVELOPMENT PROGRAM (INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by U.S. Code, 1926a, 1926c, 1926d, and 1932, which are payable to the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service, the Department of Agriculture, $588,000.

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For employees necessary to conduct and manage the Office of the Under Secretary for Rural Development, the Rural Business-Cooperative Service, and the Rural Utilities Service, $45,000,000.

RURAL HOUSING INSURANCE FUND PROGRAM

For the cost of direct and guaranteed loans, including the cost of modifying loans, as authorized by section 521(c)(1) of the Housing Act of 1949, which is included in the Rural Housing Insurance Fund, for housing and community development loans, $281,000: 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.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as authorized by section 521(c)(1) of the Housing Act of 1949, which is included in the Rural Housing Insurance Fund, for housing and community development loans, $281,000: 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.

RURAL HOUSING GRANTS

For grants and loans for the cost of direct and guaranteed loans, including the cost of modifying loans, as authorized by title V of the Housing Act of 1949, which is included in the Rural Housing Insurance Fund, for housing and community development loans, $281,000: 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.

RURAL HOUSING GRANTS

For grants and contracts for housing for domestic farm labor, very low-income housing repair, supervisory and technical assistance, and the cost of modifying loans, $281,000: 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 administrative expenses, the cost of direct and guaranteed loans, and grants, as authorized by title V of the Housing Act of 1949, which is included in the Rural Housing Insurance Fund, for housing and community development loans, $281,000: 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.

RURAL HOUSING GRANTS

For grants and contracts for housing for domestic farm labor, very low-income housing repair, supervisory and technical assistance, and the cost of modifying loans, $281,000: 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 administrative expenses, the cost of direct and guaranteed loans, and grants, as authorized by title V of the Housing Act of 1949, which is included in the Rural Housing Insurance Fund, for housing and community development loans, $281,000: 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.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for housing for domestic farm labor, very low-income housing repair, supervisory and technical assistance, and the cost of modifying loans, $281,000: 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 administrative expenses, the cost of direct and guaranteed loans, and grants, as authorized by title V of the Housing Act of 1949, which is included in the Rural Housing Insurance Fund, for housing and community development loans, $281,000: 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.

RURAL HOUSING GRANTS

For grants and contracts for housing for domestic farm labor, very low-income housing repair, supervisory and technical assistance, and the cost of modifying loans, $281,000: 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 administrative expenses, the cost of direct and guaranteed loans, and grants, as authorized by title V of the Housing Act of 1949, which is included in the Rural Housing Insurance Fund, for housing and community development loans, $281,000: 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.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for housing for domestic farm labor, very low-income housing repair, supervisory and technical assistance, and the cost of modifying loans, $281,000: 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.
For the cost of direct loans, $16,615,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9212(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 as authorized by section 502 of the Consolidated Farm and Rural Development Act, title V of the Housing Act of 1949, and cooperative agreements, $61,979,000: Provided further, That the amount of direct loans made pursuant to section 306 of that Act, rural electric, $1,701,000; wireless, $75,000,000; 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, $1,701,000 shall be available until expended. For the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electric loans, $121,500,000; 5 percent rural telecommunications loans, $75,000,000; 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, $1,701,000,000, to remain available until expended. Provided further, That of the total amount appropriated, $3,216,000 shall be available through June 30, 2000, for the cost of direct loans as authorized by section 502 of the Consolidated Farm and Rural Development Act, title V of the Housing Act of 1949, and cooperative agreements, $61,979,000: Provided further, That the amount of direct loans made pursuant to section 306 of that Act, rural electric, $1,701,000 shall be available until expended. For the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electric loans, $121,500,000; 5 percent rural telecommunications loans, $75,000,000; 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, $1,701,000,000, to remain available until expended.

For the cost of direct loans, $16,615,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9212(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 as authorized by section 502 of the Consolidated Farm and Rural Development Act, title V of the Housing Act of 1949, and cooperative agreements, $61,979,000: Provided further, That the amount of direct loans made pursuant to section 306 of that Act, rural electric, $1,701,000; wireless, $75,000,000; 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, $1,701,000 shall be available until expended. For the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electric loans, $121,500,000; 5 percent rural telecommunications loans, $75,000,000; 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, $1,701,000,000, to remain available until expended.

For the cost of direct loans, $16,615,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9212(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 as authorized by section 502 of the Consolidated Farm and Rural Development Act, title V of the Housing Act of 1949, and cooperative agreements, $61,979,000: Provided further, That the amount of direct loans made pursuant to section 306 of that Act, rural electric, $1,701,000 shall be available until expended. For the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electric loans, $121,500,000; 5 percent rural telecommunications loans, $75,000,000; 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, $1,701,000,000, to remain available until expended. For the cost of direct loans, $16,615,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9212(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 as authorized by section 502 of the Consolidated Farm and Rural Development Act, title V of the Housing Act of 1949, and cooperative agreements, $61,979,000: Provided further, That the amount of direct loans made pursuant to section 306 of that Act, rural electric, $1,701,000 shall be available until expended. For the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electric loans, $121,500,000; 5 percent rural telecommunications loans, $75,000,000; 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, $1,701,000,000, to remain available until expended.
of said Act; Provided further, That such sums shall remain available until expended (7 U.S.C. 2209b). For the costs of, 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 the foreign credit agreements under said Act, $127,813,000.

In addition, for administrative expenses to carry out the Public Law 480 title credit program, and the Food for Progress Act, the extent funds appropriated for Public Law 480 are utilized, $1,800,000, of which $1,000,000 may be transferred and merged with the appropriation for "Foreign Agricultural Service and General Sales Manager" and $815,000 may be transferred 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 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 and merged with the appropriation for "Foreign Agricultural Service and General Sales Manager" and $589,000 may be transferred 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 for 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 and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the current account, 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, That this limitation shall not apply to expenses associated with recoveries.

**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 the amounts so obligated shall not be transferred to any other programs.

**TITLE VII—GENERAL PROVISIONS**

Sec. 701. Within the unit limit of costs 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 described in this Act, of passenger motor vehicles, of which not less than 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 appropriation for the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946, and July 28,
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 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 the approval of the Secretary.

SEC. 714. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made 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; the Rural Telephone Bank program account; the rural electrification and telecommunications loan 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 considered within the levels appropriated by this Act.

SEC. 716. Notwithstanding the Federal Grant and Cooperative Agreement Reform Act of 1999, all agreements for the following fiscal years shall remain available until expended to cover obligations made in each of those fiscal years respectively with the approval of the Secretary: (1) not more than $650,000 shall be used to carry out the Rural Development Loan Fund Program for the development of affordable housing, water, and waste disposal facilities for rural areas; (2) not more than $800,000 shall be used to carry out the Rural Broadband Access Program; and (3) not more than $1,500,000 shall be used for the implementation of the Rural Utilities Service Broadband Access Program.

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 organization, an individual person, or a group of individuals, 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 purposes of the Act; (2) contribute to the accomplishment of any of the objectives set forth in the Act; and (3) contribute resources to the accomplishment of the 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 1996.

SEC. 718. Loans and loan guarantee 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 Rural Telecommunications Investment Account, or with 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 unless the Secretary determines that such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.
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 carry out a conservation farm option program authorized by section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 7201 et seq.).

SEC. 729. 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 provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 7201 et seq.), the Market Access Program (16 U.S.C. 3837), the Grain Promotion Act of 1970 (7 U.S.C. 1622(h)) unless the Secretary and the Governor agree to the agreement on the appropriate unit and the execution of claims associated with the project.

SEC. 730. Notwithstanding section 338A of the Consolidated Farm and Rural Development Act (7 U.S.C. 7209), in fiscal year 2000 and thereafter, the Federal Government shall provide funds to the States for State water quality programs operated by the States to the extent that those funds are otherwise made available by this Act or any other Act, excluding funds otherwise made available by this Act, which are exclusively for the purpose of applying for United States Department of Agriculture programs.

SEC. 731. 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. 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 out this project.

SEC. 734. None of the funds made available by this Act or any other Act for any fiscal year may be used to propose or issue rules, regulations, orders, or other forms of 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. 1301 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 to provide or submit appropriations language as part of the President’s Budget submission to the Congress.
(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 affected as if it had occurred pursuant to an election.

(3) DELEGATION.—(A) IN GENERAL.—The Federal Labor Relations Authority shall 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) FUNDING.—Funding 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 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.

(4) 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) with respect to a covered procurement, any other company or enterprise for the purpose of procuring 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 (as 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 1997 (7 U.S.C. 612c note; Public Law 100–237).

(2) Section 204 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. 1431(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. 1103(a)(4)).


(7) Section 2243(b) of title 10, United States Code.


(9) Section 231(d)(3)(A)(i) of the Carl D. Perkins Vocational Education Act (20 U.S.C. 2341(d)(3)).

(10) Section 1113(b)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(b)(1)).


(12) Section 254(h)(2)(B) and 263(a)(2)(C) of the Job Training Partnership Act (26 U.S.C. 163(h)(2)(B)).

(13) Section 3803(c)(2)(C)(iii) of title 31, United States Code.

(14) Section 402(b)(9)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474d(9)(A)).


(16) Sections 4, 7, 10, 13(b), 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, 1788d(i)).

(17) Section 4650(b)(3) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9898m(b)(3)).

(18) Subsection (b) of the first section of Public Law 87–688 (48 U.S.C. 1666(b)).


Sec. 753. Public Law 105–199 (112 Stat. 641) is amended in subsection (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. DÜPREE" before "STUTTGART";

(2) in subsection (a)(1), by inserting "(A) in the heading, by inserting "HARRY K. DÜPREE" before "STUTTGART"; and

(3) in subsection (b), by inserting "(A) in the heading, by inserting "HARRY K. DÜPREE" before "STUTTGART"; and

(b) in subparagraphs (A) and (B), by inserting "National Aquaculture Research Center" each place it appears.

SEC. 755. TOBACCO LEASING AND INFORMATION. (a) CROSS-COUNTY LEASING.—Section 319(I) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1331e(I)) is amended in the second sentence by inserting `or any rural utilities grant or loan under 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.

(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 subject to disclosure 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 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).

"(b) FUNDING.—The Secretary shall use amounts made available for salaries and expenses of the Department to carry out paragraph (1).

"(c) RECORDS.—(1) IN GENERAL.—A person who obtains information described in subsection (a) shall maintain records that are consistent with the records of the Secretary that describe the tobacco records for any purpose not authorized under this section.

"(2) PENALTY.—A person knowingly violates this subsection shall be fined not more than $10,000, imprisoned not more than 1 year, or both.

"APPLICATION.—This section shall not apply to—

(1) records submitted by cigarette manufacturers with respect to the production of cigarette tobacco;

(2) records that were submitted as expected purchase intentions in connection with the establishment of national tobacco quotas or other 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. 606c(6)(I)), as amended by the Agricultural Marketing Agreement Act of 1937, is amended in the first proviso—
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 new section:

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Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105-277), including the same use of 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) identity losses; or

(2) quality losses; or

(3) severe economic losses due to damaging weather or related condition.

(d) LIMITATION ON ASSISTANCE.—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, except losses 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 were eligible to receive, but did not receive, any loan deficiency payment made under this section that was the lowest in the period.

(g) HONEY RECOUSE LOANS.—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 make available 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.

(h) LOAN RATE.—The loan rate of the loans shall be 58 percent of the average price of honey during the 5-crop year period preceding the 1999 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.

(i) RECOURSE LOANS FOR MOHAI.—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 available recourse loans in accordance with section 137(c) 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 and repay 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.

(j) HONEY RECOUSE LOANS.—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 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 58 percent of the average price of honey during the 5-crop year period preceding the 1999 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.

(k) RECOURSE LOANS FOR MOHAI.—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 available recourse loans in accordance with section 137(c) of the Agricultural Market Transition Act (7 U.S.C. 7235) to producers of honey produced during or before that fiscal year.

(2) INTEREST.—Section 137(c)(4) of that Act is amended—

(i) by redesignating paragraph (2) as paragraph (3); and

(ii) by inserting after paragraph (1) the following:

"(2) "Paragraph (1) shall not apply to flue-cured tobacco."

(l) TRANSFERS ALLOWED BY REFERENCE.—

(A) REFERENCE.—On the request of at least 25 percent of the active flue-cured tobacco producers within a State, the Secretary shall transfer the funds of the appropriate 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 the other farm in the State.

(m) SPECIALTY CROPS.

(1) IN GENERAL.ÐThe Secretary shall use $328,000,000 of funds of the Commodity Credit Corporation to make payments to producers of the 1999 crop of peanuts that are eligible to obtain assistance under section 130 of the Agricultural Market Transition Act (7 U.S.C. 7272(f)) through fiscal year 2001.

(2) LOAN RATE.—The loan rate of the loan shall be equal to the greater of—

(A) 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.) from the 1998 crop year to the 1999 crop year; and

(B) the number of acres planted to peanuts or additional peanuts under paragraph (1) that is a party to the National Tobacco Grower Settlement Trust, the Secretary shall distribute funds made available under paragraph (3) that is not a party to the National Tobacco Grower Settlement Trust, the Secretary shall distribute funds made available under paragraph (3) to eligible persons in the State in accordance with the formulas established pursuant to the Trust.

(3) 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.

(4) DISTRIBUTION BY STATES.—

(A) IN GENERAL.—The Secretary shall allocate funds made available under paragraph (1) to States eligible persons described in paragraph (3); and

(B) OTHER STATES.—The Secretary shall allocate funds made available under paragraph (1) to States eligible persons in a manner determined by the Secretary.

(5) DISTRIBUTION BY STATES.—

(A) IN GENERAL.—The Secretary shall allocate funds made available under paragraph (1) to States eligible persons in a manner determined by the Secretary.

(B) OTHER STATES.—The Secretary shall allocate funds made available under paragraph (1) to States eligible persons in a manner determined by the Secretary.

(6) DISTRIBUTION BY STATES.—

(A) IN GENERAL.—The Secretary shall allocate funds made available under paragraph (1) to States eligible persons in a manner determined by the Secretary.

(B) OTHER STATES.—The Secretary shall allocate funds made available under paragraph (1) to States eligible persons in a manner determined by the Secretary.

(7) DISTRIBUTION BY STATES.—

(A) IN GENERAL.—The Secretary shall allocate funds made available under paragraph (1) to States eligible persons in a manner determined by the Secretary.

(B) OTHER STATES.—The Secretary shall allocate funds made available under paragraph (1) to States eligible persons in a manner determined by the Secretary.

(8) DISTRIBUTION BY STATES.—

(A) IN GENERAL.—The Secretary shall allocate funds made available under paragraph (1) to States eligible persons in a manner determined by the Secretary.

(B) OTHER STATES.—The Secretary shall allocate funds made available under paragraph (1) to States eligible persons in a manner determined by the Secretary.

(9) DISTRIBUTION BY STATES.—

(A) IN GENERAL.—The Secretary shall allocate funds made available under paragraph (1) to States eligible persons in a manner determined by the Secretary.

(B) OTHER STATES.—The Secretary shall allocate funds made available under paragraph (1) to States eligible persons in a manner determined by the Secretary.
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), by striking subsection (A) and inserting—

(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.

(2) New Producers.—In the case of producers on a farm that planted acreage to an oilseed during the 1996 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 year.

(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. 807. MILK.

(a) In General.—Section 141 of the Agricultural Market Transition Act (7 U.S.C. 7251) is amended—

(1) in the paragraph heading, by striking ‘‘week’’ and inserting ‘‘calendar year’’;

(2) by striking paragraph (5) and inserting ‘‘(5) the Secretary shall forgive the principal and interest on the portion of any loan for which the Secretary determines and announces that for the 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 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 1996 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 year.

(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. 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 ‘‘calendar year’’ and inserting ‘‘calendar years 1999 and 2000’’; and

(2) in subsection (h), by striking ‘‘1999’’ each place it appears and inserting ‘‘2000’’.

(b) Conforming Amendments.—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. 812. COMMODITY CERTIFICATES.

Subtitle E of the Agricultural Market Transition Act (7 U.S.C. 7261 et seq.) is amended by adding at the end the following:

‘‘SEC. 166. COMMODITY CERTIFICATES.

(a) In General.—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 best effectuate the orderly marketing of commodities pledged as collateral for loans made to producers under subtitle C.

(b) 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. 1308b), 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 $325,000,000.

(b) 1999 Marketerings.—In carrying out subsection (a), the Secretary shall allow a producer that has marketed a quantity of an eligible 1999 crop year, 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 redeem 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 in debt, accrued and nonaccrued 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. 375(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 lending to an eligible entity.’’

(b) Revolving Fund.—Section 375(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 375(e)) is amended—

(1) in paragraph (3)—

(A) by striking subparagraph (A) and inserting the following:

‘‘(A) by striking paragraph (4), (a) and inserting—

(b) 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 best quality United States growth, as quoted for Middling (M) 1½-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) In determining the import quota, the Secretary shall—

(i) determine the amount of the import quota for any month for which the Secretary estimates the season-ending United States upland cotton stocks-to-use ratio, as determined under sub-subparagraph (B), to be higher than the Secretary determines will best effectuate the purposes of cotton user marketing certificates, including enhancing the competitiveness of American cotton, to provide assistance directly to cotton growers, and to effectuate the purposes of cotton user marketing certificates, including enhancing the competitiveness of American cotton, to provide assistance directly to cotton growers, and (ii) adjust the Friday through Thursday average price quotation for the best quality United States growth, as quoted for Middling (M) 1½-inch cotton, delivered C.I.F. Northern Europe, for the value of any certificates issued under subsection (a).

SEC. 817. PRODUCE MARKETING AGREEMENTS.

(a) In General.—The Secretary of Agriculture may enter into agreements with the agricultural industry, as he determines appropriate, to determine 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.

(b) Form.—At the option of the 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 best effectuate the orderly marketing of commodities pledged as collateral for loans made to producers under subtitle C.

(c) Administration.—The Commodity Credit Corporation may make in-kind program payments or by sale, in a manner that the Corporation determines will best effectuate the orderly marketing of commodities pledged as collateral for loans made to producers under subtitle C.
(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 in its place 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 administrative expenses 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 delay or (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."

(F) in subparagraph (E) through (H) as subparagraphs (D) through (G), respectively; and

(G) in paragraph (6), by striking subparagraph (D).

(b) BOARD OF DIRECTORS. Section 375(f) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j) is amended by adding at the end the following: "(2) PRIVATIZATION. In addition to amounts appropriated, $10,000,000 for fiscal year 2001 for grants and other assistance for the commercial fishery failure in the Norton Sound region of Alaska that has resulted in the closure of the commercial and subsistence fisheries to persons that depend on fish as their primary source of food and income."

(c) PRIVATIZATION. 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.

(d) TRANSFER. To carry out this paragraph, the Secretary, for approval, a privatization proposal that— (1) delineates the status of the Board and employees of the Center; (2) includes the following: (A) a definition for the transfer of all Center assets and liabilities to the private successor entity; and (B) a description of the status of the Board and employees of the Center;

(B) TRANSFER. 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.

(C) TRANSFER. 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.

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 to carry 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 directly related to carrying out that subtitle.

SEC. 818. SENSE OF CONGRESS REGARDING FAST-TRACK AUTHORITY AND FUTURE GATT OR WTO 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) fail or to 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 marketing assistance 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. 5631); (iv) the foreign market development cooper 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) submit to Congress— (i) the results of the evaluation under paragraph (A); and (ii) recommendations on maximizing the effectiveness of the programs described in subparagraph (A); and (C) 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, soybean protein, soy lecithin, vegetable protein, textured vegetable protein, and soy protein concentrates and isolates) using programs established under— (i) the Commodity Credit Corporation Charter Act (7 U.S.C. 171a et seq.); (ii) section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431); and (iii) titles I and II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1710 et seq.); and (D) the Food for Progress Act of 1985 (7 U.S.C. 1736a).

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.
in section 805, no less than $125,000,000 shall be
services of the Department of Agriculture; and
livestock production, and livestock products;
and supply and demand conditions for livestock,
program of information regarding the marketing
``SEC. 211. PURPOSE.
1621) the following:
SEC. 901. SHORT TITLE.
SEC. 825. LIVESTOCK AND DAIRY ASSISTANCE.
section 808 of title 5, United States Code.
SEC. 824. REGULATIONS.
(a) PROMULGATION.—As soon as practicable
and the amendments made by subtitle A and
the pronouncement of the regulations and administra-
and of subtitle A shall be made without regard
(1) the notice and comment provisions of sec-
533 of title 5, United States Code;
(2) the Statement of Policy of the Secretary of
13804), relating to notices of proposed rule-
making and public participation in rulemaking;
and
(3) chapter 35 of title 44, United States Code
(customarily known as the "Paperwork Reduction Act").
(2) CONGRESSIONAL REVIEW OF AGENCY RULE-
(3) chapter 35 of title 44, United States Code
(3) promote competition in the cattle slaugh-
tering industry.
``TITLE IX—LIVESTOCK MANDATORY
REPORTING
SEC. 901. SHORT TITLE.
This title may be cited as the "Livestock Man-
datory Reporting Act of 1999".
``Subtitle A—Livestock Mandatory Reporting
SEC. 901. 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 products, and other in-kind assistance;
(2) improves the price and supply reporting services of the Department of Agriculture; and
``(3) encourages competition in the market-
place for livestock and livestock products.
``SEC. 221. DEFINITIONS.
``In this subtitle:
``(1) BASE LEVEL.—The term 'base price' means the
price paid for livestock, delivered at the
packing plant, before application of any pre-
miums or discounts, expressed in dollars per
hundredweight of livestock weight.
``(2) BASIS LEVEL.—The term 'basis level' means the agreed-upon adjustment to a future
price to establish the final price paid for live-
stock.
``(3) CURRENT SLAUGHTER WEEK.—The term 'current slaughter week' means the period be-
ginning 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 pur-
purpose of a single transaction between a buyer
and a seller.
``(7) MARKETING.—The term 'marketing'
means the sale or other disposition of 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 pro-
derer under which—
``(A) the base price for the livestock is deter-
mined by seller-buyer interaction and agree-
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 pro-
derer to a packer under which—
``(A) the base price for the livestock is deter-
mined by seller-buyer interaction and agree-
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
week prior to the slaughtering
week.
``(11) PRODUCER. —The term 'producer' means
any person engaged in the business of buying
livestock for purposes of slaughtering, 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 act-
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 250,000 head of cattle per
year during the immediately preceding 5 cal-
dendar years; and
``(C) in the case of a cattle processing plant
that did not slaughter cattle during the imme-
diately preceding 5 calendar years, the Sec-
retary shall consider the plant capacity of the
processing plant in determining whether the
processing plant should be considered a packer
under this chapter.
``(12) PACKER. —The term 'pack-
er-owned cattle' means cattle that a packer
owns for at least 14 days immediately before
slaughter.
``(13) TERMS OF TRADE.—The term 'terms
of trade' includes, with respect to the purchase
of cattle for slaughter—
``(A) whether a packer provided any financ-
ing 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 unilater-
ally specify the date and time during the
business day of the packer at which the cattle are to
be delivered for slaughtering;
``(D) the percentage of cattle purchased by
packers as negotiated purchases that are deliv-
ered 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 com-
mited to the packer; or
``(ii) the date on which the cattle were
purchased by the packer;
``(E) the 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 es-
\naluate a program of live cattle price informa-
tion reporting that will—
``(1) provide timely, accurate, and reliable
market price information;
``(2) facilitate more informed marketing deci-
sions; and
``(3) promote competition in the cattle slaugh-
tering industry.
``(b) GENERAL REPORTING PROVISIONS APPLI-
CABLE 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.

(a) DAILY 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 for each packer-owned packer processing plant:

(a) the number of the reporting packer processing plant; and

(b) DAILY REPORTING.—(2) PUBLICATION.—The Secretary shall make available the information obtained under paragraph (1) and (2) on the first reporting day of the current slaughter week, not later than 10:00 a.m. Central Time.

(b) WEEKLY REPORTING.—(1) IN GENERAL.—The Secretary shall determine whether adequate data can be obtained on a regional basis for fed Holstein 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, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the determination of the Secretary under subparagraph (A).

(3) The Secretary shall report to the Secretary, on the first reporting day of each reporting period of time prescribed by the prior day report, the following information applicable to the prior slaughter week:

(A) The quantity of cattle purchased on a live weight basis; and

(B) The quantity of cattle delivered to the packer (quoted in numbers of head) on that day, categorized by—

(i) type of purchase; and

(ii) the quantity of cattle purchased on a live weight basis; and

(iii) the quantity of cattle delivered on a dressed weight basis; and

(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—

(A) weight, grade, or yield; or

(B) type of purchase.

(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 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 products, or a pork product.

(B) INCLUSION.—The term 'other market formula purchase' includes a formula purchase in a case in which the formula price 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 wholesaler, 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 swine 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 swine that a packer (including a subsidiary or affiliate of the packer) sold for slaughter to another packer.

(15) 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.

(16) 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.

(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) a 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 applica-
ble 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) other packer formula purchase.

(19) Swine.—The term ‘swine’ means a por-
cine animal raised to be a feeder pig, raised for
seedstock, or raised for slaughter.

(20) Swine or Pork Market Formula Pur-
chase.—The term ‘swine or pork market formula
purchase’ means the purchase of swine, pork, or a packer
product, other than a future or option for swine, pork, or a pork product.

(21) Swine or Pork Market Formula Pur-
chase.—Information re-
quired under this section for packer-owned
swine shall include quantity and carcass char-
acteristics, but not price.

(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 arrangements.

SECTION 4. REPORTING FOR SWINE.

(1) Establishment.—The Secretary shall es-
stablish and implement a price reporting program in
accordance with this section that includes the reporting and publication of information re-
quired under this section.

(2) Packer-Owned Swine.—Information re-
quired under this section for packer-owned
swine shall include quantity and carcass char-
acteristics, but not price.

(3) Packer-Sold Swine.—If information re-
garding 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.—After public
notice and an opportunity for comment, subject to
subparagraph (C), the Secretary shall pro-
mulgate regulations that specify additional in-
formation that shall be reported under this sec-
tion if the Secretary determines under the re-
view under subparagraph (A) that—

(i) information that is currently required no longer reflects the methods by which swine are valued and priced by packers; or

(ii) packers that slaughter a significant ma-
ajority 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.

(5) Daily Reporting.—

(1) Prior Day Report.—

(A) in General.—The corporate officers or
official representatives of each packer
processing plant shall report to the Sec-
retary, 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 infor-
mation by producers, packers, and other
market participants.

(B) Reporting Deadline and Plants Re-
quired to Report.—

(i) Each packer shall report to the Sec-
retary, at a time not later than 7:00 a.m. Central
Time on each reporting day, a packer re-
quired to report under subparagraph (A) shall
report information regarding all swine pur-
chased, priced, or slaughtered during the prior
business day of the packer.

(ii) Information Required.—The informa-
tion from the prior business day of a packer
required to report under subparagraph (A) shall
include—

(I) packer purchase commitments, which
shall be equal to the total number of swine
slaughtered at a packing plant during the
applicable reporting period;

(II) the base price and purchase data for
slaughtered swine for which a price has been es-
tablished;

(III) all purchase data, including—

(aa) swine purchased; and

(bb) swine scheduled for delivery; and

(IV) 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 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
applicable methodology and formulae, and sup-
porting materials used to average the carcass weight of swine, which the Secretary may con-
tinue to the carcass measurements or lean per-
centage of the swine of the individual packer to
perorate to a common percent lean measure-
ment; and

(VI) the average sort loss, which shall be
equal to the average of the percentage of the
swine slaughtered during the applicable report-
ing period, except that when a packer is re-
quired to report under subparagraph (C), the packer
shall make of theSecretary the underlying data,
applicable methodology and formulae, and sup-
porting materials used to arrive at the average
lean percentage, which the Secretary may con-
tinue to the carcass measurements or lean per-
centage of the swine of the individual packer to
cess to a common percent lean measure-
ment; and

(VII) the average lean percentage, which shall
be equal to the average of the percentage of the
swine slaughtered during the applicable report-
ing period, except that when a packer is re-
quired to report under subparagraph (C), the packer
shall make of theSecretary the underlying data,
applicable methodology and formulae, and sup-
porting materials used to arriving at the average
lean percentage, which the Secretary may con-
tinue to the carcass measurements or lean per-
centage of the swine of the individual packer to
perate to a common percent lean measure-
ment; and

(VIII) the average lean percentage, which shall
be equal to the average of the percentage of the
swine slaughtered during the applicable report-
ing period, except that when a packer is re-
quired to report under subparagraph (C), the packer
shall make of theSecretary the underlying data,
applicable methodology and formulae, and sup-
porting materials used to arriving at the average
lean percentage, which the Secretary may con-
tinue to the carcass measurements or lean per-
centage of the swine of the individual packer to
perate to a common percent lean measure-
ment; and

(ix) the total slaughter quantity, which shall
be equal to the total number of swine
slaughtered during each type of purchase pe-
riod, including all types of purchases and pack-
er-owned swine; and

(i) the base price paid for all market hog
slaughtered up to that time of the reporting
day through each type of purchase;

(2) PUBLICATION.—The Secretary shall pub-
lish the information obtained under this para-
graph 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 pack-
er.

(3) Morning Report.—

(A) in General.—The corporate officers or
officially designated representatives of each
packer processing plant shall report to the Sec-
retary 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, ex-
pected 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 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 pub-
lish the information obtained under this para-
graph in the morning report as soon as prac-
ticable, but not later than 11:00 a.m. Central
Time, on each reporting day.

(4) Afternoon Report.—

(A) in General.—The corporate officers or
officially designated representatives of each
packer processing plant shall report to the Sec-
retary 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, ex-
pected 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 up to that time of the reporting
day, unless such information is unavailable due to pricing that is determined on a delayed basis.

CONGRESSIONAL RECORD — HOUSE
"(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 the first reporting day of each week, and any current or the prior slaughter week.

"(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 100 pounds of carcass weight) paid to producers by the packer, by category.

"(2) PREMIUM LIST.—A packer shall maintain an up-to-date list of producers by category, a current listing of the dollar values (per 100 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 list noncarcass merit premium to a producer that meets the requirements for the program, or a willingness of a given category is filled at a particular point in time.

"(4) PUBLICATION.—The Secretary shall publish the information obtained under this subsection (including reports and lists as directed by the Secretary or the Attorney General). The Secretary shall, in the aggregate, provide for the reporting and publishing of the information required under this subsection, and shall 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 packers, producers, or other market participants.

"(e) 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.

"(f) ELECTRONIC REPORTING AND PUBLISHING.—The Secretary shall, to the maximum extent practicable, provide for the reporting and publishing of the information required under this subsection electronically, and shall take all other reasonable actions as the Secretary considers necessary to make it as easy as practicable for participants to report and publish the information required under this subsection.

"(g) ADJUSTMENTS.—Prior to the publication of any information required under this subsection, the Secretary shall 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 packers, producers, or other market participants.

"(h) REPORTING OF ACTIVITIES ON WEEKENDS AND HOLIDAYS.—

"(1) IN GENERAL.—Lamb committed to a packer, 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 subsection), 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 section, the Livestock Mandatory Reporting Act of 1999, or amendments made by that Act required under this subtitle, shall be construed to repeal, void, or abrogate any law that requires the reporting of, or information to the Secretary with respect to, transactions involving livestock or the marketing of livestock.

"(j) ENSURANCE OF ACCURACY.—The Secretary may, to the extent required under this subtitle, and that it would be in the public interest to ensure that the person from further failure to comply with the reporting requirements, the Secretary may notify the Attorney General of the failure.

"(k) PENALTIES.—The order of the Secretary shall be set aside only if the finding is found to be unsupervised by substantial evidence.

"(l) 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 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.

"(3) CIVIL PENALTY.—The Secretary shall notify the Attorney General that a violation of this subtitle may be assessed a civil penalty of not more than $10,000 for each violation.

"(4) FAILURE TO OBEY ORDER.—In the case of a violation of this subtitle, the court shall, on a proper showing, issue a temporary injunction or restraining order without bond.

"(5) FAILURE TO OBEY ORDER.—In the case of a violation of this subtitle, the court shall, on a proper showing, issue a temporary injunction or restraining order without bond.

"(6) ATTORNEY GENERAL.—The Attorney General may apply to the United States district court for the United States of America to enforce any order issued under this subtitle.

"(7) FINES.—The Secretary may notify the Attorney General of any violation of this subtitle.

"(8) CIVIL PENALTY.—The Secretary shall notify the Attorney General that a violation of this subtitle may be assessed a civil penalty of not more than $10,000 for each offense.

"(9) CIVIL PENALTY.—The Secretary shall notify the Attorney General that a violation of this subtitle may be assessed 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. INFORMATION GATHERING.  “(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 transactions; the purchase, sale, price, transportation, delivery, weighing, slaughtering, 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 the packer; 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) between 10:00 a.m. Central Time; or

(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. 181)) to which the mandatory reporting requirements of this title 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, lamb, and fish.

(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 transactional data; 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 the comparative retail price for a representative food product.

(e) ADMINISTRATION.—The Secretary—

(1) shall consider 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 comply with any requirement of this section.

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 enacted not 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 subtitle, the Secretary shall contract with a qualified contractor to assist the pork processing industry in improving current and prior market data, for federal and state agencies, and other market participants in a report published by the Secretary not less frequently than weekly.

SEC. 260. UNJUST DISMUTATION.  “Section 202(b) of the Packers and Stockyards Act, 1921 (7 U.S.C. 192(b)), is amended by striking ‘‘whenever’’ each place it appears.

SEC. 913. 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 section 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 on or before the date of enactment of this Act.

SEC. 914. 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. 915. 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; and

(2) analyze slaughter inspection procedures that could be improved so that trimming procedures and policies of the Secretary are uniform to the maximum extent determinable 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 slaughtering 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 in 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 as 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 packer or packers 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 231 or 232 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 slaughter, excluding all available non-carcass merit premiums).

(b) Availability.—The Secretary shall make available to swine producers and other interested non-packers a list 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 that are open to acceptance by producers for the purchase of swine.

(c) Confidentiality.—The reporting requirements under paragraphs (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 filling 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 timely monthly report to swine producers and other interested persons.

(2) CONTRACTED SWINE NUMBERS.—Each packer shall gather and, at the Secretary's request, 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 the disposition 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; 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, 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 are necessary to carry out this section.

(g) Authorization of Appropriations.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish final regulations to implement this title and the amendments made by this title.

(h) Authorization of Appropriations.—Not later than 180 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.

(i) Authorization of Appropriations.—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 shall 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,
TOBIAS ELLINGSMORE,
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 MCDONNELL,
CONRAD BURNS,
TED STEVENS,
HERB KENNOLY,
DANIEL K. INOUYE,
ROBERT BYRD,
Managers on the Part of the Senate.
The conference agreement provides $3,783,000 for Departmental Administration as proposed by the Senate instead of $3,117,000 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 (92 positions and 11 staff). Funds continue to be used 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 ......................... $587,000
- Intergovernmental Affairs .................. 470,000
- Agricultural Marketing Service .............. 176,000
- Animal and Plant Health Inspection Service ..... 129,000
- Cooperative State Research, Education and Extension Service .......... 101,000
- 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 .................. 148,000
- Rural Development and Facilities Service ........ 136,000
- Rural Utilities Service ...................... 140,000
- Rural Housing Service ..................... 147,000
- Rural Utilities Service ...................... 142,000
- Total ............................................. $6,358,000

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 provides $65,419,000 for the Economic Research Service as requested by the Senate and $70,860,000 as requested by the House and $62,919,000 as proposed by the Senate. Included in this amount is $12,105,000 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 awards to institutions of higher education, for 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 conference agreement states that GAO should conduct a study in July 1999 on this same issue. The conference agreement deletes bill language reducing

### 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 the House and $14,536,000 as proposed by the Senate. The amount provided includes $3,298,000 for the Office of the General Counsel, $145,364,000 for the Office of the Chief Financial Officer, and the $42,919,000 as proposed by the Senate instead of $41,364,000 as proposed by the House. The conference agreement includes $500,000 for a study on the decline in participation in the food stamp program.
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 are $16,462,000 for the Census of Agriculture and increases of $2,500,000 for the fruit and vegetable survey, $900,000 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.

The following table reflects the conference agreement:

<table>
<thead>
<tr>
<th>FY 1999 Appropriation</th>
<th>Amount</th>
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<tr>
<td>Agricultural Genome</td>
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<td>Bioinformatic tools, biol. databases and info mngmt. (Plants)</td>
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<tr>
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<tr>
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<td>Pullman, WA</td>
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<td>Emerging Diseases and Exotic Pests</td>
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<tr>
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<td>Peoria, IL</td>
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<td>Aquaculture Systems (Rainbow Trout) at Univ. of Conn.</td>
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<td>Fish Diseases, Auburn, AL</td>
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<tr>
<td>Floriculture and Nursery Crop Research (portion for cooperative agreements with university partners, incl. Calif. Univ., Vanderbilt, Univ., &amp; Penn State; $200,000 for Ohio State Univ.</td>
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<td>Great Rootstock, Geneva, NY (Ithaca, NY Worksite)</td>
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<td>Greenhouse Lettuce Germplasm, Salinas, CA</td>
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<td>Lettuce Genetic/Breeder Position, Salinas, CA</td>
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<td>Lyme Disease, Yale Univ</td>
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<td>Mid-West/Mid-South Irrigation, Univ. of MO Delta Center, Portageville, MO</td>
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<td>Taza River Basin, MS</td>
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<td>National Warmwater Aquaculture Center, Stoneville, MS</td>
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<td>New England Plant, Soil &amp; Water Research Lab, Orono, ME</td>
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<td>Northern Plains Research Lab, Sidney, MT</td>
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<td>Peanut Quality Research, Athens, GA</td>
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<td>Potato Research Enhancement, Prosser, WA</td>
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<td>Rice Research, Stuttgart, AR</td>
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<td>Risk Assessment for BT Crops</td>
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<td>Root Diseases of Wheat/Barley, Pullman, WA</td>
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<td>Small Fruits, Poplarville, MS</td>
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<td>Southern Insect Mgmt. (SCA with NCPA), Stoneville, MS</td>
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<td>Sunflower Research, Fargo, ND</td>
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<td>Sustainable Vineyard Practices Position, Davis, CA</td>
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<td>Temperate Fruit Flies, Yakima, WA</td>
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<td>U.S. Plant Stress &amp; Water Conservation Lab, Lubbock, TX</td>
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<td>U.S. Pacific Basin Agricultural Research Center, Hilo, HI</td>
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<tr>
<td>Viticulture, Univ. of Idaho—Pharma Research and Ext Center, ID</td>
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<tr>
<td>Watershed Research, Columbia, MO</td>
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</table>
The conference agreement continues the fiscal year 1999 level of funding for cooperative research conducted at the Rodale Institute, with the ARS Soil-Microbial Systems Laboratory.

The conference recognizes that fruit flies are an impediment to agricultural production in Hawaii and other states and encourages 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 $800,000 for research on listeriosis, sheep scab, 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 scab 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 Senate.

### COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

The conference agreement provides $485,698,000 for research and education activities instead of $467,327,000 as proposed by the House and $472,377,000 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:

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<thead>
<tr>
<th>Research and Education Activities</th>
<th>[In thousands of dollars]</th>
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<td>Payments Under Hatch Act</td>
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<tr>
<td>ricants (IA)</td>
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<td>Hydroponic tomato production/germplasm development in forage grasses (OH)</td>
<td>200</td>
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<tr>
<td>Illinois-Missouri Alliance for Biotechnology</td>
<td>1,184</td>
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<tr>
<td>Improved dairy management practices (PA)</td>
<td>296</td>
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<tr>
<td>Improved early detection of crop diseases (NC)</td>
<td>200</td>
</tr>
<tr>
<td>Improved fruit practices (MI)</td>
<td>445</td>
</tr>
<tr>
<td>Infectious disease research (CO)</td>
<td>300</td>
</tr>
<tr>
<td>Institute for Food Science and Engineering (AR)</td>
<td>1,250</td>
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<tr>
<td>Integrated production systems (OK)</td>
<td>180</td>
</tr>
<tr>
<td>International agricultural market structures and institutions (KY)</td>
<td>250</td>
</tr>
<tr>
<td>International arid lands conserva-</td>
<td>400</td>
</tr>
<tr>
<td>tion (NV)</td>
<td></td>
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<tr>
<td>Iowa biotechnology consortium</td>
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<tr>
<td>Livestock and dairy policy (NY, TX)</td>
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<td>Lowbush blueberry research (ME)</td>
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<td>Maple research (VT)</td>
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<td>Meadowfoam (CA)</td>
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<tr>
<td>Michigan biotechnology conserva-</td>
<td>675</td>
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<tr>
<td>tion (MI)</td>
<td></td>
</tr>
<tr>
<td>Midwest advanced food manufacturing alliance (IA)</td>
<td>423</td>
</tr>
<tr>
<td>Midwest agricultural products (IA)</td>
<td>592</td>
</tr>
</tbody>
</table>

The conference agreement...

### COOPERATIVE RESEARCH, EDUCATION, AND EXTENSION SERVICE

The conference agreement provides $53,000,000 for research, education, and extension activities instead of $47,277,000 as proposed by the House and $47,137,000 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:

<table>
<thead>
<tr>
<th>Conference agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td>180,545</td>
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<td>Conference agreement</td>
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</tr>
<tr>
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</tr>
<tr>
<td>5,786</td>
</tr>
</tbody>
</table>

The conference directs that funding provided for the hydroponic tomato production/germplasm development in forage grasses special grant will be divided equally, with $5,786,000 for hydroponic tomato production at the Ohio State University and $5,000,000 for germplasm development in forage grasses at the University of Toledo.

The conference agreement includes $5,786,000 for wood utilization research, of which $560,000 is for the establishment of a new center in Alaska. The remainder is to be divided among 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 other crops.

The conference does 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 Congress expects that the deadline for proposals for funding under the Secondary Agriculture Education program will be no later than 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:

<table>
<thead>
<tr>
<th>Conference agreement</th>
<th>Extension Activities</th>
<th>[in thousands of dollars]</th>
</tr>
</thead>
<tbody>
<tr>
<td>276</td>
<td>Smith-Lever 3(b) &amp; 3(c)</td>
<td>5,248</td>
</tr>
<tr>
<td>276</td>
<td>Smith-Lever 3(d)</td>
<td>5,248</td>
</tr>
</tbody>
</table>

**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) | 478
- General administration | 246
- Integrated crop disease management | 250
- National Center for Agriculture Safety (IA) | 195
- Pilot tech. transfer (NY) | 526
- Pilot tech. transfer (WI) | 163
- Range improvement (NM) | 197
Of the funds made available for farm safety, the conference agreement includes $3,055,000 for the AgrAbility project.

Within the funds made available for water quality, the conference expects that no less than $100,000 will be provided for the FARM*A*Syst program, integrated systems for environmental quality and the Management Systems Evaluation programs. The following table reflects the conference agreement:

**Integrated activities**

<table>
<thead>
<tr>
<th>Conference agreement</th>
<th>Total, Integrated Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water quality</td>
<td>13,000</td>
</tr>
<tr>
<td>Food safety</td>
<td>20,000</td>
</tr>
<tr>
<td>Pesticide impact assessment</td>
<td>1,000</td>
</tr>
<tr>
<td>Crops at risk from FQPA implementation</td>
<td>0,000</td>
</tr>
<tr>
<td>FQPA risk mitigation program for major food crops systems</td>
<td>4,000</td>
</tr>
<tr>
<td>Methyl bromide transition program</td>
<td>2,000</td>
</tr>
<tr>
<td><strong>Total, Integrated Activities</strong></td>
<td><strong>39,541</strong></td>
</tr>
</tbody>
</table>

**Animal and Plant Health Inspection Service**

<table>
<thead>
<tr>
<th>Conference agreement</th>
<th>Total, Federal Administration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal and plant health regulatory enforcement</td>
<td>5,855</td>
</tr>
<tr>
<td>National animal health emergency management system</td>
<td>627</td>
</tr>
<tr>
<td>Pest detection</td>
<td>6,685</td>
</tr>
<tr>
<td><strong>Total, Plant and animal health monitoring</strong></td>
<td><strong>79,167</strong></td>
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</tbody>
</table>

**Pest and disease management programs**

<table>
<thead>
<tr>
<th>Conference agreement</th>
<th>Total, Pest and disease management programs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aquaculture</td>
<td>767</td>
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<tr>
<td>Biocontrol</td>
<td>0,160</td>
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<tr>
<td>Boll weevil</td>
<td>17,757</td>
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<tr>
<td>Brucellosis eradication</td>
<td>10,887</td>
</tr>
<tr>
<td>Golden nematode</td>
<td>580</td>
</tr>
<tr>
<td>Gypsy moth</td>
<td>4,366</td>
</tr>
<tr>
<td>Imported fire ants</td>
<td>100</td>
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<tr>
<td>Emerging plant pests</td>
<td>3,510</td>
</tr>
<tr>
<td>Noxious weeds</td>
<td>424</td>
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<tr>
<td>Pink bollworm</td>
<td>1,548</td>
</tr>
<tr>
<td>Pseudorabies</td>
<td>4,567</td>
</tr>
<tr>
<td>Scrape</td>
<td>2,991</td>
</tr>
<tr>
<td>Tuberculosis</td>
<td>4,520</td>
</tr>
<tr>
<td>Wildlife services—operations</td>
<td>31,672</td>
</tr>
<tr>
<td>Witchweed</td>
<td>1,506</td>
</tr>
<tr>
<td><strong>Total, Pest and disease management programs</strong></td>
<td><strong>93,755</strong></td>
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</table>

**Animal care**

<table>
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<tr>
<th>Conference agreement</th>
<th>Total, Animal care</th>
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<tbody>
<tr>
<td>Animal welfare</td>
<td>10,596</td>
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<tr>
<td>Horse protection</td>
<td>361</td>
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<tr>
<td><strong>Total, Animal care</strong></td>
<td><strong>10,957</strong></td>
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</table>

**Scientific and technical services**

<table>
<thead>
<tr>
<th>Conference agreement</th>
<th>Total, Scientific and technical services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biotechnology/environmental protection</td>
<td>8,530</td>
</tr>
<tr>
<td>Integrated systems acquisition project</td>
<td>3,500</td>
</tr>
<tr>
<td>Plant methods development laboratories</td>
<td>4,699</td>
</tr>
<tr>
<td>Veterinary diagnostics</td>
<td>10,345</td>
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<tr>
<td>Wildlife services—methods development</td>
<td>10,365</td>
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<td><strong>Total, Scientific and technical services</strong></td>
<td><strong>53,055</strong></td>
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</table>

**Contingency fund**

<table>
<thead>
<tr>
<th>Conference agreement</th>
<th>Total, Salaries and expenses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total, Salaries and expenses</strong></td>
<td><strong>417,263</strong></td>
</tr>
</tbody>
</table>

The conference agreement provides $417,263,000 for the Animal and Plant Health Inspection Service (APHIS) instead of $444,000,000 as proposed by the House and $429,400,000 as proposed by the Senate.

The following table reflects the conference agreement:

**Pest and disease exclusion**

<table>
<thead>
<tr>
<th>Conference agreement</th>
<th>Pest and disease exclusion</th>
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</thead>
<tbody>
<tr>
<td>Agricultural quarantine inspection</td>
<td>34,576</td>
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<tr>
<td>User fees</td>
<td>67,000</td>
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<tr>
<td><strong>Subtotal, Agricultural quarantine inspection</strong></td>
<td><strong>121,576</strong></td>
</tr>
<tr>
<td>Cattle ticks</td>
<td>5,000</td>
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<tr>
<td>Foot-and-mouth disease</td>
<td>3,803</td>
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<tr>
<td>Import-export inspection</td>
<td>6,815</td>
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<tr>
<td>International programs</td>
<td>7,539</td>
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<tr>
<td>Fruit fly exclusion and detection</td>
<td>25,204</td>
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<td>Screwworm</td>
<td>30,301</td>
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<tr>
<td>Tropical Pont dye tick</td>
<td>407</td>
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<tr>
<td><strong>Total, Pest and disease exclusion</strong></td>
<td><strong>200,645</strong></td>
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</table>

**Plant and animal health monitoring and surveillance**

<table>
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<th>Plant and animal health monitoring and surveillance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Animal and plant health monitoring</strong></td>
<td><strong>60,000</strong></td>
</tr>
<tr>
<td><strong>Animal health monitoring and surveillance</strong></td>
<td><strong>60,000</strong></td>
</tr>
</tbody>
</table>

The conference agreement provides $100,000 for research and evaluation activities associated with the U.S. Treasury Department’s section on animal and plant health. The conference agreement also provides an increase of $675,000,000 for the Commodity Credit Corporation funds to assist in the procurement of farm and food commodities for the support of the international food aid programs.

The conference agreement does not include an increase of $136,000,000 above the fiscal year 1999 level for a total of $376,000,000 for the National Poultry Improvement Plan.

The conference agreement adopts Senate language providing for the Commer- cial Transportation of Equines for Slaughter Act at the fiscal year 1999 level.

The conference agreement provides no funding for the contiguous 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 to cooperate with the States of Texas and California in improving and reducing costs. The conference agreement also provides $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 conference agreement does not include $425,000 for the Commodity Credit Corporation funds to assist in the procurement of farm and food commodities for the support of the international food aid programs.

The conference agreement provides an increase of $3,928,000 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 conference agreement also provides $425,000 for the Commodity Credit Corporation funds to assist in the procurement of farm and food commodities for the support of the international food aid programs.

The conference agreement includes an increase of $250,000 for the United States Department of Agriculture’s (USDA) National Animal Health Monitoring System which is responsible for monitoring and surveillance of animal diseases, a practice common in Alaska and other states.

The conference agreement also includes an increase of $3,928,000 for additional inspectors which will provide 23 staff years at the Cana- dia border, 15 state agency years at the Mexican border, and 12 staff years at the Hawaiian border.

The conference agreement also provides an increase of $250,000 for the United States Department of Agriculture’s (USDA) National Animal Health Monitoring System which is responsible for monitoring and surveillance of animal diseases.

The conference agreement also includes an increase of $3,928,000 for additional inspectors which will provide 23 staff years at the Canada border, 15 state agency years at the Mexican border, and 12 staff years at the Hawaiian border.

The conference agreement also includes an increase of $3,055,000 for the AgrAbility project.

The conference agreement also includes an increase of $250,000 for the United States Department of Agriculture’s (USDA) National Animal Health Monitoring System which is responsible for monitoring and surveillance of animal diseases.
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, stress levels, and 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 Appropriations its conclusions no later than March 15, 2000.

The conferees urge the Secretary to consider requests from the Senate of Florida for Commodity Credit Corporation (CCC) funds for capital requirements for fishing in cinder-affected areas, for release of the sterile Mediterranean fruit fly, and for increased fruit fly trapping.

The conferees support the Department’s continuation of 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 support the Department’s continuation of 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.

The conference agreement provides $3,882,000 for the Food Safety and Inspection Service instead of $3,000,000 as proposed by the Senate; $17,000,000 for operation and establishment of plant materials centers as proposed by the House instead of $6,124,000 as proposed by the Senate.

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.

The conference agreement provides $649,411,000 for the Food and Safety Inspection Service instead of $652,955,000 as proposed by the House and $684,404,000 as proposed by the Senate.

The conference agreement provides $8,000,000 above the budget request for funding inspector vacancies and recruiting new inspectors, and $3,007,000, the same amount required by the House for retraining inspector-replacement inspectors. The conferees note that despite being provided with its full budget request for fiscal year 1999, the agency has failed to devote sufficient funding to 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 provides $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 agency does not have funds requested for Consumer Safety Officers. The conferees are concerned about the substantial funding increase required to convert and retool retraining positions to 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 program and report to the Committees on Appropriations its conclusions 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 program and report to the Committees on Appropriations its conclusions no later than February 15, 2000.

The conference agreement includes a provision that the funds available for Emergency Watershed Protection activities that of the funds available for Emergency Watershed Protection activities that are appropriated by the Senate and not less than $9,125,000 for operation and establishment of plant materials centers as proposed by the House instead of $5,000,000 as proposed by the Senate; and $89,000 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 for the Salinas Valley Water Project in Monterey County, California.

The conference agreement includes bill language that directs the Chief of the Natural Resources Conservation Service to settle claims associated with the Chuquipocchee Water Project in Mississippi.

The conference agreement includes a provision that the funds available for Emergency Watershed Protection activities that are appropriated by the Senate and not less than $9,125,000 for operation and establishment of plant materials centers as proposed by the House instead of $5,000,000 as proposed by the Senate; and $89,000 for the Tri-Valley Watershed in Utah instead of $500,000 as proposed by the Senate.

The conference agreement includes a provision that the funds available for Emergency Watershed Protection activities that are appropriated by the Senate and not less than $9,125,000 for operation and establishment of plant materials centers as proposed by the House instead of $5,000,000 as proposed by the Senate; and $89,000 for the Tri-Valley Watershed in Utah instead of $500,000 as proposed by the Senate.

The conference agreement includes a provision that the funds available for Emergency Watershed Protection activities that are appropriated by the Senate and not less than $9,125,000 for operation and establishment of plant materials centers as proposed by the House instead of $5,000,000 as proposed by the Senate; and $89,000 for the Tri-Valley Watershed in Utah instead of $500,000 as proposed by the Senate.

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are included: the conferees direct the NRCS to provide financial assistance to the Free-
man Lake Dam in Kentucky and the Tri-Val-
ley Watershed project in Utah.

The conferees direct that the amount of Federal funds that may be made available to
an eligible local organization for construc-
tion of a particular rehabilitation project
shall be equal to 65 percent of the total reha-
bitation costs, but not to exceed 100 per-
cent of actual construction costs incurred
in the rehabilitation. Consistent with existing
statutory requirements, 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 Confer-
henees, the Department of Agriculture and
the eligible local organization respon-
sible 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 re-
sponse and water management activities being
coordinated with the projects providing assis-
tance through any flood compensation
programs. NRCS and FSA should continue to
utilize conservation programs in providing
water management services in areas of private
land as necessary intermediate measures in
watershed management.

RESOURCES 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 agreement provides $6,325,000 for the Forestry Incentives pro-
gram 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 de-
velopment resources only on programs that
directly benefit applicants for these pro-
grams.

The House and Senate reports recommend
projects for consideration under various
rural development programs, and the con-
ferenees direct the Department to apply estab-
lished review procedures when considering
applications.

The conferees further expect the Depart-
ment to give consideration to the following
request for assistance from rural develop-
ment programs: construction necessary for
the withdrawal, treatment and transmission
of wastewater from the Salton Sea National
Wildlife Refuge in Imperial County, CA; sup-
plemental maintenance of the water supply needs of Union Coun-
ty, AR; the Kettering Medical Center
healthy hearts program in medically under-
served areas of Mississippi and Ohio; the West-
ern Massachusetts food processing center;
rural utilities projects for the town of Lloyd,
NY; a rural business enterprise grant for the Delta Training Center, Indiana;
a rural cooperative development grant for the
conversion of the Chickasha Cotton Gin, GA.

The conferees noted that many Native American Tribes are able to
meet the special requirements of the normal RCAP programs and they are ex-
pected to apply for assistance from funds
other than those specifically provided by
this special provision.

RURAL DEVELOPMENT
RURAL COMMUNITY ADVANCEMENT PROGRAM
The conference agreement provides
$718,837,000 for the Rural Community Ad-
vancement Program. The conferees direct
the Secretary to transfer funds among accounts.

RURAL HOUSING SERVICE
RURAL HOUSING INSURANCE FUND PROGRAM
ACCOUNT
The conference agreement provides a total
subsidy $381,560,000 (providing for an esti-
mated 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 esti-
mated loan program level of $4,594,694,000) as
proposed by the Senate.

The conference agreement includes a set
of amendments to provide for $118,158,000 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:

| Loan authorizations: | Total, Loan author-
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family (sec. 502)</td>
<td>$1,100,000,000</td>
</tr>
</tbody>
</table>
| Unsubsidized guaran-
teed | $2,300,000,000 |
| 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) | $15,122,000 |
| Credit sales of acquired
property | $7,503,000 |
| Self-help housing land
development fund | $5,000,000 |
| Total, Loan author-
izations | $4,589,373,000 |

The conference agreement includes special
loan programs: construction assistance
under the RBOG program for Federally rec-
ognized Native American Tribes. This provi-
sion is intended to help overcome a problem in
extremely impoverished areas where com-
unities may not otherwise be eligible for
RCAP and water and waste disposal assistance
programs due to an inability 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 that 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 ap-
plications from this area were funded in fis-
cal year 1999. The conferees are also con-
cerned that special consideration was not
given to applications from Rural Economic
Area Partnership (REAP) communities
tionwide. The conferees urge the Department
to give consideration to applications from
upstate New York and REAP communities
nationwide in fiscal year 2000.

The conference agreement includes special
grant funding for water and waste disposal
assistance under the RCP for Federally rec-
ognized Native American Tribes. This provi-
sion is intended to help overcome a problem in
extremely impoverished areas where com-
unities may not otherwise be eligible for
RCAP and water and waste disposal assistance
programs due to an inability 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 $6,000,000 for the Rural Community Devel-
opment Initiative as proposed by the House.

The conference agreement includes a set
aside of $5,245,000 for empowerment zones,
enterprise communities and communities
designated by the Secretary of Agriculture
as Rural Economic Area Partnership Zones.

The conference agreement includes special
grant funding for water and waste disposal
assistance under the RCP for Federally rec-
ognized Native American Tribes. This provi-
sion is intended to help overcome a problem in
extremely impoverished areas where com-
unities may not otherwise be eligible for
RCAP and water and waste disposal assistance
programs due to an inability 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.

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grant funding for water and waste disposal
assistance under the RCP for Federally rec-
ognized Native American Tribes. This provi-
sion is intended to help overcome a problem in
extremely impoverished areas where com-
unities may not otherwise be eligible for
RCAP and water and waste disposal assistance
programs due to an inability 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 appropriates separate subsidies for rural telecommunication loans. The 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 $533,400,000 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 $50,000,000 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 and $437,858,000 as proposed by the House instead of $421,763,000 as proposed by the Senate.

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**

The conference agreement provides a total subsidy of $16,615,000 (providing for an estimated loan program level of $38,256,000) as proposed by the Senate.

The conference agreement also provides for a transfer of $2,411,500,000 as proposed by the House and $2,611,500,000 as proposed by the Senate.

**SALARIES AND EXPENSES**

The conference agreement provides a total loan subsidy of $15,132,000 (providing for an estimated loan level of $38,256,000) as proposed by the Senate.

The conference agreement includes language on fees charged to lenders on guaranteed loans of an amount not to exceed 5%.

The conference agreement provides $14,679,000 (providing for an estimated loan level of $38,256,000) as proposed by the Senate.

The conference agreement provides $15,132,000 (providing for an estimated loan level of $38,256,000) as proposed by the Senate.
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 programs** .......... 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 $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 conference agreement makes the following exceptions to the current sugar cap proposal of the Senate, which always made the same conclusion. The conferees note that in the event of a final proviso under the WIC heading to preclude WIC from providing immunizations, 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). Some of those proposals involve potential exceptions to the current sugar cap for the WIC food package. The sugar cap is an issue that we have studied many times and is always with the same conclusion. The consensus from the studies, nutritionists, State WIC directors, sugar commodity associations and dentists is that there are 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 $21,563,744,000 as proposed by the House and $21,533,744,000 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 adjustment, 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 $150,000,000 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 of $60,000,000 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 Assistance Program. The design of this account 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 benefit from this program. The conference expects the Department to work closely with these applicants, and to take such action as may be necessary later in fiscal year 2000 to ensure that the dollars available to maximize participation of these states.

### FOOD PROGRAM ADMINISTRATION

The conference agreement provides $111,561,000 for the 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 $3,235,000 from the Export Loan program and $1,035,000 from the Export-Import Bank 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 restricting funds in this account from being used to promote the sale of alcoholic beverages, including wine. The House bill had no similar provision.

The conference agreement does not include a Senate bill provision paying up to $2,000,000 solely for the purpose of offsetting international exchange rate fluctuations. The House bill had no similar provision.

The conference agreement deletes Senate report language which states that the agency has not developed a plan for the Title II ocean freight differential, $8,217,000.

The conference agreement deletes House report language which appropriates funds for activities under separate headings.

The conference agreement provides $9,554,028,000 for the Food Program Administration as proposed by the Senate instead of $96,000,000 as proposed by the House. Included in this amount is an increase of $3,000,000 for program and financial integrity advancement.

### APPROPRIATIONS ACTS

**Total, Public Law 480: Program level** .......... 800,000,000

**Appropriation** .......... 800,000,000

**Total, Commodity grants: Program level** .......... 0

**Appropriation** .......... 0

**Total, Loan subsidies: Program level** .......... 127,813,000

**Appropriation** .......... 127,813,000

**Total, General Sales Manager (transfer to FAS): Program level** .......... 1,035,000

**Appropriation** .......... 1,035,000

**Total, Farm Service Agency (transfer to FSA): Program level** .......... 815,000

**Appropriation** .......... 815,000

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. The conferees direct the Department to work with the U.S. Agency for International Development and the Department of State to 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 to displaced persons in need such as Kosovo, the Middle East, the newly independent states, sub-Saharan Africa, South 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 authorization minimum 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 USD AID process proposals for food assistance in timely fashion;
- USDA increase non-emergency humanitar ian assistance and long-term development projects and allow flexibility to use monetization to address local development needs;
- The Department of Treasury more aggres sively 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;
- The U.S. Government maximize participa tion in multilateral food assistance pro grams.

**COMMERCY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT**

The conference agreement provides $3,620,000 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 FARM AND DRUG ADMINISTRATION DEPARTMENT—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 animal and drug centers, official fees 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 conference agreement provides that the FDA is required 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 $300,000 for clinical pharmacology grants awarded competitively.

The conference agreement provides $100,000 for the Waste-Management and Research Consortium, as proposed by the Senate.

The conferees are aware that intravenous immune globulin (IVIG), a lifesaving treatment for patients with primary immune deficiency disease, is currently 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 of radiation on ready-to-eat meats and poultry, and fruits and vegetables. The conferees are aware of the important food safety benefits associated with this 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 publication of the petition and issue a final rule within twelve months of receipt of the petition.

The conferees note their expectation that FDA published a 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. Those established by the FDA five years, some as far back as 1990. Moreover, melanoma and 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 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 rule be published 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:

<table>
<thead>
<tr>
<th>Foods:</th>
<th>$9,000,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Field Activities</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Animal Drugs and Feeds:</td>
<td>$16,900,000</td>
</tr>
<tr>
<td>Center</td>
<td>$3,600,000</td>
</tr>
<tr>
<td>Field Activities</td>
<td>$3,600,000</td>
</tr>
<tr>
<td>NCTR</td>
<td>$500,000</td>
</tr>
<tr>
<td>Total</td>
<td>$30,000,000</td>
</tr>
</tbody>
</table>

**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**

**COMMERCY 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 $1,000 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 for risk 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 obligations for certain programs and activities available until expended.

House Section 709—The conference agreement includes language (Section 709) proposed by the House prohibiting the use of commodity credit language (Section 717) proposed by the Senate.

House Section 710—The conference agreement includes language (Section 710) proposed by the House that authorizes the use of cooperative agreements for the transfer or obligation of fiscal year 2000 funds for the Farm Service Agency.

House Section 712—The conference agreement includes language (Section 712) 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 of the Office of General Counsel that the existing language does not contain 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 724—The conference agreement includes language (Section 724) proposed by the Senate that makes permanent the limitation on contract payments for wild rice.

House Section 725—The conference agreement includes language (Section 725) proposed by the Senate that makes permanent the limitation on contract payments for wild rice.

House Section 726—The conference agreement includes language (Section 726) proposed by the Senate that makes permanent the limitation on contract payments for wild rice.

House Section 727—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—The conference agreement includes language (Section 728) proposed by the Senate that makes permanent the limitation on contract payments for wild rice.

House Section 729—The conference agreement includes language (Section 729) prohibited the use of foods of commodities for the Food Safety and Inspection Service.

House Section 730—The conference agreement includes language (Section 730) proposed by the House prohibiting the use of commodity credit language (Section 730) proposed by the Senate.

House Section 731—The conference agreement includes language (Section 731) for the Wetland Reserve Program enrollment in the Farm Credit Act.

House Section 732—The conference agreement includes language (Section 732) for the Wetland Reserve Program enrollment in the Farm Credit Act.

House Section 733—The conference agreement includes language (Section 733) proposed by the Senate prohibiting the use of commodity credit language (Section 733) proposed by the Senate.
funds to close or relocate certain FDA offices.

Senate Section 734.—The conference agreement includes language (Section 749) prohibiting the use of funds to transfer or convey federal lands and properties to the American Bison Foundation, and to any firm that has received a large percentage of the dollar amount of the tender.

House Section 730.(a) and Senate Section 728.—The conference agreement (Section 728) limits the emergency food assistance program to $500,000,000,000, and $700,000,000, as opposed by the House and $700,000,000,000, as proposed by the Senate.

House Section 733.—The conference agreement (Section 733) prohibits the use of funds to carry out certain activities unless the Secretary of Agriculture inspects and certifies that appropriate provisions for training, education, and accreditation are in place.

Senate Section 760.—The conference agreement includes language (Section 760) prohibiting the use of funds to require the purchase of American-made equipment, as opposed by the Senate.

House Section 737.—The conference agreement (Section 737) prohibits the use of funds for the purchase of American-made equipment, and products, and for the purposes of this Act, as opposed by the Senate.

House Section 738.—The conference agreement (Section 738) limits the emergency food assistance program to $500,000,000,000, and $700,000,000, as opposed by the House and $700,000,000,000, as proposed by the Senate.

Senate Section 750.—The conference agreement includes language (Section 750) that will be included in the fiscal year 2001 budget request funding to implement a United States Action Plan on Food Security.

Senate Section 761.—The conference agreement includes language (Section 761) regarding the Kyoto Protocol proposed by the Senate.

Senate Section 751.—The conference agreement includes language (Section 751) prohibiting the use of funds to import meat and poultry, as opposed by the Senate.

Senate Section 752.—The conference agreement includes language (Section 752) regarding timely FDA testing of imported food, and 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 753.—The conference agreement includes language (Section 753) that will be included in the fiscal year 2001 budget request funding to implement a United States Action Plan on Food Security.

Senate Section 754.—The conference agreement includes language (Section 754) regarding the Kyoto Protocol proposed by the Senate.

Senate Section 755.—The conference agreement includes language (Section 755) to add to the HUBZone program established by section 31 (1996) and consider including additional nutritious foods for women, infants and children.

Senate Section 756.—The conference agreement includes language (Section 756) that will be included in the fiscal year 2001 budget request funding to implement a United States Action Plan on Food Security.

Senate Section 757.—The conference agreement includes language (Section 757) that will be included in the fiscal year 2001 budget request funding to implement a United States Action Plan on Food Security.

Senate Section 758.—The conference agreement includes language (Section 758) that will be included in the fiscal year 2001 budget request funding to implement a United States Action Plan on Food Security.

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Senate Section 762.—The conference agreement includes language (Section 762) that will be included in the fiscal year 2001 budget request funding to implement a United States Action Plan on Food Security.

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Senate Section 767.—The conference agreement includes language (Section 767) that will be included in the fiscal year 2001 budget request funding to implement a United States Action Plan on Food Security.

Senate Section 768.—The conference agreement includes language (Section 768) that will be included in the fiscal year 2001 budget request funding to implement a United States Action Plan on Food Security.

Senate Section 769.—The conference agreement includes language (Section 769) that will be included in the fiscal year 2001 budget request funding to implement a United States Action Plan on Food Security.

Senate Section 770.—The conference agreement includes language (Section 770) that will be included in the fiscal year 2001 budget request funding to implement a United States Action Plan on Food Security.

Senate Section 771.—The conference agreement includes language (Section 771) that will be included in the fiscal year 2001 budget request funding to implement a United States Action Plan on Food Security.

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Senate Section 774.—The conference agreement includes language (Section 774) that will be included in the fiscal year 2001 budget request funding to implement a United States Action Plan on Food Security.

Senate Section 775.—The conference agreement includes language (Section 775) that will be included in the fiscal year 2001 budget request funding to implement a United States Action Plan on Food Security.

Senate Section 776.—The conference agreement includes language (Section 776) that will be included in the fiscal year 2001 budget request funding to implement a United States Action Plan on Food Security.
by a handler at a plant operating in Clark County, Nevada shall not be subject to the Agricultural Marketing Agreement Act of 1987.

Section 767.—The conference agreement does not include Sense of Senate language regarding World Trade Organization negotiations. The conferees expect that negotiations being undertaken with a view to reaching a comprehensive agreement on agriculture should undertake multilateral negotiations to eliminate policies and programs that distort world markets for agricultural commodities.

Section 763.—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 761.—The conference agreement makes technical corrections to the Food Security Act of 1985.

Section 746.—The conference agreement provides that none of the funds made available by this Act shall be used to implement FSA Notice CPR–327.

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 product of the federal cost-share and the value of the federal costs already incurred. This action is necessary to avoid the double payment for an ongoing conservation practice.

Section 745.—The conference agreement provides that none of the funds made available by this Act shall be used to implement FSA Notice CPR–327. The conference agreement includes language designating the "George E. Brown, Jr., Salinity Laboratory". The conference agreement includes technical changes to title 18 of the United States Code.

Section 744.—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 crop losses and further note that additional funds may be available for other livestock-related disaster losses.

Section 743.—The conference agreement directs the Department to provide, from the amounts appropriated in this Act, to dairy producers 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 Act, to dairy producers who purchased a crop insurance policy for the 1999 fresh market peach crop, as adjusted by the insurance 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 losses. Of these agricultural losses, 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 catastrophic losses in 1999.

Sections 801(c) of this Act.

The conferees note significant losses in the 1999 crops of fruits and vegetables, particularly capucins, Valencia oranges, and apples. 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 January 1999 that may exceed $3 billion. 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 express concern that the Secretary may not identify adequate funds provided in this title to address these needs.

The conference agreement includes a new provision relating to the recovery of biomass used in energy production. No similar provision was included in the Senate and House bills.

TITLE VIII—EMERGENCY AND DISASTER ASSISTANCE FOR PRODUCERS

The conference agreement includes a new title (Title VIII) providing market loss payments to members of the World Trade Organization that have incurred losses for crops harvested or intended to be planted or harvested in 1999. 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. The conference agreement also includes $200,000,000 for assistance to dairy producers.

The conference agreement directs the Secretary 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 to determine how and implement a crop loss assistance program. However, the conferees note that the Department may not be able to make payments to producers for crop losses that occurred in 1998. The conferees recognize that delays in delivering 1999 payments are unacceptable.

The conference agreement provides that none of the funds made available by this Act shall be used to implement FSA Notice CPR–327. 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 crop losses and further note that additional funds may be available for other livestock-related disaster losses.

Section 803.—The conference expects the Secretary to utilize all funds collected and not yet transferred to the Treasury under the emergency marketing loan program by 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 critical in order to provide producers and permit the Secretary to expedite such payments. With producers and acreage information readily available from the Farm Service Agency, the conference expects the Secretary to make payments to producers based on projected yields for the 1999 crop year. By using projected yields, the conference expects the Secretary to allow eligible losses to be made to producers as soon as practicable and, in any case, within 60 days from the enactment of this legislation.

The conference agreement includes the need for a catastrophic designation for the 1999 fresh market peach crop. The Department shall compensate producers who purchased a crop insurance policy for the 1999 fresh market peach crop, as adjusted by the insurance methodology established by the Risk Management Agency for the 2000 crop year.

Further, from the total amount provided under section 806, $325 million is to be made available for losses suffered by livestock 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:

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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Father Paul Lavin, pastor, St. Joseph’s Catholic Church on Capitol Hill, Washington, DC, will now lead us in prayer.

PRAYER

The guest Chaplain, Father Paul Lavin, offered the following prayer:

In Psalm 24 we hear:

The Lord’s are the earth and its fullness; the world and those who dwell in it. For He founded it upon the seas and established it upon the rivers. Who can ascend the mountain of the Lord or who may stand in His holy place? He whose hands are sinless, whose heart is clean, who desires not what is vain? He shall receive a blessing from the Lord, a reward from God His savior. Such is the race that seeks for him, that seeks the face of the God of Jacob.

Let us Pray.

All powerful God, You always show mercy toward those who love You and are never far away from those who seek You. Remain with Your sons and daughters who serve in the Senate of the United States and guide their way in accord with Your will. Shelter them with Your protection, and protect also those who guard them; give these servants of Yours the light of Your wisdom, and give Your grace also to their staffs. We ask this through Christ our Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, 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.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. CRAPO). The acting majority leader is recognized.

SCHEDULE

Mr. SPECTER. Mr. President, today the Senate will begin at this point 30 minutes of debate on the amendment offered by the Senator from California, Mrs. BOXER, regarding afterschool programs. We had been scheduled to debate the Gregg second-degree amendment. It is my understanding Senator GREGG is now disposed to withdraw the amendment unless there is objection to that. So we will proceed with 30 minutes of debate on the Boxer amendment, with the first vote occurring at 10 a.m.

On behalf of the leader, I am announcing that we will try to complete action on the bill today. Therefore, votes will occur throughout the day and into the evening.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Resumed

PENDING:

Reid amendment No. 1807, to require the Secretary of Labor to issue regulations to eliminate or minimize the significant risk of needlestick injury to health care workers.

Boxer amendment No. 1809, to increase funds for the 21st century community learning centers program.

Gregg amendment No. 1810 (to amendment No. 1809), to require that certain appropriated funds be used to carry out Part B of the Individuals with Disabilities Education Act.

Mr. SPECTER. Mr. President, when we concluded yesterday afternoon, the ranking member and I talked about a unanimous-consent agreement for all amendments to be filed. We had talked about 12 noon today, and there was concern that since the announcement was made late in the day, Senators would not have an opportunity to understand that since many had gone home. But it is my expectation that when Senator HARKIN arrives, we will confer and try to pick a time when we will ask unanimous consent that all amendments be filed.

AMENDMENT NO. 1308, WITHDRAWN

On behalf of Senator GREGG, I withdraw the Gregg amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1809

Mr. SPECTER. The essential point on the amendment of the Senator from California is to add $200 million to afterschool programs. I believe after-school programs are very valuable, and I have supported after-school programs in the past. In fact, in collaboration with Senator HARKIN, we included $200 million in addition to the $200 million now allocated for afterschool programs. This is an enormous increase on a program that just 3 years ago was at $1 million, then increased to $40 million, then to $200 million, and we have doubled it this year to $400 million. It is an integral part of the school violence prevention initiative.

In crafting this bill, which comes in at $91.7 billion, Senator HARKIN and I have made an assessment of priorities among some 300 programs. And while we would like to have more money for afterschool programs—we would like to have more money for many programs—it simply is not possible to do it.

In crafting this bill, which will be passed by the Senate, to get at least 51 votes, there is very considerable concern on my side of the aisle about a bill with $91.7 billion. Then we have to go to conference. Then we have to find a bill which the President will sign. The metaphor is, it is like running between the raindrops in a hurricane. So it is
with reluctance I must oppose the Boxer amendment; it is not realistic to do it.

Some have argued that the $200 million advocated yesterday by Senator MURRAY, which was defeated, or the $300 million sought to be added by Senator BOXER, and which was defeated by Senator BOXER and BAYH, and which would have been cut by Senator BAYH, is not a big solution. I am not going to make that argument because no one really knows that. We are determined to craft a total appropriations package which is within the caps. In order to accomplish that, we must have to advance funding. Of course, the Boxer amendment provides for advance funding as well. But at some point, if there is sufficient advance funding going into the projected $38 billion in surplus for fiscal year 2000, even on the advance funding line, Social Security will not be intact, and I think there is agreement that we have to protect Social Security and Medicare, that our expenditures even on an advance line cannot go beyond. I understand my colleague from California is ready to present her case, so I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. I thank the Chair.

The Senator from California has the floor.

Mrs. BOXER. I thank the Chair.

I am going to make some very brief remarks and then yield 7 minutes to the Senator from Massachusetts, who is such a leader on education. I will begin just by setting the stage for his remarks. The amendment we have at the desk—and it is cosponsored by many on my side of the aisle—would allow 370,000 children the opportunity to get into afterschool programs. This is a program that works. I understand both sides of the aisle work on it. The difference is that we on this side want to be a little more bold. We want to really make sure that education is a priority, and if our children are a priority, we ought to go up to the President’s requested level of $600 million for this program.

The bill goes up to $400 million. That leaves out 370,000 children. Think of the impact for those children. It doesn’t only impact them where they are safe after school. It impacts their parents, their grandparents, their communities, and their neighborhoods.

It is a very simple amendment. We use a technique used all through the bill, which is forward funding. We don’t touch Social Security or anything else. We simply forward fund it because the school year starts later, and that kind of funding would work.

I want to share with my colleagues before you hear from Senator KENNEDY that last night the National Association of Police Athletic Leagues was so delighted to hear we had this amendment pending that they got on the phone and called everyone they could in the Senate. I am going to read a little bit from their letter:

DEAR SENATOR: The National Association of Police Athletic Leagues is endorsing and supporting Senator Boxer’s afterschool legislation, and amendment to the Labor-HHS appropriations bill. It would add $200 million to the 21st Century learning center funding. This would total $600 million.

This is what the National Association of Police Leagues says.

Our kids need it. They need to be in safe places during nonschool hours. There is no safer place in any community than the recreation centers where our police personnel are involved in their activities. This is where PAL plays a part in the afterschool and anticrime amendment. The amendment directly addresses the juvenile crime rate during nonschool hours by providing productive activities, and improves the academic and social outcome for students.

He goes on to explain how the Police Athletic Leagues is involved in after school programs.

We are very delighted to be here this morning. We are pleased Senator Boxer introduced this amendment because I think it flattened the issue. We are all for IDEA, and that has been taken care of in the bill before us. But afterschool has been shorted.

At this time, I am pleased to yield 7 minutes of time to Senator KENNY, who is our leader on the Senate on education issues.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mrs. KENNEY. With the permission of the Senator, I think the Senator from California.

Ms. BOXER. I thank the Senator from Massachusetts.

I welcome the fact that Senator GREGG withdrew his amendment because I think it is rather cynical to try to place disabled children against afterschool children. Hopefully, we are all for IDEA, and that is what this amendment does.

I think many of us were heartened earlier this year when the President asked for $600 million. But I think most of us thought, given the amount of the request for that program, that it far exceeded that by two or three times. As with very strong programs, it will get the kind of focus, attention and priority it deserves. I want to express our appreciation to the Appropriations Committee because they have at least added to that.

But, of course, we face a significant decline in terms of the commitment from the House of Representatives. By accepting the Boxer amendment, we will strengthen the commitment that our appropriators have demonstrated in terms of funding this program.

As we come into the second day’s debate on this appropriations bill, we are seeing the targeting of scarce resources that we have at the national level in areas of education achievement and accomplishment.

Yesterday, under the leadership of Senator MURRAY in the area of smaller class size—and the record is very complete—with smaller class size and with better trained teachers, the academic achievement and accomplishment for children are enhanced significantly, and the benefits of those experiences stay with those children. Of course, if they are enhanced later on, they are enhanced later on.

The afterschool program is a similar program.

If we are able to take both of these programs together—smaller class size and afterschool programs—with the kind of improvements to the afterschool programs, including tutoring, helping children with their homework, and also exposing children in many different instances, as we see in Boston, to a wide variety of other subjects—for example, photography and graphic arts, areas which have awakened enormous interest among children—students may find these are areas where they may concentrate either near school or later as the source of employment.

The bottom line is very clear. The results are in. Every dollar we invest in afterschool programs means that a child will have an enhanced academic achievement and accomplishment, perhaps.

As this country debates, families say: What can we do about education?

This morning many families, as they saw their children going off to school, were saying: I hope my child is going to have a good day in school; that they are going to have good teachers; and that they are going to continue their learning experience.

One of the things we know and that has been demonstrated and proven is that afterschool programs work. They have a positive academic impact in terms of children. This ought to be prioritized. That is what this amendment does.

I welcome the fact that Senator GREGG withdrew his amendment because I think it is rather cynical to try to place disabled children against after school children. Hopefully, we are interested in all children. Disabled children go to afterschool programs. Why try to say to people in local communities: Look, you have to do this, or do that? We ought to do what is necessary in terms of those children who qualify for IDEA, and we ought to do something for the afterschool program. Now we have the opportunity to do something for the afterschool program.

I want to state very quickly some of the results of the afterschool program to date. One is in the student achievement. The second is in decreasing juvenile crime.

The Senator from California has been able to reflect that in the very strong support from law enforcement officials that she mentioned in the RECORD. That has been demonstrated. It was demonstrated in Waco, TX, where many of the students participated in what they called the Lighted Schools Program for afterschool programs. They saw an important and significant
Mr. KENNEDY. Mr. President, the Senator is correct. We had a tax cut for $792 billion over the period of the next 10 years. As the Senator remembers, we had the opportunity to fully fund the IDEA program and only reduce the tax cut by $200 million. That is the money going toward education for the disabled. That was rejected on party lines. Those who are advocating and supporting the Boxer amendment supported it. It was turned down on the other side.

If we were able to have that amount of money that would be used in the tax cut, why not take $200 million of that $792 billion and put it in afterschool programs to service 370,000 children? It makes sense to me.

Mrs. BOXER. I want to give my friend some information. I know he fought this tax battle and a lot of the numbers have perhaps slipped away. The number of dollars that would be lost in the President's proposed tax cut for 1999–2000 is a result of the Republican tax cut was $5.273 billion in the first year, this year that we are talking about.

They were willing to give to the wealthiest people in the country $5.273 billion in the school year 1999–2000. All we are asking is to take the latter part of that figure—the $5 billion we are not touching—the $273 million. When it comes to priorities, I think this vote is very important.

Mr. SPECTER. By way of brief reply to Mr. Specter. It might have been more than three; it was some.

Mr. SPECTER. I stand corrected. The Senator from California to say that no Republican voted against the $792 billion proposed tax cut?

Mrs. BOXER. I thought that was correct. How many did vote against it?

Mr. SPECTER. Quite a few. I wouldn’t want to cite an exact number.

Mrs. BOXER. I don’t think it was “quite a few.” It might have been three.

I stand corrected. The Senator from California might have been more than three; it was some.

Mrs. BOXER. I stand corrected. I apologize. I know my friend did vote against it.

Mr. SPECTER. I can testify to that from direct personal knowledge; I voted against it and others did. There were some Republicans against the tax cut.

Mrs. BOXER. I congratulate the Senator for that.

The PRESIDING OFFICER. The Senator for Pennsylvania, Mr. Specter, has concluded with a proposal for a tax cut of his own. It is not a tax cut of the magnitude passed by the Senate and the House, but he has come forward with a role for a tax cut.

Back to the issue on more money for afterschool programs. I think it is very important to consider this issue in the perspective of what has happened with this program which was created as recently as 1994. For the fiscal year 1995, enacted in 1994, the last year when the Congress was controlled by the Democrats, the afterschool program was $750,000. The next year it was $750,000. In fiscal year 1997, it went to $1 million. In 1998, when I chaired the subcommittee and Senator HARKIN was ranking, we raised it to $40 million. Last year, we raised it to $792 billion.

This year, we are raising it another $200 million. I believe there has been a real recognition of the value of the afterschool program.

Mr. SPECTER. I say to my friend, it seems ironic there would be complaints about spending more on education than the bill already provides, when every single one of my Republican friends voted for this huge tax cut to benefit the wealthiest. All we want is to take a relatively small amount of that and put it into afterschool.
The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

Mr. SPECTER. I move to table. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered. The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1809. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The result was announced—yeas 54, nays 45, as follows:

[Recall Vote No. 299 Leg.]

YEAS—54

Abraham Feingold Mack
Allard Feigherty McCollin
Ashcroft Fitzgerald McConnell
Bennett Gorton Markowitz
Bond Gramm Nickles
Boren Gravel Roberts
Browne Guarino Rodino
Bunning Gravel Santorum
Burns Gregg Sessions
Campbell Hagel Shaiken
Chafee Hatch Smith (NH)
Cochran Helms Smith (OR)
Collins Hutchinson Specter
Cryderdell Hutchison Stevens
Craig Inhofe Thomas
Crapo Jeffords Thurmond
DeWine Kyi Vothon
Domenici Lott Warner
Enzi Luger

NAYS—45

Akaka Edwards Lieberman
Baucus Feinstein Lincoln
Bayh Graham Mikulski
Biden Hartin Moynihan
Bingaman Hollings Murray
Boren Insley Reed
Brearly Johnson Reid
Bryan Kennedy Robb
Byrd Kerrey Rocker
Cleland Kerry Sarbanes
Conrad Kohl Schmier
Daschle Lautenberg Snow
Dodd Lautenberg Torricelli
Dorgan Leahy Wellstone
Durbin Leahy Wyden

NOT VOTING—1

McCain

The motion was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. Reid. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT REQUEST—Senate S. 82

Mr. LOTT. Mr. President, we have been working quite some time now to get a final agreement on how to bring up the FAA reauthorization bill. This is important legislation. We have tried to extend the time, and there has been resistance to that. We have tried to direct a conference; there has been resistance to that.

So it is important we have a couple days to have debate relevant amend-

ments and deal with this issue. We are working on both sides of the aisle, and I think we have resolved most of the questions. If there is any one remaining problem, I would like to flesh it out so we can deal with it.

I am under the unanimous consent that on Monday, October 4, it be in order for the majority leader to proceed to the consideration of S. 82, the FAA reauthorization bill, that the majority and minority managers of the bill be authorized to modify the committee amendments and, further, that only aviation-related amendments and relevant second-degree amendments be in order to the bill.

Mr. DASCHLE. Mr. President, I will object at this point. I do so only because it is my understanding that the junior Senator from New York, Mr. Schumer, is still awaiting an answer from the manager of the bill, Senator McCain. They have been negotiating for several days. The Senator from New York indicated he hopes that in a matter of hours he will hear from Senator McCain's office. As soon as he gets that clarification from Senator McCain, I think he will be more than happy to agree to this unanimous consent request. I will certainly notify the majority leader when that happens.

Then it would be my expectation we could agree to this unanimous consent request. We have worked through a number of other problems and issues that Senators have raised.

I appreciate the cooperation of all Senators, especially those on my side of the aisle who have worked with us to get to this point. This is an important bill. It needs to be done. I hope it will be done next Monday.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. I thank the Democratic leader for that response.

The manager of the bill and the ranking member, Senator McCain and Senator Hollings, are really anxious to go forward with this. There is an understanding on both sides of the aisle that this is very important legislation we have to complete.

We have worked through problems that Senator ROBER had, Senator ABRAHAM, a number of Senators who have amendments, but they will be able to offer those relevant amendments under this agreement.

I hope later on today we can lock in this agreement and be on this bill then next Monday, and after a reasonable time for debate and amendments, surely we can finish it by the close of business on Tuesday.

Also, Mr. President, there had been an indication that some amendment be offered on the Labor-HHS-Education appropriations bill on an unrelated matter but one with which, frankly, we are prepared to go forward.

UNANIMOUS-CONSENT REQUEST—TREATY DOCUMENT NO. 105–28

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent
that at 10 a.m. on Wednesday, October 6, the Foreign Relations Committee be discharged from further consideration of treaty document No. 105–28 and the document be placed on the Executive Calendar, if not previously reported by the committee.

I further ask consent that at 10 a.m. on Wednesday, the Senate begin consideration of treaty document No. 105–28—this is the Comprehensive Test Ban Treaty—and the treaty be advanced through various parliamentary stages up to and including the presentation of the resolution of ratification, and there be one relevant amendment in order to the resolution of ratification to be offered by each leader; in other words, there would be two of those.

I further ask that there be a total of 10 hours of debate to be equally divided in the usual form and no other amendments, reservations, conditions, declarations, statements, understandings, or motions be in order.

I further ask that following the use or yielding back of time and the disposition of the amendments, the Senate proceed to vote on adoption of the resolution of ratification, as amended, if amended, all without any intervening action or debate.

I also ask consent that following the vote, the motion to reconsider be laid upon the table, the resolution to return to the President be deemed agreed to, and the Senate immediately resume legislative session.

Basically, after consultation on both sides of the aisle, and especially with the chairman of the Foreign Relations Committee, we are asking that we go to a reasonable time for debate and a vote on this Comprehensive Test Ban Treaty.

I think this treaty is bad, bad for the country and dangerous, but if there is demand that we go forward with it, as I have been hearing for 2 years, we are ready to go.

Mr. DASCHLE. Mr. President, I object to this request for three reasons.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. First, 10 hours of debate is totally insufficient for a treaty as important as this. I appreciate very much the majority leader's willingness to respond to the continued requests we have made for consideration of this treaty. He and I hold a different view about the importance of it, but we are certainly willing to have a debate and have the vote.

I appreciate as well his willingness to respond as quickly as he has. In this case, we have been attempting to get to this point for a long period of time. But October is a time that I don't think allows for adequate preparation for a debate of this magnitude.

Keep in mind, no hearings have been held yet on this issue. Unfortunately, as a result of that, I don't think people are fully cognizant of the ramifications of this treaty and the importance of it. I will certainly agree to a time certain if we can extend the length of debate.

I would also be concerned about the language in the unanimous-consent request that assumes this treaty will be defeated. The last paragraph makes an assumption that we are not prepared to make at this point. We don't think it necessary to have that.

We look forward to working with the leader and coming up with a time we can debate it and give it the time it deserves. I hope it will be done sometime this coming month. I look forward to working with the majority leader to make that happen.

Mr. LOTT. Mr. President, three responses: First, if additional time is needed to have a full debate, I think we can work that out. Second, with regard to the leader's objection, I guess to the language in the last paragraph, we can talk about that and probably can work out an agreement to drop that. Third, there have been lots of hearings on this issue over a long period of time and a lot of individual briefings by Members of both friends of the aisle. I think the Senator would be surprised at the amount of knowledge Members have on this subject.

Finally, there is one sure way it will be defeated—that is, not to ever take it up. I would like a time as soon as possible, within the very near future, and have that debate and have a vote.

Mr. DORGAN. Will the Senator from Mississippi yield for a question?

Mr. LOTT. Do I have time, Mr. President?

The PRESIDING OFFICER. The Senator has the floor.

Mr. LOTT. Yes, I am glad to yield.

Mr. DORGAN. I appreciate the courtesy of the majority leader. I hope we can find a way by which we are able to debate and vote on this treaty, I don't share the opinion that it is dangerous. I think it is important for the interests of this country that we ratify this treaty.

Mr. DORGAN. I also think it would be useful to have a hearing in the coming days and have the Joint Chiefs of Staff and others come forward and tell us their views.

Mr. LOTT. One observation, if the Senator will withhold for a second: This agreement doesn't preclude hearings in the appropriate committees either this week or next week.

Mr. DORGAN. I understand it would not preclude it, but it would necessarily include it. Does the majority leader think such hearings will be held? Notwithstanding that, I still think, one way or the other, we ought to get to this treaty, get it to the floor, debate it, and vote on it.

Mr. LOTT. We are ready, Mr. President.

Mr. DORGAN. Does the Senator believe there will be a hearing in the coming days?

Mr. LOTT. I don't know. I assume that could happen. There are at least two chairmen who would probably be willing to do something in that area.

I yield to the distinguished chairman of the Foreign Relations Committee.
issue and the testing of the stock-piling. And I think maybe even the Armed Services Committee may have had hearings on it.

But I want to get something straight. I am going to sound to the public like a typical senator, but I am not. The only outfit that has jurisdiction over this is the Foreign Relations Committee—the Foreign Relations Committee. That is one of our principal functions.

With all due respect to my colleagues, we haven’t had hearings.

Let me say one word in conclusion. I am willing and anxious to have an up-or-down vote on this because, as the majority leader said, if we don’t vote, the treaty loses anyway. I would rather everybody be counted. I want everybody on the line. I want every Senator voting yes or no on this treaty so we all can put ourselves in line so that, if India and Pakistan went up—we are pleading with them to ratify this treaty, while we are pleading with them not to deploy—if they end up deploying nuclear weapons, I am going to be on the floor reminding everybody what happened at the sequence of events. I will not be able to prove that is why they did it. But I can sure make a pretty strong case.

I want everybody coming up this next year—everybody from the Presidential candidates to all of our colleagues running for reelection—to be counted on this issue.

That is why I am willing—I am in the minority—to have the vote today. I am willing. I am not the leader. But I will tell you, I think this is a critical issue. We have had no hearings.

It makes sense what my friend from North Carolina says—that we should have hearings, and we should do it in an orderly fashion. We should proceed this way; therefore, we will have to do it in a way in which the committee system was not designed to function. If that is the only way we can get a vote, fine.

I conclude by saying that I don’t doubt for a second the intensity with which my friend from North Carolina believes this treaty is against the interest of the United States, any more than he doubts for a second my deep-seated belief that it is in the ultimate interest of the United States.

But these are the issues over which people should win and lose. These are the issues that impact upon the future of the United States and the world. This is the stuff we should be doing instead of niggling over whether or not you know somebody smoked marijuana or did something when they were 15. This is what this body is designed to do. This is our responsibility, and I am anxious to engage it.

If it is 10 hours, 2 hours, or 20 hours, the longer the better to inform the American public. Hearings would be illuminating.

But since that is probably not going to happen, I say to my friend from North Carolina that I am ready to go. I expect he and I will be going toe to toe on what is in the interest of America. I respect his view. I thank God for him. I love him. But he is dead wrong on this. But I still love him.

Of course, I am willing and anxious to have an orderly fashion. We should proceed this way; therefore, we will have hearings, and we should do it in an orderly fashion. We should proceed this way; therefore, we will have hearings, and we should do it in an orderly fashion. We should proceed this way; therefore, we will have hearings, and we should do it in an orderly fashion. We should proceed this way; therefore, we will have hearings, and we should do it in an orderly fashion. We should proceed this way; therefore, we will have hearings, and we should do it in an orderly fashion. We should proceed this way; therefore, we will have hearings, and we should do it in an orderly fashion. We should proceed this way; therefore, we will have hearings, and we should do it in an orderly fashion. We should proceed this way; therefore, we will have hearings, and we should do it in an orderly fashion. We should proceed this way; therefore, we will have hearings, and we should do it in an orderly fashion. We should proceed this way; therefore, we will have hearings, and we should do it in an orderly fashion. We should proceed this way; therefore, we will have hearings, and we should do it in an orderly fashion. We should proceed this way; therefore, we will have hearings, and we should do it in an orderly fashion. We should proceed this way; therefore, we will have hearings, and we should do it in an orderly fashion. We should proceed this way; therefore, we will have hearings, and we should do it in an orderly fashion. We should proceed this way; therefore, we will have hearings, and we should do it in an orderly fashion. We should proceed this way; therefore, we will have hearings, and we should do it in an orderly fashion. We should proceed this way; therefore, we will have hearings, and we should do it in an orderly fashion. We should proceed this way; therefore, we will have hearings, and we should do it in an orderly fashion. We should proceed this way; therefore, we will have hearings, and we should do it in an orderly fashion. We should proceed this way; therefore, we will have hearings, and we should do it in an orderly fashion. We should proceed this way; therefore, we will have hearings, and we should do it in an orderly fashion. We should proceed this way; therefore, we will have hearings, and we should do it in an orderly fashion. We should proceed this way; therefore, we will have hearings, and we should do it in an orderly fashion. We should proceed this way; therefore, we will have hearings, and we should do it in an orderly fashion.

Mr. HELMS. Mr. President, I suggest the presence of a quorum so I can get my records over here.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

The Senator from Georgia.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HELMS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HELMS. Mr. President, I thank the Chair. I ask unanimous consent that the quorum call be suspended, and that at the conclusion of Senator CLELAND’s remarks I be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object, I shall not object, I ask that I be recognized following the remarks of the Senator from North Carolina.

Mr. HELMS. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I ask that I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, my dear friends from the other side of the aisle are refusing to agree to a unanimous consent agreement to bring the Comprehensive Test Ban Treaty to the Senate floor for debate and a vote on October 7, 1999.

Having said that, I ask unanimous consent it be in order for me to request Senator CLELAND be recognized for whatever time he needs and at the conclusion of his remarks I be recognized again.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object, Mr. President, the Senator from North Carolina objected to my being recognized following his statement on the floor. The Senator from North Carolina, as I understand, is proceeding a unanimous consent request that the Senator from Georgia be recognized, following which he be recognized. I ask consent I be recognized following the Senator from North Carolina.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. I object.

Mr. GRAHAM. Mr. President, I ask unanimous consent, first, to yield to colleague from Georgia for purposes of a request and then for purposes of making a unanimous consent request that has to do with establishing my order in the line to offer an amendment relative to the pending legislation.

Mr. HELMS. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. GRAHAM. Did the Senator from North Carolina object?

The PRESIDING OFFICER. Yes, he did.

Mr. GRAHAM. Would the Senator from North Carolina object if my motion was to yield to the Senator from Georgia for purposes of the motion he wishes to make?

Mr. HELMS. Mr. President, I think the RECORD will show I already recommended Senator CLELAND be recognized at the conclusion of which I shall have the floor; is that not the case?

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Mr. President, I am asking unanimous consent to yield to the Senator from Georgia for the purposes of the motion of the Senator from Georgia; is there objection to that?

Mr. HELMS. I do object.

The PRESIDING OFFICER. The Senator from North Carolina added to that he be recognized immediately after the Senator from Georgia.

Mr. GRAHAM. I accept that if I could be recognized between the Senators from Georgia and North Carolina for purposes of my procedural motion.

The PRESIDING OFFICER. Is there an objection?

Mr. HELMS. Mr. President, I don’t understand the request.

Mr. GRAHAM. Mr. President, I suggest the RECORD will show I already requested Senator CLELAND be recognized at the conclusion of which I shall have the floor; is that not the case?

The PRESIDING OFFICER. The objection is heard. The Senator from Florida has the floor.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. I object.

Mr. GRAHAM. Mr. President, I ask unanimous consent, first, to yield to colleague from Florida for purposes of a request and then for purposes of making a unanimous consent request that has to do with establishing my order in the line to offer an amendment relative to the pending legislation.

Mr. GRAHAM. Mr. President, I ask unanimous consent, first, to yield to colleague from Florida for purposes of the motion he wishes to make.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, I suggest the RECORD will show I already requested Senator CLELAND be recognized at the conclusion of which I shall have the floor; is that not the case?

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Mr. President, I am asking unanimous consent to yield to the Senator from Georgia for the purposes of the motion of the Senator from Georgia; is there objection to that?

Mr. HELMS. I do object.

The PRESIDING OFFICER. The Senator from North Carolina added to that he be recognized immediately after the Senator from Georgia.

Mr. GRAHAM. I accept that if I could be recognized between the Senators from Georgia and North Carolina for purposes of my procedural motion.

The PRESIDING OFFICER. Is there an objection?

Mr. HELMS. Mr. President, I don’t understand the request.

Mr. GRAHAM. The request is, first, that the Senator from Georgia be recognized for the purposes of a motion, and I be recognized for a unanimous consent that will only ask my amendment be taken up as the next Democratic amendment relative to the pending legislation; and then the third step is the Senator from North Carolina would be recognized.

Mr. REID. Reserving the right to object, I say to my friend from Florida, we already have a Democratic amendment that is mine; we are waiting to do that. That is the next one.

Mr. HELMS. We can’t have a colo-
Mr. GRAHAM. Mr. President, I want to yield to the Senator from Georgia.

The PRESIDING OFFICER. Is there an objection?

Mr. HELMS. Mr. President, reserving the right to object, who gets the floor when the Senator from Georgia has finished?

The PRESIDING OFFICER. The floor is open.

Mr. HELMS. Object unless it is recognized by all that I get the floor.

The PRESIDING OFFICER. Is there an objection?

Mr. DORGAN. Mr. President, reserving the right to object, I don't object to the Senator from Georgia speaking. I don't object to the Senator from North Carolina speaking. I simply ask if the Senator from North Carolina gets consent to be recognized, that I get consent to be recognized following his presentation. As I understand it, he has objected to that; is that the case?

The PRESIDING OFFICER. That is correct. Is there an objection to his request now?

Mr. DORGAN. Whose request?

The PRESIDING OFFICER. Yours.

Mr. DORGAN. I will certainly not object to my request.

The PRESIDING OFFICER. Is there an objection?

Mr. GRAHAM. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

BIRTHDAY GREETINGS TO JIMMY CARTER

Mr. CLELAND. I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 192 introduced earlier by myself and the distinguished senior Senator from Georgia, Mr. COVERDELL.

The PRESIDING OFFICER. The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative assistant read as follows:

A resolution (S.Res. 192) extending birthday greetings and best wishes to Jimmy Carter in recognition of his 75th birthday.

Mr. CLELAND. Mr. President, Henry David Thoreau once said "If one advances confidently in the direction of his dreams, and endeavors to live the life which he has imagined, he will meet with a success unexpected in common hours." I rise before my colleagues today to reflect on the successes of one of our nation's great leaders and to pay tribute on the occasion of his 75th birthday, President Jimmy Carter.

James Earl Carter, Jr. was born October 1, 1924, in Plains, Georgia. Peanut farming, talk of politics, and devotion to the Baptist faith were mainstays of his upbringing. Upon graduation in 1946 from the United States Naval Academy in Annapolis, Maryland, he married Rosalynn Smith. The Carters have three sons, John William (Jack), James Earl III (Chip), Donnel Jeffrey (Jeff), and a daughter, Amy Lynn.

After seven years' service as a naval officer, Jimmy Carter returned to Plains. In 1962 he entered state politics, and eight years later he was elected Governor of Georgia. Among the new young southern governors, he attracted attention by emphasizing the environment, efficiency in government, and the removal of racial barriers. I was pleased to serve in the Georgia State Senate during his Governorship and to support his positions age by age.

Jimmy Carter announced his candidacy for President in December 1974 and began a two-year campaign that quickly gained momentum. At the Democratic National Convention, he was nominated on the first ballot. He campaigned hard, debating President Ford three times, and won the Presidency in 1976 by 56 electoral votes. One of the greatest honors of my life was when President Carter chose me to lead the Vetrasation. In fact, I was President Carter's first scheduled appointment—it was not more than a couple hours after the inauguration when he asked me to be a part of his administration. It remains one of my proudest moments.

As President Jimmy Carter worked hard to combat the continuing economic woes of inflation and unemployment by the end of his administration, he could claim an increase of nearly eight million jobs and a decrease in the budget deficit, measured as a percentage of the gross national product. He dealt with the energy shortage by establishing a national energy policy and by decontrolling domestic petroleum prices to stimulate production. He prompted Government efficiency through civil service reform and proceeded with deregulation of the trucking and airline industries.

President Carter also sought to improve the environment in many ways. His expansion of the National Park System included protection of 103 million acres of Alaskan wilderness. To increase human and social services, he created the Department of Education, bolstered the Social Security system, and appointed record numbers of women, African-Americans, and Hispanics to jobs in the Federal Government.

In foreign affairs, Jimmy Carter set his own style. His championing of human rights was coldly received by the Soviet Union and some other nations. In the Middle East, through the Camp David agreement of 1978, he helped bring unity between Egypt and Israel. He succeeded in obtaining ratification of the Panama Canal treaties. Building upon the work of predecessors, he established full diplomatic relations with the People's Republic of China and completed negotiation of the SALT II nuclear limitation treaty with the Soviet Union.

Remarkably fit and compulsively active, President Carter remains a leading figure on the world stage. After

leaving the White House, Jimmy Carter returned to Georgia, where in 1982 he founded the nonprofit Carter Center in Atlanta to promote human rights worldwide. The Center has initiated projects in more than 65 countries to resolve conflicts, prevent human rights abuses, build democracy, improve health, and revitalize urban areas.

His invaluable service through his work at the Carter Center has earned him a record that many regard as one of the finest among any American executive in his high-profile, high-stakes diplomatic missions produced a cease-fire in Bosnia and prevented a United States invasion of Haiti. He supervised elections in newly democratic countries and has aided in the release of political prisoners around the world.

Jimmy Carter and his wife, Rosalynn, still reside in Plains, Georgia and enjoy their ever-growing family which now includes 10 grandchildren. I ask my colleagues today to join with Mrs. Carter, Jack, Chip, Jeff, and Amy to honor President Carter on his 75th birthday.

Mr. COVERDELL. Mr. President, I rise today to offer a few comments on the occasion of the 75th birthday of our Nation's 39th President and fellow Georgian, James Earl Carter.

I have known President Carter and his lovely wife Rosalynn since my days in the Georgia State Senate, and I have always known him to be a very gracious, forthright, and effective public official. Jimmy Carter has dedicated his life to his country—graduate of the United States Naval Academy, member of the Georgia State Senate, Governor of Georgia, and of course, President of the United States.

Many former Presidents choose a slower and more relaxed lifestyle once they leave office. But not Jimmy Carter. Since leaving office, he has been a leading advocate for democracy, peace, and human rights throughout the world.

The Carter Center, headquartered in Atlanta, is one of the world's renowned organizations in the area of promoting health and peace in nations around the globe.

Mr. Carter has also been a leader in our country's struggles to end poverty. In 1991 he launched the Atlanta Project, an initiative aimed at attacking social problems associated with poverty.

Besides the Atlanta Project, Mr. and Mrs. Carter are regular volunteers for Habitat for Humanity, a charitable organization dedicated to ending homelessness throughout the world. As two of Habitat's most well-known volunteers, each year they lead the Jimmy Carter Work Project, a week-long event that brings together volunteers from around the world for this noble effort.

Mr. President, the resolution brought forward by my colleague Mr. CLELAND and myself will express the Senate's best wishes to President Carter on his
75th birthday. I can not think of someone more deserving of this honor. I wish Jimmy and his wife Rosalynn well on this occasion, and encourage my colleagues to do likewise. I thank the Chair.

Mr. CLELAND. I ask unanimous consent that the resolution and the preamble be considered and agreed to en bloc, the motion to reconsider be laid upon the table without intervening action, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 192) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 192

Whereas October 1, 1999, is the 75th birthday of James Earl (Jimmy) Carter;

Whereas Jimmy Carter has served his country with distinction in the United States Navy, as a Georgia State Senator, the Governor of Georgia, and the President of the United States;

Whereas the Gentleman from Georgia has continued his service to the people of the United States and the world since leaving the Presidency by resolutely championing adequate housing, democratic elections, human rights, and international peace;

Whereas in all of these endeavors, Jimmy Carter has been fully and ably assisted by his wife, Rosalyn; and

Whereas Jimmy Carter serves as a living international symbol of American integrity and compassion; Now, therefore, be it

Resolved, That the Senate—

(1) extends its birthday greetings and best wishes to Jimmy Carter; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Jimmy Carter.

Mr. GRAHAM. Mr. President, I ask unanimous consent I be the next Democratic Senator to be recognized for purposes of an amendment after Senator Renn of Nevada.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina is recognized.

COMPREHENSIVE TEST BAN TREATY

Mr. HELMS. Mr. President, I said a moment ago, and I repeat for emphasis, I am absolutely astonished our friends across the aisle refuse to agree to the majorities leader’s unanimous consent agreement to bring the Comprehensive Test Ban Treaty to the Senate floor for debate and vote on October 7.

I think this refusal is significant because of the incessant grandstanding that has been going on by the administration and some Senators and, of course, the liberal media that are not going to tell the facts about the Comprehensive Test Ban Treaty—all clamoring that there is such an urgent need for immediate Senate action on the CTBT, we have been proclaimed constantly that the Senate absolutely must ratify the treaty so the United States can participate in the October 6 conference in Vienna. Yet when the majority leader offered a unanimous consent agreement to bring the treaty to a vote in time for that conference, the same people clamored for more action, running for the hills and demanding more time and making other demands.

If it were not so pitiful, this behavior would be amusing. I am not going to let Senators have it both ways. The same people who have been criticizing the Foreign Relations Committee for inaction on the CTBT are now refusing to make an even date certain, and a timely vote on the CTBT.

Of course, some are hiding behind the idea that more hearings are needed for a full Senate vote. Hogwash. For the record, the Committee on Foreign Relations has held in the past 2 years alone 14 hearings in which the CTBT was extensively discussed. Most folks don’t show up for the hearings—the train was too late or whatever. This number does not include an even larger number of hearings held by the Armed Services Committee and the Intelligence Committee on CTBT relevant issues, nor does this include three hearings by the Governmental Affairs Committee on the CTBT and relevant issues.

I ask unanimous consent this list documenting each Foreign Relations Committee hearing be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOREIGN RELATIONS COMMITTEE HEARINGS DURING WHICH THE CTBT WAS DISCUSSED

February 10, 1999—(Full Committee/Helms), 1998 Foreign Policy Overview and the President’s Fiscal Year 1999 Budget Request. (S. Hrg. 105–443.)
May 13, 1998—(Subcommittee on Near Eastern and South Asian Affairs/Brownback), Crisis in South Asia: India’s Nuclear Tests. (S. Hrg. 105–620.)
April 20, 1999—(Full Committee/Helms), Current and Growing Missile Threats to the U.S.
April 27, 1999—(Full Committee/Helms), Nonproliferation, Arms Control and Political Military Issues.
May 5, 1999—(Full Committee/Helms), Does the ABM Treaty Still Serve U.S. Strategic and Arms Control Objectives in a Changed World?
May 25, 1999—(Subcommittee on Near Eastern and South Asian Affairs/Brownback), Political/Military Issues in India.
May 26, 1999—(Full Committee/Helms), Cornerstone of Our Security?: Should the Senate Reject a Protocol to Reconstitute the ABM Treaty with Four New Partners?
June 28, 1999—(Full Committee/Hagel), Nomination (Holum).
September 28, 1999—(Full Committee/Helms), Facing Saddam’s Iraq: Disarray in the International Community.

Mr. HELMS. Mr. President, at least 17 respected witnesses have discussed their views on both sides of the CTBT question in the past 2 years. The administration itself has included this treaty in testimony on five occasions. More than 113 pages of committee transcript text are devoted to this subject. I ask unanimous consent here that are CTBT testimony and debate within the committee. A record can be made of how this has been delayed and by whom.

Mr. President, I find it puzzling that some in the Senate are objecting to the unanimous-consent request of the majority leader. The Foreign Relations Committee has thoroughly examined this matter. We have heard from experts on this very treaty. Let me share this with the Senate, the people listening, and the newspapers that have not covered hearings on this matter but whose editors have said it is a disgrace that a vote has not been allowed on the CTBT treaty. Here are the people who have discussed the CTBT before the Foreign Relations Committee.

Let me point out, we have hearings fairly early in the morning, maybe too early for some to come. But I look on both sides of the aisle, and I have seen, sometimes, nobody on one side. Anyway, here is a list of the people I recall having discussed the Comprehensive Test Ban Treaty with the Committee on Foreign Relations:

The Honorable Madeleine K. Albright, Secretary of State;
The Honorable Karl F. Inderfurth, Assistant Secretary of State for South Asian Affairs;
Mr. Robert Einhorn, Deputy Assistant Secretary of State for Nonproliferation;
The Honorable James Woolsey, Former Director, Central Intelligence Agency;
Dr. Fred Ikle, Former Director, Arms Control and Disarmament Agency;
The Honorable Stephen J. Solarz, Former U.S. Representative from New York;
The Honorable William J. Schneider, Former Under Secretary of State for Security Assistance, Science and Technology;
The Honorable Eric D. Newman, Former Senior Director, Near East and South Asia, National Security Council;
The Honorable Stanely O. Roth, Assistant Secretary of State for East Asian and Pacific Affairs;
The Honorable James R. Schlesinger, Former Secretary of Defense;
The Honorable Richard Haass, Former Senior Director, Near East and South Asia, National Security Council;
The Honorable Ronald F. Lehman, Former Under Secretary of State for Political-Military Affairs;
The Honorable Dr. Richard N. Armitage, Former Under Secretary of State for Political-Military Affairs;
The Honorable Mr. Robert M. C. Black, President, Arms Control Association;
The Honorable Mr. Martin R. Buttlar, Assistant Secretary of State for Pacific Affairs;
The Honorable Mr. Robert A. Heinlein, Assistant Secretary of State for Intelligence and Research;
The Honorable Mr. John R. White, Assistant Secretary of State for Intelligence and Research;
The Honorable Mr. William H. Ritter, Assistant Secretary of State for Intelligence and Research.

Parenthetically, I might say, not one word, as I recall, has been published by the same newspapers that have been piously declaring there must be action on the CTBT. To continue the list:

General Eugene Habiger, Former Commander-in-Chief, U.S. Strategic Command;
The Honorable Frank G. Wisner, Vice Chairman, External Affairs, American International Group;
Dr. Stephen Cohen, Senior Fellow, Foreign Policy Studies, The Brookings Institution;
The Honorable Henry A. Kissinger, Former Secretary of State; and
The Honorable Robert Butler, Former Executive Chairman United Nations Special Commission on Iraq (UNSCOM).

I think this record will show—it should—that the 
the Foreign Relations Committee has thoroughly examined this matter. We have pleaded for members of the committee, several of them, to come to a meeting once in a while. I have done everything I could to get this thing orderly presented to the Senate. All I have received are communications from Senators with a veiled threat if I did not proceed in some other way. We have certainly talked about this treaty in more depth than many other treaties, to my knowledge. Those who are objecting, and objected to the majority leader’s proposition this morning, don’t want more hearings; what they want is more delay. You see, until a few minutes ago, until the majority leader offered his unanimous consent request, the same people now demanding more hearings are ready to dispense with further debate and go to a vote. Let me tell you what I mean.

The American people may recall, if they were watching C-SPAN, that President Clinton, in his State of the Union Address on January 27, 1998, declared: “I ask the Senate to approve it—the CTBT—and he said this year” in mournful tones.

In other words, the President was ready for a vote in 1998. Then a year later, the President said: I ask the Senate to take this vital step: Approve the Treaty now. “Approve it now,” he said. He did not say approve the CTBT after more hearings.

On July 23, 1998, the Vice President, Mr. Gore, asked the Senate to “act now” on the CTBT, and all the while the New York Times and the Washington Post, et cetera, et cetera, have been saying that Helms is holding up this treaty.

In February, Secretary Albright asked for approval of the CTBT “this session.” And in April she said: . . . . the time has come to ratify the CTBT this year.

On January 12, 1999, the National Security Adviser, Sandy Berger, declared: . . . it would be a terrible tragedy if our Senate failed to ratify the CTBT this year.

The point I am making is that the list goes on and on.

Mr. President, 45 Democratic Senators wrote to me asking me to allow a vote: . . . with sufficient time to allow the United States to actively participate [sic] in the Treaty’s inaugural Conference of Ratifying States.

That conference begins next week.

At a recent press conference for the cameras, Senator Specter, my friend, declared:

The Comprehensive Test Ban Treaty was submitted to the Senate months ago, and it is high time the Senate acted on it.

Senator Murray called for: . . . immediate consideration of the Comprehensive Test Ban Treaty.

Senator Dorgan said that: . . . we must get this done at least by the first of October.

I must observe that the distinguished Democratic leader, Senator Daschle, also had very strong words on this matter. Just 6 days ago, he proclaimed: Senate Republicans have permitted a small number of Members within their ranks to manipulate Senate rules—

I wonder how we did that when I was not looking. No rules have been manipulated, and I resent the inference. But to continue his quote—

from within their ranks to manipulate Senate rules and procedures to prevent the Senate from acting on the CTBT. . . . I would hope we would soon see some leadership on the Republican side of the aisle to break the current and allow the full Senate to act on the CTBT . . . . That effort must begin today.

Mr. President, I hope when we get to the debate, however long it lasts, that the clear message of Senator Kennedy again and again offering his minimum wage amendment. He keeps it in his hip pocket all the time and pulls it out anytime he can stick it up, and he will debate it for an hour or 2. We hope to have some understanding about what we will debate, when we do debate, and I hope we will debate on the terms the Senator from Mississippi, the majority leader, offered.

I think all this speaks well of the majority leader, and I congratulate him.

I congratulate him for having the will to do this because this has been insulating on many occasions as a political issue, which it is not.

I hope the Senate Democrats will reconsider their refusal to agree to a CTBT vote after having demanded it so often.

Let me go back in time a little bit. I have been waiting for the President of the United States to follow up on his written commitment to me that he will send up the ABM Treaty. And I have been hoping to see a treaty on two or three other things.

I am not in the mood to leave the American people naked against a very possible attack and that has been my problem. The President of the United States has insisted on keeping the ABM Treaty alive when that would forbid anything happening in terms of defending the security of the American people. And since he did that until he followed through on his written guarantee to me that he would send the ABM Treaty to me and to the Senate.

I trust in the future that the media will, or should, acknowledge some of these statements regarding the CTBT for what they have really said because it is inaccurate and misleading to the American people.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. Dorgan. Mr. President, I say to my colleague from North Carolina, for whom I have great respect, it is not to be my intention to prevent him from speaking on the floor. That was not the purpose of the unanimous consent request or the objections. I have talked to him personally about this issue. He feels very strongly about it, as the Senator from Delaware indicated. The Senator, who is the chairman of the Foreign Relations Committee, has a right to feel very strongly about his position. I respect that very much. This is an issue that is very important to this country and, in my judgment, to the world.

We have a circumstance where 154 countries have become signatories to something called the Comprehensive Nuclear Test Ban Treaty. Forty-seven countries have ratified the Comprehensive Nuclear Test Ban Treaty. This country has not.

Mr. President, 737 days ago or so, this treaty was sent to the Senate by this administration; 737 days later we have not acted on this treaty. Some feel very strongly this treaty is not good for our country. The majority leader made that case. The chairman of the Foreign Relations Committee, the Senator from North Carolina, makes that case. They have strong feelings about it. I respect that. Other people have strong feelings on the other side, including myself.

I believe strongly this country has a moral responsibility in the world to lead on the question of the non-proliferation of nuclear weapons. Not many countries have access to nuclear weapons or possess nuclear weapons. Many would like to. How do we prevent the spread of nuclear weapons in this world, at a time when the shadow of nuclear tests recently made by India and Pakistan suggest there is an appetite for acquisition and testing of nuclear weapons? Two countries that do not like each other and share a common border explode nuclear weapons literally under each other’s chins. Shouldn’t that tell us there are serious challenges ahead with respect to nuclear weapons and the spread of nuclear weapons? I think so.

A unanimous consent request was propounded by the majority leader to bring up the Comprehensive Test Ban Treaty next week. As far as I am concerned, it is all right with me. I have been suggesting it ought to be brought up for a debate. It probably would be better if there was a hearing first and then a chairman of the committee and other respected folks came and set out their views and then, a couple of days later, debate it and vote on it. That would probably be a better course.

Even in the absence of that, as far as I am concerned, bring it. The Democratic leader said he thought 10 hours was probably not enough time. The majority leader said in response we can
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The question for this country is, Will we stand and provide world leadership on the issue of the nonproliferation of nuclear weapons or will we decide it is not our country's responsibility; it is someone else's responsibility? Let England do it. Let France do it. Let Germany do it. We are the only country in the world with the capability of providing significant leadership in this area. We must, in my judgment, ratify this treaty.

There are some who have said this treaty. I will not spend much more time discussing it right now because we are on another piece of legislation, and that is important, too. But I make these comments because the safeguards in this treaty are quite clear.

This is not a case where this country will ratify a treaty that, in effect, disarms us. We are not conducting explosive tests of nuclear weapons now. We have unilaterally decided—7 years ago—we are not exploding nuclear weapons.

What contribution would be made by a test ban treaty? Simply this: If you cannot test your weaponry, you have no notion and no certainty that any weapons you develop are weapons that will work. And I hope and I believe that in 30 years, 40 years that the ability to suppress the testing of nuclear weapons will be the first step, albeit a moderate step, in halting the spread of nuclear weapons.

This, in my judgment, in fact, is not a moderate step—this is a baby step. If we cannot take this baby step on this important treaty, how on Earth are we going to provide more than one opportunity for each Senator to learn the full range of facts regarding this treaty and its implications for this Nation.

The point I wish to make to my colleagues is, it is going to require the most careful consideration by all Senators to reach this vote. Much of the relative material that convinces this Senator to oppose the treaty simply cannot be disclosed in open. I am going to urge our colleagues, and I am sure the assistance of our leadership, we can provide more than one opportunity for each Senator to learn the full range of facts regarding this treaty and its implications for this Nation.

Yes, I want to see America lead, but I want to make certain that leadership role that exists today can exist a decade hence, 15 years, 20 years hence. That is the absolute heart of this debate: What steps do we take now to ensure that our country can maintain its position of world leadership in the decades ahead?

We shall develop the facts, those of us who are most respectful of your viewpoint, as I am sure you are of mine. It will be a historic vote for this Chamber.
But I say, again, that Secretary of Defense Bill Cohen, former Chairman of the Joint Chiefs Colin Powell, General Shalikashvili, General Shelton, and so many others have reviewed all of the same material—much of it secret material, secret documents—and have come to different conclusions, believing that this treaty is very important for this country and that it is very important to ratify this treaty.

But my hope mirrors that of Senator Warner, that when we have this debate, we will have a debate about ideas and about the kind of public policy that will benefit this country and the world, the kind of public policy that will allow us to continue to be strong, to have the capability to defend our liberty and freedom, but the kind of policy that will also provide leadership so this country can help prevent the spread of nuclear weapons in the years ahead.

Mr. President, I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Thank you, Mr. President.

I first acknowledge the leadership of my colleague from North Dakota, Senator Dorgan, who has called the attention of this Congress and this Senate to this important issue. I hope his efforts will prevail in bringing this issue to the face of the Senate.

In my lifetime, it is interesting to look back and reflect on things which were so commonplace and now are so rare. I can recall, as a child in the 1950's, in my classroom when we were being instructed about the need to "duck and cover," the possibility that there might be an attack on the United States of America. That was generated by the fact that the Soviets had detonated a nuclear weapon. We were technically emerging into a cold war, and there was no doubt that we had to be prepared for the possibility of an attack.

In my hometown of Springfield, IL, when my wife and I bought a little house, the first house we ever owned—1600 South Lincoln Avenue; an appropriate name in Springfield, IL—we moved into the house and went in the basement and were startled to find a fallout shelter that had been built to specifications. Someone had believed in the 1950's that we had to be prepared for the possibility of a nuclear attack.

You can remember the monthly air raid sirens that used to call our attention to the fact that we had a system to warn all of America of a potential attack. You may remember, not that many years ago, movies on television and long debates about a "nuclear winter," what would happen with a nuclear holocaust.

That conversation was part of daily life in America for decades. Then with the end of the cold war, and the disintegration of the Soviet Union, and the Warsaw Pact nations not only leaving the Soviet domination but gravitating toward the West—with countries such as Poland and Hungary and Czechoslovakia coming to join NATO—many of us have been lulled into a false sense of security. The threat of nuclear weapons is no longer something we should take seriously. In fact, we should.

In fact, we are reminded, from time to time, that the so-called nuclear club—the nations which have nuclear capability—continues to grow. That is why this particular treaty and this debate are so important.

One of the most compelling threats we in this country face today is the proliferation of weapons of mass destruction. Threat assessments regularly warn us of the possibility that North Korea, Iran, Iraq, or some other nation may acquire or develop nuclear weapons. Our most basic interest in relation to this is to see to it that it controls its nuclear weapons and technology and that Russian scientists do not come to the aid of would-be nuclear proliferators. In other words, in a desperate state of affairs, with the Russian government concerned that some people will decide they have a marketable idea, that they can go to some rogue nation and sell the idea of developing a nuclear weapon, adding another member to the nuclear club, increasing the threat to this world.

Congress spends millions of dollars to stop nuclear proliferation, to stop the spread of nuclear weapons worldwide, and to support the Nunn-Lugar Cooperative Threat Reduction Program. For the past several years, I have been involved in an Aspen Institute exchange, which has opened my eyes to the need for our concern in this area. Senator Lugar is a regular participant as well, and Senator Nunn has been the person who has come to meet with members of the Russian Duma and leaders from that country and have learned of the very real concern they have of the stockpile of nuclear weapons still sitting in the old Soviet Union, which, unfortunately for us, has to be minded all the time for fear that the surveillance, the inspection, and the safety would degrade to the point that there might be an accidental detonation. Those are the very real problems we face and need to deal with very carefully and very thoroughly.

Yet we in the Senate, despite all of these realities, have had languished in the committee one of the most effective tools for fighting nuclear proliferation, the Comprehensive Test Ban Treaty, a treaty which, as the Senator from North Dakota indicated, has been ratified by over 130 nations but not by the United States of America.

The idea of banning nuclear tests is not a new one. It is one of the oldest issues on the nuclear arms control agenda. Test bans were called for by both Presidents Eisenhower and Kennedy. Steps were taken toward a ban in the Limited Test Ban Treaty of 1963, but other incremental steps were eschewed in favor of a comprehensive treaty.

The Comprehensive Test Ban Treaty is a key piece of the broader picture of nuclear nonproliferation and arms control. Consider this: When nonnuclear countries—that those that don't have nuclear weapons—agree they are not going to have a nuclear arsenal and the Nuclear Non-Proliferation Treaty, an essential part of that bargain for the smaller nations, the nonnuclear powers, and those that have it, was that nuclear countries were going to control and reduce the number of nuclear weapons. An integral part of that effort is this treaty. It is virtually impossible to make qualitative improvements in nuclear weapons or develop them for the first time without testing. Just a few years ago, the United States, feloniously voted to reorganize the Department of Energy because of our deep concern about what secrets may have been stolen from our nuclear labs. The potential damage from this espionage is disturbing.

In the case of China, the entry into force of this treaty could help mitigate the effect of the loss of our nuclear secrets. More than old computer codes and blueprints will be needed to deploy more advanced nuclear weapons. Extensive testing would be required. In the cases of India and Pakistan, U.S. ratification of this treaty would pressure both countries to sign the treaty, as they pledged to do following their nuclear test last year.

In fact, the leadership role of the United States is essential to encourage the ratification of the treaty by many other nations. If the leading nuclear powers in the world were to accept that of America, fails to ratify this treaty to stop nuclear testing, why should any other country? The United States has a responsibility of moral leadership. Many who take such pride in our Nation's role and its role in the world would tremble when faced with the burden of leadership. The burden of leadership comes down to our facing squarely the need to ratify this treaty.

The United States has declared that its own nuclear testing program has been discontinued, but it is still absolutely in our national interest to be part of a multinational monitoring and verification regime. That way we can share and benefit from that same regime. The Comprehensive Test Ban Treaty says if the treaty has not been entered into force 3 years after its being open for signing, the states that have ratified it may convene a special conference to decide what measures consistent with international law can be taken to facilitate its entry into force.

Only those states that have ratified it would be given full voting privileges. The special conference is going to take place this fall. It will set up monitoring and verification of nuclear testing worldwide so the components will
be operating by the time the treaty does enter into force. This regime will include the International Data Center and many other elements that are important for success.

The United States should be part of that treaty. It will not be, because the Senate has not voted on this treaty. This country certainly conducts its own monitoring for nuclear tests, but if we participate in an international regime, our country can benefit from a comprehensive international system. It is important to recall that if China and Russia were to resume testing, the United States, under this treaty, would have the right to withdraw and resume our own, if that is necessary for our national defense.

If the United States does not ratify the treaty in the first place, however, the Comprehensive Test Ban Treaty may never enter into force. We would be faced with the prospect, once again, of a major nuclear power’s resuming nuclear testing. President Eisenhower and President Kennedy called for a nuclear test ban, a major impetus was the public outcry over environmental damage caused by these tests.

I am an unimpressed consent to print in the Congress Record at this point a letter I received from major national environmental organizations supporting the Comprehensive Test Ban Treaty and decrying the environmental damage to both our national security and our planet if the treaty is not ratified.

There being no objection, the letter was ordered to be printed in the Record, as follows:

COMPREHENSIVE TEST BAN TREATY.


Hon. Richard Durbin,

U.S. Senate, Washington, DC.

Re: Major national environmental organizations' support of Comprehensive Test Ban Treaty.

Dear Senator Durbin: We urge the Senate to give its consent to ratification of the nuclear test ban treaty this year. The timing is critical, as the United States could participate in this fall's special international conference of Treaty ratifiers.

We support the Comprehensive Test Ban Treaty (CTBT) because it is a valuable instrument in stemming the proliferation of nuclear weapons and reducing the environmental security threats posed by nuclear arms races. Under the CTBT, non-nuclear weapons states will be barred from carrying out the nuclear explosions needed to develop complex nuclear weapons, including those for ballistic missiles and confidently certify nuclear explosive performance. The Treaty is therefore vital to preventing the spread of nuclear warhead capability to additional states. In addition, the Treaty will limit the ability of the existing nuclear weapons states to build new and destabilizing types of nuclear weapons.

Since 1945, seven nations have conducted over 2,050 nuclear test explosions—enough to raise clear explosive performance. This is a letter that has been circulated and signed by the leaders of at least a dozen major environmental groups. I note in the letter it states that since 1945, the last 54 years, seven nations in this world have conducted 2,050 nuclear test explosions, an average of 1 test every 10 days, leaving nuclear fallout, radioactive gases, in many instances, in our atmosphere. We certainly never want to return to that day again. Unless the United States is a full partner in this international effort to reduce nuclear testing, that is a possibility looming on the horizon.

Senator Helms, who spoke on the floor earlier, has said he puts this treaty in line behind amendments to the Anti-Ballistic Missile and the Kyoto Protocol to the U.N. convention on global climate change, both of which the President has not yet submitted to the Senate. My colleagues say that ABM changes are essential for the national missile defense to move forward. If that is true. But national missile defense does not yet work. We don’t have this technology to build an umbrella of protection over the United States so that any nuclear missile fired on us can somehow be stopped in the atmosphere without danger to the people living in this country.

If we decide to deploy such a defense, we will need to negotiate more ABM Treaty changes. That is something in the future. We have time to address that. But we also need to accept the immediate responsibility of ratifying this treaty. Too many months ago in this Chamber, we passed a resolution on July 22 that the national missile defense system or so-called star wars system should become technologically possible, we will spend whatever it takes to build it. I have to tell you that I voted against it. I thought it was not wise policy.

Quite honestly, the idea that we are somehow going to insulate the United States by building this umbrella and therefore don’t have to deal with the world and its problems in nuclear proliferation, in my mind, is the wrong Eisenhower. We should be working diplomatically as well as militarily for the defense of the United States. When we have the support of the commanders of the Nation, of course, and those who are in charge, the Joint Chiefs, time and again for this treaty, it is evidence to me that it is sound military policy.

In short, Mr. President, I conclude by saying, we must not delay any longer. We must ratify the Comprehensive Test Ban Treaty. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. Biden. Mr. President, I know my colleagues are anxious to get to the business at hand. I assure the floor I will take only 5 minutes. If the clerk will let me know when I am headed toward 5 minutes, I would appreciate it.

I will refrain from responding and speaking to the Test Ban Treaty at length at this moment.

The chairman of the Foreign Relations Committee is not only a colleague, but he is a personal friend. We have a strong disagreement on this issue.

I don’t mean to nickel and dime this, but we haven’t had any hearings on the Comprehensive Test Ban Treaty.

At the outset, I send to the desk a list of all the hearings the Senate Foreign Relations Committee had for the 105th and 106th Congresses since submission of the CTBT.

I ask unanimous consent that it be printed in the Record.

With no objection, the material was ordered to be printed in the Record, as follows:

ACTIVITIES

January 8, 1999, Informal State Department Briefing on Peacekeeping.


February 5, 1999, Informal State Department Briefing on Peacekeeping.
Nominations (Montgomery, Pifer, Proffitt, Olson, Hormel, Hormelin, Presul, Escudero and Pascoe).

October 29, 1997 (Full Committee & Senate Caucus on International Narcotics Control/ Coverdell & Gray), U.S. Mexico Counterdrug Efforts Since Certification. (S. Hrg. 105-376.)

October 30, 1997 (Full Committee/Hagel), NATO-Russia Relationship, Part 1. (S. Hrg. 105-285.)

October 30, 1997 (Full Committee/Hagel), NATO-Russia Relationship, Part 2. (S. Hrg. 105-285.)

October 31, 1997 (Full Committee/Gramma), Nominations (French, King, Moose, Oakley, Rubin and Wang). November 4, 1997 (Full Committee/Hagel), Business Meeting. November 5, 1997 (Full Committee/Smith), Public Views on NATO Enlargement. (S. Hrg. 105-285.)

November 6, 1997 (Full Committee/Hagel), Commercial Activities of China’s People’s Liberation Army (PLA). (S. Hrg. 105-302.)

November 6, 1997 (Subcommittee on International Operations/Gramps), The United Nations at a Atlantic-Adantic Efforts Toward Reform. (S. Hrg. 105-386.)


February 3, 1998, (Full Committee/Hagel), the Military Implications of the Ottawa Land Mine Treaty. (Protocol II to Treaty Doc. 105-1.)


February 16, 1998 (Full Committee/Hagel), 1998 Military Policy Overview and the President's Fiscal Year 1999 Budget Request. (S. Hrg. 105-443.)

February 11, 1998 (Full Committee/Hagel), Implications of the Kyoto Protocol on Climate Change. (S. Hrg. 105-457.)

February 12, 1998 (Full Committee/Hagel), International Monetary Fund's Role in the Asia Financial Crisis.

February 24, 1998 (Full Committee/Hagel), Administration Views on the Protocols to the Convention for the Protection of Migratory Birds and Game Mammals Convention with Mexico (Treaty Doc. 105-31). (S. Hrg. 105-354.)

October 8, 1997 (Full Committee/Hagel), Business Meeting.

October 9, 1997 (Subcommittee on International Economic Policy, Export and Trade Promotion/Hagel), The Road to Kyoto: Outlook and Consequences of a New U.N. Climate Change Protocols. (S. Hrg. 105-285.)

October 9, 1997 (Full Committee/Hagel), Bilateral Treaties and Protocol (Turkey/ TDoc. 104-30; Austria/TDoc. 104-31; Luxembourg/TDoc. 104-33; Thailand/TDoc. 105-2; Switzerland/TDoc. 105-3; South Africa/TDoc. 105-9; Eastern Europe, and Ireland/TDoc. 105-31). (S. Hrg. 105-354.)

October 8, 1997 (Full Committee/Hagel), Business Meeting.


October 21, 1997 (Full Committee/Thomas), Nominations (Green).

October 21, 1997 (Full Committee/Aschcroft), Nominations (Schmerhorn, Schoonover and Twaddle).

October 22, 1997 (Subcommittee on Near Eastern and South Asian Affairs/Brownback), Business Meeting.

October 22, 1997 (Full Committee/Smith), Business Meeting.

October 22, 1997 (Full Committee/Smith), Nominations (Fried, Tuo, Rosapepe, Vershob, Miller, Johnon and Hail).

October 22, 1997 (Subcommittee on International Economic Policy, Export and Trade Promotion/Hagel), U.S. Economic and Strategic Interests In the Caspian Sea Region: Policies and Implications. (S. Hrg. 105-361.)

October 24, 1997 (Full Committee/Coverdell), Nominations (Ashby, Carney, Curiel, McLelland and Marrero).

October 28, 1997 (Full Committee/Hagel), Costs, Benefits, Burdensharing and Military Implications of NATO Enlargement. (S. Hrg. 105-285.)

October 28, 1997 (Full Committee/Hagel), Nominations (Babbitt, Bondurant, Brown, Fox and Brownback).

October 29, 1997 (Full Committee/Smith), Nominations (Montgomery, Pifer, Proffitt, Olson, Hormel, Hormelin, Presul, Escudero and Pascoe).

March 12, 1998 (Full Committee/Hagel), closed session, Chinese Nuclear Cooperation with Various Countries.


March 24, 1998 (Subcommittee on East Asian and Pacific Affairs/Thomas), The Present Economic and Political Turmoil in Indonesia: Causes and Solutions.


May 9, 1998 (Subcommittee on European Affairs/Smith), Nominations (Burns and Crocker)
Mr. BIDEN. Mr. President, I can understand why the Senator may think we have had hearings on this subject, but we have had hearings on other subjects that implicate the Comprehensive Test Ban Treaty. It is mentioned by witnesses. But we have never had a hearing on the Comprehensive Test Ban Treaty—a treaty of great consequence to the United States, and the world—conducted in the traditional way. We never had a hearing where we said this is what we are going to talk about. We need a hearing where we bring up the Joint Chiefs of Staff, the Secretary of State, the Secretary of Defense, or major voices in America who oppose this treaty—fortunately, I think there are not that many—or significant figures and scientists who have spoken about this, and I haven’t had one of those hearings at all.

I submit for the RECORD, again, a letter from the chairman of the Foreign Relations Committee sent to the President of the United States on January 21, 1998, with a concluding paragraph, which reads as follows:

Mr. President, let me be clear. I will be prepared to schedule Committee consideration of the CTBT only after the Senate has had an opportunity to consider and vote on the ABM Treaty.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:


DEAR MR. PRESIDENT: As Congress prepares to reconvene shortly, I am convinced that it is important to share with you the Senate Foreign Relations Committee’s agenda relating to consideration of treaties during the second year of the 105th Congress.

There are a number of important treaties which the Committee intends to take up during 1998, and we must be assured of your Administration’s cooperation in making certain that these treaties receive a comprehensive examination by the Senate.

Mr. President, the Committee’s first priority when Congress reconvenes will be to work with you and Secretary Albright to secure Senate ratification of NATO expansion. The expansion of the Atlantic Alliance to include Poland, Hungary and the Czech Republic is of critical importance, and we have raised about various details of this expansion (e.g., ensuring an equitable distribution of costs, limiting Russian influence in NATO decision making, etc.)

While much work remains to be done, I am confident that if we continue to work together, the Senate will vote to approve the expansion of the Atlantic Alliance early this spring.

Following the vote on NATO expansion, the Committee will turn its attention to several other critical treaties that will affect both the security of the American people and the health of the United States’ economy. Chief among these are the agreements on Multilateralization and Demarcation of the 1972 Anti-Ballistic Missile (ABM) Treaty, and the Kyoto Protocol to the UN Convention on Climate Change.

Mr. President, I am obliged to make clear to you my concern that your Administration has been unwisely and unnecessarily engaged in delay in submitting these treaties to the Senate for its advice and consent.

Despite your commitment, made nearly eight months ago, to submit the amendments to the ABM Treaty to the Senate, we have not seen the Committee vote to see these amendments to the ABM Treaty.

September 30, 1999

CONGRESSIONAL RECORD—SENATE
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of mass destruction is growing—and, with it, the need for a robust ballistic missile defense.

The Senate has not had an opportunity to consider the rationale behind the ABM Treaty since that treaty was ratified nearly 26 years ago, in the midst of the Cold War. The world has changed a great deal since then. It is vital that we conduct a fresh review of the ABM Treaty this year when it considers and votes on the ABM Multilateralization and Demarcation agreement.

Similarly, the Senate is forced to continue to wait for any indication that your Administration will submit the Kyoto Protocol for the Senate's advice and consent. Indeed, I have heard a great deal of discussion from supporters of this treaty indicating that the Senate may attempt to circumvent both the Senate—and the American people—by simply imposing the treaty's requirements on U.S. businesses by executive order. Mr. President, I must respectfully counsel this would be extremely unwise.

This treaty clearly requires the advice and consent of the Senate, further, because the potential impact of the Kyoto Protocol on the American economy is so enormous, we owe it to the American people to let them know sooner, rather than later, whether they will be subject to the terms of this treaty.

Ironically, while the Administration has delayed in submitting these vital treaties to the Senate, some in your Administration have already pushed the White House to press the Senate for swift ratification of the Comprehensive Test Ban Treaty (CTBT) immediately following the vote on NATO expansion.

Such a deliberate confrontation would be exceedingly unwise because, Mr. President, the CTBT is a test of the Senate's list of priorities. The treaty has no chance of entering into force for a decade or more. Article 14 of the CTBT explicitly prevents the treaty's entry into force until it has been ratified by 44 specific nations. One of those 44 nations is North Korea, which is unlikely to ever ratify the treaty. Another of the 44 nations—India—has said that it will not even sign the treaty.

By contrast, the issues surrounding the ABM Treaty and the Kyoto Protocol are far more pressing (e.g., the growing threat posed by nuclear, biological, or chemical tipped missiles, and the potential impact of the Kyoto Protocol on the U.S. economy).

Mr. President, let me be clear: I will be prepared to schedule Committee consideration of the CTBT only after the Senate has had the opportunity to consider and vote on the Kyoto Protocol and the amendments to the ABM Treaty.

When the Administration has submitted these treaties, and when the Senate has completed its consideration of them, then, and only then, will the Foreign Relations Committee consider the CTBT.

Mr. President, please let's work together, beginning with the effort to secure Senate ratification of NATO expansion this Spring, and then—on your timely transmittal of these treaties.

Sincerely and respectfully,

JESSE HELMS.

Mr. BIDEN. Mr. President, the chairman has been true to his word. He has had no hearings because that has not been done yet.

I think I understand how the Senator from North Carolina connects the rationale of these treaties, and he thinks the orderly way to do it is to do it only after we do other things, but that makes the point. We have had no hearings on this treaty.

I think the public may be surprised to know that there is much more testing by the United States and other nations. We haven't been testing. There is a moratorium on nuclear testing. That occurred in 1992 in the Bush administration.

But I urge my friend from North Carolina, and I urge my colleagues in the Senate from North Carolina, to be prepared to schedule Committee consideration of the Atomic Bomb Test Ban Treaty, or ABT. Mr. President, our nuclear arsenal will continue in the future to fund the nuclear weapons in the United States, and India has declared that it will not even sign the treaty.

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Mr. BIDEN. Mr. President, the chair-
years, and decades we should make a judgment from both a survival as well as environmental standpoint that we will or will not continue to blow up, in the atmosphere or underground, nuclear weapons. I defy anyone to tell me what I want to discuss.

That is not to suggest that those who think this treaty is a bad idea are motivated by anything other than good intentions. As my dear mother would say and as the nuns used to make me write on the blackboard after school when she was right—our road to hell is paved with good intentions.

Failure to ratify this treaty, I firmly believe, paves the road to hell—to nuclear hell. I don't know whether it will work, but I am virtually certain in my mind—that if we do not ratify this treaty, we virtually lose any ability to control the proliferation of nuclear capability.

They talked about when the Russians detonated their first hydrogen bomb. I am not sure—I think it was Edward Teller who said: Now we have two scorpions in the bottle. I am here to tell my colleagues what they already know. We have many more than two scorpions in that bottle now. If we do not begin to take a chance, a very small chance, we will have those same scorpions in that bottle with not nearly as much to lose as the former Soviet empire and the United States.

There was one advantage when there was a Soviet empire; they had as much to lose as they had to gain. The only person I worry about in a contest of any kind—athletic, political, or as a representative of the Federal Government of the United States of America with another country—I don't like dealing with someone else who has little to lose but has significant capacity to inflict a vast amount of damage.

With this floor, I thank my friend from Pennsylvania, Senator SPECTER. My friend from Pennsylvania has been one of the most outspoken proponents of bringing up this treaty. I am sure it will be before the Senate because of his advocacy.

I yield the floor.

Mr. SPECTER. If I may have the attention of the Senator from Delaware, I do believe it is important for the Senate to consider the treaty. I support it. I believe it is difficult for the United States to use moral suasion on India and Pakistan not to have nuclear tests if we have not moved forward on the ratification process.

However, I ask my colleague from Delaware about the problems of considering the treaty on this state of the record where we have been looking for some expert guidance on some questions which are outstanding as to whether there can be an adequate determination of our preparedness without holding any hearings.

One thing we have to consider very carefully is whether the interests of disarmament will be promoted by pressing to bring the treaty now, which may result without the two-thirds ratification, as opposed to trying to clear up some concerns which some have expressed.

I am prepared to vote in favor of the treaty.

Mr. BIDEN. If I may respond to the Senator, he raised the $64 question. He and I have been discussing how to get this up for a long time, over 2 years. He will recall, in the view of the treaty, I did not want to take a chance of having the treaty up for fear it could be defeated before we had the ability to get all the data before the Senate that I believed would persuade Senators to overwhelmishly vote for the treaty.

I changed my mind. The reason I changed my mind is—I have great respect for my friend from North Carolina, Senator HELMS—I have learned one thing: When he says something is going to happen, it ain't going to happen on his watch. He made it very clear, there will be no hearings on this treaty. I have been with him for 27 years. We are truly personal friends. I know when he says it, he means it, which means I hope that he will be persuaded, or be persuaded by his Republican colleagues in the caucus, to have hearings.

I then reached the second conclusion: We are hurtling toward a disaster on the subcontinent with India and Pakistan, and with Korea. As the Senator knows, if they arm, if they deploy, we shall China making a judgment to increase its nuclear arsenal and we shall see the like of Korea will not be able to be leveraged.

Here is the point. I have made the judgment, for me—and I may be wrong—if we don't agree to this proposal, we will get no vote on this treaty for 2 years and the effect will be the same.

I am being very blunt. I believe I am looking for the political God's will to have people have a little bit of an altar call. It is one thing to say privately to anyone or to arrogantly to say you are for it but there is no vote on it. It is another thing to be the man or woman who walks up in that well and casts the 34th vote against the treaty and kills the treaty. They will have on their head—and they may turn out to be right—and they will be determining by their vote the single most significant decision made relative to arms, nuclear arms, that has been made since the Arms Treaty. I think they may begin to see the Lord. If they don't, then I think the American public will make a judgment about it. The next President—whether he be Bush, Gore, or McCaill—will be more likely to send back another.

I am at a point where it is time to bring in the sheep. Let's count them, and let's hold people responsible. That is as blunt as I can be with my friend. Mr. SPECTER, I thank the Senator from Delaware for responding, and I will not ask another question because I want to move on to the next amend-ment.

Mr. President, it is my hope that whatever technical information is available on some of the outstanding questions will be made available to the Senators before the vote so we can have that determination made with all the facts available.

Mr. KENNEDY. Mr. President, it is appalling that our Republican friends will use any means necessary to kill the Comprehensive Test Ban Treaty. We need time to debate this Treaty in a responsible manner, especially since the Foreign Relations Committee has still not held a single hearing devoted solely to the Comprehensive Test Ban Treaty.

On September 24, 1996, President Clinton became the first world leader to sign the Comprehensive Test Ban Treaty. On that day, President Clinton praised the treaty as the “longest-sought, hardest—fought prize in the history of arms control.”

Today, we stand on the verge of losing this valuable prize. For almost two years, the Treaty has languished in the Senate Foreign Relations Committee—with no action, no debate, and no results. Now, on September 23 already passed, the United States may well forfeit its voice on the treaty if the Senate does not act quickly, and in a responsible way, to ratify it.

We have a unique opportunity in the Senate to help end nuclear testing once and for all. Other nations look to the United States for international leadership. President Clinton has done his part, in signing the Treaty and submitting it to the Senate for ratification, as the Constitution requires. Now the Senate should do its part, and ratify the Treaty. Ratification is the single most important step we can take today to reduce the danger of nuclear war.

Withholding action on this treaty is irresponsible and unacceptable. The Treaty is in the best interest of the United States and the global community. Ratification of this agreement will increase the safety and security of people in the United States, and across the world. But, unless the Senate ratifies this treaty, it cannot go into force for any nation, anywhere.

The Comprehensive Test Ban Treaty in the interest of the American people and it has widespread public support. Recent bipartisan polls found that over 80% of Americans support its ratification. These statistics cut across party lines and are consistent in all geographic regions. The Treaty also has the strong support of present and past military leaders, including four former Joint Chiefs of Staff—David Jones, William Crowe, Colin Powell, and John Shalikashvili—and the current JCS, Hugh Shelton.

The United States has already stopped testing nuclear weapons. Ensuring that other nations follow suit is essential to our national and international security. Particularly in the wake of recent allegations of Chinese nuclear espionage, it is essential that
we act promptly to ratify this agreement. China is a signatory of the Treaty, but like the United States, China has not yet ratified it. Prompt Senate ratification of the Treaty will encourage China to ratify, and discourage China from creating new weapons from stolen technologies.

In 1993, after President Kennedy had negotiated the landmark Limited Test Ban Treaty with the Soviet Union to ban tests in the atmosphere, he spoke of his vision of a broader treaty in his commitment address at American University that year. As he said:

The conclusion of such a treaty, so near and yet so far, would check the spiraling arms race in one of its most dangerous areas. It would place the nuclear powers in a position to deal more effectively with one of the greatest hazards which man faces in 1963, the further spread of nuclear arms. It would increase our security—it would decrease the prospects of war. Surely this goal is sufficiently important to require our steady pursuit, yielding neither to the temptation to give way, nor to the temptation to give up our insistence on vital and responsible safeguards.

In 1999, those words are truer than ever.

I commend President Clinton and my colleagues on both sides of the aisle who have joined together to speak out on this issue, and I urge the Senate to act responsibly on this very important treaty.

Mr. FEINGOLD. Mr. President, I rise today to join a number of our colleagues in support of prompt Senate consideration of the Comprehensive Nuclear Test Ban Treaty, the CTBT.

The issue of arms proliferation is at the heart of our national—and international—security. In the post-cold war world we are no longer faced with a military threat posed by the Soviet Union, but in some ways the world now is a more dangerous place than it was just a decade ago, with many smaller, unpredictable threats taking the place of a single large one. U.S. and international security are now threatened by transfers of nuclear, conventional and non-conventional materials among numerous states. Nuclear testing last year by India and Pakistan, the attempts of other states to obtain nuclear and ballistic missile technology, and the growing threat of weapons of mass destruction reinforce the need for a comprehensive international effort to end nuclear testing and curb the illicit transfer and sale of nuclear, ballistic, and other dangerous technology.

I have been a strong supporter of prompt Senate action on the CTBT since President Clinton submitted the treaty for its advice and consent on September 22, 1997—2 years ago last week. As a member of the Senate Committee on Foreign Relations, I continue to feel strongly that the committee should have thorough hearings specifically on this important treaty at the earliest possible date. I know that the chairman of the committee and I do not agree on the importance of the CTBT, but I hope he will agree that the Senate must fulfill its advice and consent obligations with respect to this treaty.

I continue to hear from numerous Wisconsin residents who favor prompt Senate action on—and ratification of—the CTBT.

The CTBT, which has been signed by more than 150 nations, prohibits the explosion of any type of nuclear device, no matter the intended purpose. India and Pakistan have only underscored the importance of the CTBT, and serve as a reminder that we should redouble our efforts to bring the entire community of nations into this treaty. While I am pleased that both of those countries have pledged to sign the treaty, I regret that they did so only after intense international pressure, and only after they conducted the tests they needed to become declared nuclear states.

We must do more to ensure that no further tests take place.

The United States must lead the world in reducing the nuclear threat, and to do that we must become a full participant in the treaty we helped to craft. I am deeply concerned that the third anniversary of the date the CTBT opened for signature, September 24, 1996, passed last week without Senate advice and consent to ratification. This failure to act by the United States Senate means that, according to the treaty’s provisions, the United States will not be able to participate actively in the upcoming conference, which is reserved for only those countries who have deposited their instruments of ratification. That conference is currently scheduled to begin on October 6, 1999. Because we cannot participate, the United States will be at a severe disadvantage when it comes to influencing the future of the treaty and encouraging other countries to sign or ratify.

Mr. President, I again urge the Senate to act on this important treaty at the earliest possible date. The credibility and leadership of the United States in the arms control arena is at stake.

I thank the Chair. I yield the floor.

Mr. BINGAMAN. Mr. President, I wish to take a few moments today to offer some remarks on a matter of extreme importance to this Nation and to the world—the matter of preventing the further proliferation of nuclear weapons among the nations of the world through ratification and implementation of the Comprehensive Test Ban Treaty.

Two weeks ago—September 10—was the third anniversary of the United Nations’ overwhelming vote to approve a treaty to ban the testing of nuclear weapons. The General Assembly voted 158 for to 3 against the treaty, with a handful of abstentions.

Last week, on September 24, the United States observed the third anniversary of signing that treaty and, on September 22, marked the second anniversary of its receipt by the Senate for our advice and consent.

In accordance with article 14 of the treaty, preparations are now underway to convene an international conference of states which have ratified the treaty to negotiate measures to facilitate its implementation. I’m sorry to say, Mr. President, that unless the Senate acts promptly to ratify this treaty, the United States—an original signatory to the treaty and a leader in the global movement to stop the testing of nuclear weapons—will not take part in that conference.

This conference sends a troubling message to the international community looking for our leadership.

Mr. President, I am very sorry to say that essentially nothing has happened since President Clinton signed the treaty on behalf of the United States on September 24, 1996, and sent it to the Senate for consideration on September 22, 1997.

There have been no hearings, there has been no debate on the Senate floor, and there has been no vote on ratification. This is an extremely important treaty that I believe, and the great majority of Americans agree, would help to prevent the proliferation of nuclear weapons during the coming millennium. As yet the Senate has not even begun the debate.

Mr. President, I believe the United States and the nations of the world have come to a historic crossroads—a crossroads that symbolizes America’s voice in the future direction of the international system regarding the control and eventual eradication of nuclear weapons.

The Comprehensive Test Ban Treaty lies at the center of the crossroads, and provides us with two basic options. We could elect to ratify the treaty and seek its broadest implementation in order to prevent the further proliferation of nuclear weapons; or, we could elect not to ratify the treaty, thereby declining to be a country that permits the testing of nuclear weapons by all current and future nuclear powers in the interest of safety and security of the United States and the world.

If we chose not to ratify the treaty, that choice would permit us to pursue future avenues for nuclear superiority in response to nuclear weapons developed by our real or potential adversaries.

Mr. President, I believe that our Nation has already been down that road. It was called the nuclear arms race. It cost the Nation over a trillion dollars according to a recent study by the Brookings Institution. And that’s just money. It doesn’t include the opportunity cost of brainpower and skills not used to address other national problems such as medical and environment science or education.

The fact is, Mr. President, that the way things stand, we are not beholden to make either choice. Despite repeated requests by Members of the Senate to address this vital national and international security issue, the
Mr. President, I wish to add a few thoughts for today's colleagues to support efforts to bring the Comprehensive Test Ban Treaty, or CTBT, to the Senate floor for a debate and a vote. The Senate has done nothing to move this treaty forward and debate it.

The Foreign Relations Committee has taken no action with respect to the treaty and is preventing the Senate from debating and voting on this most critical issue to the future of world peace. By his actions, the chairman of the committee is preventing the Senate from carrying out its constitutional duties and obligations to give advice and consent regarding the CTBT.

Mr. President, I support the call to hold hearings and bring this treaty to the floor for a debate and a vote. The American people strongly support this treaty and deserve to have that view represented and debated in the Halls of Congress.

Will the treaty be an effective means to prevent the spread of nuclear weapons? Let's debate the point.

Will the treaty be verifiable? Let's hear from the experts on that crucial issue.

Will the CTBT serve America's national security interest? Let's examine that from every angle.

As I mentioned at the outset of my remarks today, Mr. President, I believe the nation must continue to stand at a historic crossroads with respect to the spread of nuclear weapons. I believe it is our duty and obligation to the American people to choose the proper road to take. The key word, Mr. President, is ‘choose.’

I'm certain I share an abiding faith in our democratic system with the Members of this body. If that's so, a debate, discussion, and vote on perhaps the most critical security issue facing our Nation today should be placed before the Senate as soon as possible. Failure to permit such a debate and vote suggests to me either a lack of faith in the democratic process or a disinclination for its importance or validity.

Mr. President, I strongly urge my colleagues to support efforts to bring the CTBT to the floor.

Mr. HARKIN. Mr. President, I would like to add a few thoughts for today's debate regarding consideration of the Comprehensive Nuclear Test Ban Treaty.

I strongly believe that the Comprehensive Test Ban Treaty—or CTBT—is in our Nation's national security interests. But before I discuss my reasons for supporting the treaty, let me first say why the Senate—especially those who are unsure of the treaty—should support its consideration by the Senate.

The Senate should hold hearings and consider and debate the treaty. The Senate should vote on the treaty by March of next year.

Let me now mention some history of this issue and mention some of the major milestone along the road to ending nuclear weapons testing. In fact, next month, the month of October, is the anniversary of many important events.

On October 11, 1963, the Limited Test Ban Treaty entered into force after being ratified by an overwhelming, bipartisan vote of 80–14 just a few weeks earlier. This treaty paved the way for future nuclear weapons testing agreements by prohibiting tests in the atmosphere, in outer space, and under water. It was signed by 108 countries.

Our nation's agreement to the Limited Test Ban Treaty marked the end of our above ground testing of nuclear weapons, including those at the U.S. test site in Nevada. We now know, all too well, the terrible impact of exploding nuclear weapons over the Nevada desert.

Among other consequences, these tests in the 1950's exposed millions of Americans to large amounts of radioactive Iodine-131, which accumulates in the thyroid gland and has been linked to thyroid cancer. “Hot Spots,” where the Iodine-131 fallout was the greatest, were identified by a National Cancer Institute report as receiving 5–16 rads of Iodine-131. The “Hot Spots” included areas outside of Nevada, including New York, Massachusetts and Iowa. Outside reviewers have shown that the 5–16 rad level is only an average, with many people having been exposed to much higher levels, especially those who were children at the time.

To put that in perspective Federal standards for nuclear power plants require that protective action be taken for 15 rads. To further understand the enormity of the potential exposure, consider this: 150 million curies of Iodine-131 were released by the above ground nuclear weapons testing in the United States, above three times more than from the Chernobyl nuclear power plants disaster in the former Soviet Union.

Mr. President, it is all too clear that outlawing above-ground tests were in the interest of our nation. I strongly believe that banning all nuclear tests is also in our interests.

October also marked some key steps for the Comprehensive Test Ban Treaty. On October 2, 1992, President Bush signed into law the U.S. moratorium on all nuclear tests. The moratorium was internationalized when, just a few years later, on September 24, 1996, a second step was taken—the CTBT, was opened for signature. The United States was the first to sign this landmark treaty.

President Clinton took a third important step in abolishing nuclear weapons tests by transmitting the CTBT to the Senate for ratification. Unfortunately, the Senate has yet to take the additional step of ratifying the CTBT. I am hopeful that we in the Senate will vote on ratification of the Treaty, and continue the momentum toward the important goals of a worldwide ban on nuclear weapons testing.

Many believed we had conquered the dangerous specter of nuclear war after the Cold War came to an end and many former Soviet states became our allies. Unfortunately, recent developments in South Asia remind us that we need to be vigilant in our cooperative international efforts to reduce the dangers of nuclear weapons.

The CTBT is a major milestone in the effort to prevent the proliferation of nuclear weapons. It would establish a permanent ban on all nuclear explo- sions in all environments for any pur- pose. Its “zero—yield” prohibition on nuclear tests would help to halt the development and development of new nuclear weapons. The treaty would also establish a far reaching verification re- gime that includes a global network of sophisticated seismic, hydro-acoustic and radionuclide monitoring stations, as well as on-site inspection of test sites to deter and detect violations.

It is vital to our national security for these clear arms limits to remain in place and extend to an end, and the American people recognize this. In a recent poll, more than 80 percent of voters supported the CTBT.

It is heartening to know that the American people understand the risks of continued nuclear weaponry, and now time for policymakers to recog- nize this as well. There is no better way to honor the hard work and dedica- tion of those who developed the LTBT and the CTBT than for the Senate to immediately ratify the CTBT.
It was wrong. I acknowledge that without any question. But we have to decide whether we want to have a public broadcasting system or not have a public broadcasting system. Either we fund the Corporation for Public Broadcasting so they can carry or we decide to end the Corporation for Public Broadcasting. I prefer that we fund the Corporation for Public Broadcasting. I suggest we increase funding as indicated in this amendment, this year, by $125 million.

I think when we talk about public broadcasting, what it does for this Nation. As long as the Corporation for Public Broadcasting is leery of Congress cutting their funds—and certainly they should be—I suspect they will tighten the FCC rules and also increase spending by as much as 60 percent for the sake of the audiences who are concerned and taking note of this. I watch the Corporation for Public Broadcasting and I listen to it in the morning more than any other time; I listen to the morning edition—he is even more blunt. Bob Edwards says:

Underwriting has kept us alive. It has cut into our air time. If you have to read a 30-second underwriter credit, that's less news you can do.

That is an understatement. There is much less news that is done. Underwriting spots sound like commercials, a trend that troubles listeners, and recent surveys show this. As this article indicates, the public is getting upset about this. In Boston, a radio station called WBUR has aggressively pursued corporate underwriting, as many stations around America have—fact-checkers have all done this. It lists 315 corporate sponsors on its web site—1 radio station.

The corporations love to advertise on public radio. They believe demographically they have an audience that listens to their messages; many times they are creating promotions with adjacent and lengthy explanations: “the blue-chip company’s 18 million customers worldwide,” and “converting natural gas to sulfur-free synthetic fuels.” These are some of the catchwords they are using to try to get around some of the FCC rules.

In this Congress, earlier this year, Congressman MARKEY from Massachusetts and Congressman TAUZIN from Louisiana drafted a bill that would tighten the FCC rules and also increase spending by as much as 60 percent for the Corporation for Public Broadcasting. They were—I should not say forced; they decided on their own. I am sure, but as a result of all the publicity that was engendered as a result of learning these public broadcasting organizations were selling their subscribers’ lists, they backed off this legislation. They said they were going to go forward with it soon. There is a sentiment all over America that we have to have either public broadcasting or commercial broadcasting. This mix is not working because the mix is coming out as commercial broadcasting.

It is not just lawmakers and listeners who are concerned and taking note of this advertising policy, but commercial radio stations are concerned. Public broadcasting is tax free. Commercial broadcasters believe it is unfair that public stations can air essentially the same advertising that are put on crops. Calls came in suggesting the radio station was in the pocket of the nuclear industry. I personally do not think they are. But when this advertising takes place, people do not have to stretch really far to come to that conclusion.

The same radio station, WAMU, decided several years ago they were going to do a show sponsored by the National Agricultural Chemical Association which advertised its products as safe. People complained because some people do not like the way these things are put on crops. Calls came in suggesting the radio station was in the pocket of this chemical company. That is really not true, but people can draw that conclusion because of the advertising that takes place on public radio.

Still, public radio managers are concerned and they are inventing all kinds of ways to get around FCC rules. They are creating promotions with adjacent and lengthy explanations: “the blue-chip company’s 18 million customers worldwide,” and “converting natural gas to sulfur-free synthetic fuels.” These are some of the catchwords they are using to try to get around some of the FCC rules.

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Mr. SPECTER. Mr. President, I oppose the amendment offered and argued by the Senator from Nevada because the subcommittee worked out a very carefully crafted set of priorities, joined in by the Senator from Iowa, Mr. HARKIN, my distinguished ranking member. On the bill of $91.7 billion, we had to take into account many programs, some 300 programs. There is difficulty in having this bill accepted with 51 votes considering the expenditures involved.

I do not agree with the Senator from Arkansas, Mr. HUTCHINSON, that 53 of the 591 public broadcasting stations use credit cards. It is true that back in 1992, the Corporation for Public Broadcasting budgeted $300 million the year before and an increase of $250 million the year before that. It is true that in 1992, the Corporation for Public Broadcasting, $300 million, and it has gradually been built up. I have been supportive of public broadcasting. The question is on priorities, and it is my judgment that in a tight fiscal year with tight budget constraints, we have been reasonably generous with the Corporation for Public Broadcasting.

With respect to the Corporation for Public Broadcasting, we have increased their funding by $10 million, from $340 million to $350 million. This year's allocation of $340 million was an increase from $300 million the year before and an increase of $250 million the year before that. It is true that in 1992, the Corporation for Public Broadcasting budgeted $300 million and it has gradually been built up. I have been supportive of public broadcasting. The question is on priorities, and it is my judgment that in a tight fiscal year with tight budget constraints, we have been reasonably generous with the Corporation for Public Broadcasting.

Mr. SPECTER. Mr. President, I ask unanimous consent that the actual vote on this amendment not take place until there is an agreement between the two leaders as to when it should take place.

Mr. SPECTER. I thank the Senator from Nevada for that observation. It is true that last year, we can stop the votes until late this afternoon. I find that the votes set for 15 minutes with a 5-minute leeway go much longer. We have an amendment lined up by the Senator from Arkansas, Mr. HUTCHINSON, to start in 10 minutes, and behind that—in sequencing we have had two amendments from that side of the aisle, so we are looking for another Republican amendment behind Senator HUTCHINSON. Then we will have Senator GRAHAM of Florida.

Mr. SPECTER. I agree with the language of the report. The amendment offers and argued by the Senator from Nevada is the finding by the inspector general of the Corporation for Public Broadcasting that 53 of the 591 public broadcasting grantees exchanged donor lists with or rented them to political organizations, which has been of some consequence.

Earlier this year, the Boston Globe reported that the local public television station in Boston, WGBH, exchanged its donor list with the Democratic Party. There were other media reports about exchanges involving public broadcasting with WNET in New York, WETA in Washington, DC, and WHYY in Philadelphia.

Mr. SPECTER. Mr. President, I ask unanimous consent that no second-degree amendment be in order prior to the vote on the amendment in relation to the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.
ATTACHMENT 1
RESPONSES TO CONGRESSMAN DINGELL’S QUESTIONS

1. Is there any evidence to suggest that any donor list transactions between stations and Democratic organizations were politically motivated?  

No. Stations across the country universally denied that any decisions to exchange donor lists or to provide other services to Democratic organizations were politically motivated. Additionally, top management officials were not aware that such exchanges were being made. Instead, they would often advise the need to utilize direct mail solicitation as a basis for raising membership revenue for the station. Because dealing with political organizations was not part of their core business, we concluded that political motivations were not considered.

2. When stations made donor lists available to Democratic organizations either directly or through list brokers/managers, were the lists made available to Republican organizations as well?  

Although none of the identified exchanges or rentals of donor names from public broadcasting stations involved Republican organizations, we could not conclude that such names were not available to them. In this regard, we found no indications or evidence that Republican organizations had ever sought or been turned down for names requested from public broadcasting stations. In addition to the two stations, we were advised that when they learned that names were being exchanged with or rented to Democratic organizations, they had proposed exchanges with Republican organizations to their direct mail consultant or list broker. These stations were later advised that such exchanges were turned down.

3. Were any contacts with political organizations initiated directly by station representatives? What role did list brokers/managers play in these transactions?  

Based on the responses we got to the survey and our visits to stations, we found that all arrangements with political organizations were made by direct mail consultants or list brokers. Generally, such consultants developed plans for direct mail campaigns. Given the number of solicitations planned, the consultant proposed various lists from non-profit organizations or even commercial enterprises, which might govern the exchange of rental of membership/donor lists. We have in this instance heard that questions have been raised regarding the possibility that such exchanges may have violated provisions of the Internal Revenue Service (IRS) requirements concerning non profit organizations. We understand the IRS was looking into the situation. It would be the appropriate organization to indicate whether there were any violations to that law.

4. In your judgment, did any station violate any Federal of State law or regulation in conducting these donor list transactions?  

Our office did not find clear evidence of any violations of Federal or State laws or regulations. CPB has the authority for making grants to public broadcasters under section 396 of the Communications Act of 1994, as amended. In examining the provisions of the Act, as well as CPB grant terms and conditions in effect at the time of grant award, we noted that no specific restrictions existed related to direct mail solicitations and the exchange of membership/donor lists with other organizations. Since we were unable to find evidence showing political motivation to support particular political organizations, we did not identify any violations of existing CPB statutes or regulations.

5. In your judgment, did any station violate any Federal of State law or regulation in conducting these donor list transactions?  

Our office did not find clear evidence of any violations of Federal or State laws or regulations. CPB has the authority for making grants to public broadcasters under section 396 of the Communications Act of 1994, as amended. In examining the provisions of the Act, as well as CPB grant terms and conditions in effect at the time of grant award, we noted that no specific restrictions existed related to direct mail solicitations and the exchange of membership/donor lists with other organizations. Since we were unable to find evidence showing political motivation to support particular political organizations, we did not identify any violations of existing CPB statutes or regulations.

6. How did stations benefit from list exchanges or rentals with political organizations?  

In our opinion, stations did not obtain any extraordinary benefit from exchanges or rentals with political organizations. While on one hand the stations did get names from such organizations, they paid for them just like other exchanges with or rentals from non profit organizations or even commercial entities. In both cases, the cost of direct mail solicitations increased when names were acquired through exchanges, rather than rentals.

In evaluating benefits to the station, we note that a successful mailing can yield a contribution or membership for every 100 direct mail solicitations (1 percent). Furthermore, only a small proportion of the names used in direct mail solicitations were derived from political organizations. For the stations we visited names from apparently political organizations, ranged from only .3 percent to 6.4 percent of the names acquired for direct mail solicitation. Thus, we concluded that involvement with political organizations in this process did not provide material benefits to public broadcasting stations.

Mr. SPECTER. I suggest the absence of a quorum.

Mr. REID. Mr. President, if the Senator would withhold.  

Mr. SPECTER. I do.

Mr. REID. Mr. President, I did not want to get into a ‘who did this; who did not do that.’ I acknowledge, selling the lists was wrong. The fact is, though, that PBS lists were available to both parties. Without getting too partisan, we know the Bush family has made their lists available to groups, also. These groups include the
Citizens for a Sound Economy and the Heritage Foundation. These are certainly if not Republican organizations, I would clearly say, Republican-leaning organizations.

I also think it is important to note we are talking about the Corporation for Public Broadcasting. And the Corporation for Public Broadcasting has a policy—

The PRESIDING OFFICER. The time requested by the Senator has expired.

Mr. SPECTER. We are not on the Senator’s time now. We are waiting for Senator HUTCHINSON to come. I got the floor on my own.

The PRESIDING OFFICER. We have a time agreement on the amendment.

There is a current time agreement. If the Senator wishes to—

Mr. SPECTER. I yield time from my side to the Senator from Nevada.

I ask the Senator, how much time would you like?

Mr. REID. Just a few minutes, a couple minutes.

Mr. SPECTER. Two minutes. We only have about 4 minutes left. If you take 2 minutes, I will have 2 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania has 6 minutes 20 seconds remaining.

Mr. SPECTER. Take 3.

The PRESIDING OFFICER. The distinguished Senator from Nevada is recognized for 3 minutes.

Mr. SPECTER. Mr. President, the Corporation for Public Broadcasting now has a policy. We do not need to talk about what has gone on before. We all recognize it was wrong and is wrong.

I again state I approve wholeheartedly with the language in the report that was submitted by the manager and the ranking member of this bill and which I understand had the full committee chairman’s undying support; that is, the Senator from Alaska was also upset about the trading of lists, which all agree is wrong.

I support the present policy. If you want to sell your list to a political party, you are not going to get any funding from the Corporation for Public Broadcasting.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, on the Senate floor we do not frequently have the quality of evidence which assures authenticity, unlike a courtroom where you have to have witnesses who saw, observed, or documentation which is authenticated.

I have marveled from time to time, during my tenure in the Senate how many representations of fact are made which have no authentication. We had a little time left over from the debate, so the Senator from Nevada and I have talked a little bit about these lists being made available to political parties.

You have the inspector general’s report which will be made a part of the Record which says what it says. I have already stated that. I am not going to repeat it. But what we say on this Senate floor is viewed by a lot of people. I am sure the Corporation for Public Broadcasting will be looking very closely at what Senator RINDE and I have had to say. And other public institutions will be on notice, as well, that when there is public money involved, it is a public trust and not to be partisan for either Democrats or Republicans, and that we will take a look at it.

Again, I repeat that, notwithstanding this, we are not seeking to have that influence our determination as to what the funding should be. We added $10 million. We know the problem has been rectified, but we want the Corporation for Public Broadcasting, and everyone else, to be on notice that the Congress will not tolerate partisanship or political activity of either party with public money, which is a Federal trust.

Mr. President, I move to table the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote will be postponed.

Mr. SPECTER. Mr. President, the hour of 12:30 has arrived. We expect the next amendment to be here within a very short period of time. In the interim, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, in a moment, the next amendment will be offered in the queue by the Senator from Arkansas. I ask unanimous consent that that amendment be read and considered on the floor.

Mr. SPECTER. Without objection, it is so ordered.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent that Tom Hlavacek, a fellow in my office, be granted the privilege of the floor during consideration of this appropriation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent that Tom Hlavacek, a fellow in my office, be granted the privilege of the floor during consideration of this appropriation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent that Tom Hlavacek, a fellow in my office, be granted the privilege of the floor during consideration of this appropriation bill.

The PRESIDING OFFICER. The amendment is as follows:

At the end of title I, add the following:

TRANSFER OF FUNDS FOR THE CONSOLIDATED HEALTH CENTERS

SEC. 330. Notwithstanding any other provision of this Act, $25,472,000 of the amounts appropriated for the National Labor Relations Board under this Act shall be transferred and utilized to carry out projects for the consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b).

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that Senators DeWINE, ALLARD, THOMAS, CRAPO, and HELMS as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. Mr. President, I am pleased to offer this amendment to the Consolidated Health Centers Program. The $25.472 million is the increase in spending that has been added to the budget of the NLRB. I will explain this in further detail, but this would take that expense and shift it to the Consolidated Health Centers Program. I think it is one that should be easy for Members to support. Let me very basically explain it, and then I will go into more detail.

This would shift $25.472 million from the National Labor Relations Board to the Consolidated Health Centers Program. The $25.472 million is the increase in spending that has been added to the budget of the NLRB. I will explain this in further detail, but this would take that expense and shift it to the Consolidated Health Centers Program. I think it is one that should be easy for Members to support. Let me very basically explain it, and then I will go into more detail.

The NLRB requested an increase of $25.472 million in funding for the fiscal year 2000. Their argument is they need that increase in funding to reduce their backlog in cases. However, when one looks at the number of cases that were pending before the NLRB declined from 37,249 in the fiscal year 1997 to 34,664 in fiscal year...
1998. The NLRB further reported the number of cases the NLRB is receiving declined from 39,618 in fiscal year 1997 to 36,657 in fiscal year 1998.

From their own statistics, it is clear that the National Labor Relations Board has been successful in its effort to administer the National Labor Relations Acts without the better than $25 million increase in funding. In fact, the NLRB did not receive an increase last year and was not only able to fulfill their mandate but achieved these results in spite of seeing a decrease in the number of cases.

How is that possible? When adjusted for inflation, from 1980 to 1998, while the NLRB budget declined by 21 percent, the number of charges received and processed has declined by 31 percent. While the NLRB can rightly say they have had a declining budget, if you look at the number of charges they have received and processed, it has had an even more dramatic decline.

In a statement before the House Subcommittee on Labor-HHS, on March 25, the NLRB general counsel, Fred Feinstein, stated that the NLRB has adopted a program called Impact Analysis through which the NLRB has moved away from the first-in-first-out approach in an effort to assure that the cases it gets to first are those that are central to its core mission.

He further stated that the Impact Analysis Program has allowed the NLRB to reduce its backlog consists of lower priority cases. Not only has the backlog decreased but the cases that are in their own system are not of a lower priority.

The NLRB estimates that of the 35,000 total charges filed each year, only approximately one-third—or 10,500—are found to have merit. The NLRB further estimates that of the 10,500 charges each year that are found to be meritorious, 86 percent—or 9,030—are seen by their staff.

Therefore, the NLRB adjudicates only approximately 4 percent—or 1,470—of the charges it receives each year. So over 35,000 total charges, less than 4 percent, or about 4 percent, are ever adjudicated. So from the NLRB’s own numbers, only 10,500 of the 35,000 charges have merit and 65 percent of all unfair labor practice charges are dismissed or withdrawn.

Let me reiterate. Sixty-five percent of all unfair labor charges are dismissed or withdrawn because they are found to be without merit.

Where does that leave us as a body? How do we justify funding their request at better than a $25 million increase at a time that the number of cases is decreasing and the number of adjudications is down 40 percent? How do we justify that?

I know. I simply can’t justify that. I think many of my colleagues will agree.

If a society can be judged by how it treats its less fortunate, if a society is judged by how it treats its most vulnerable members, then we must and the NLRB must make better use of resources and decide that we will tip the scales this time in favor of individuals, particularly children, who need health care.

That is what my amendment will shift $25 million not provide to the Consolidated Health Centers. It is not a cut in NLRB funding but a shifting of what would have been an increase in their funding to a critically urgent program, the Consolidated Health Centers. The Consolidated Health Centers Program is a Federal grant program funded under section 330 of the Public Health Service Act to provide for primary care health services in medically underserved areas throughout the United States.

I suspect that the occupant of the chair, the Senator from Kansas, knows well about these kinds of underserved areas. In my home State of Arkansas—we have many in the Mississippi Delta region—they are desperately in need of primary health care. Specifically, this program makes grants to public and nonprofit private entities for the development and operation of community, migrant, and homeless health centers.

Key to the success of the Consolidated Health Centers Program is its recognition of the contours of our country and its diverse geography. Health care is needed in areas where economic, geographic, and cultural barriers limit access to primary health care for a substantial portion of the population. It might surprise a lot of folks, but today one-fifth of Americans live in rural areas. And many are in desperate need of health care.

I grew up in a little town of 894. It is now up to 1,300. It is in a rural part of Arkansas. I wouldn’t trade that place for growing up for any place in the world. But I know that while we have serenity, we have low crime—we had it before we had a NLRB—and it is an easy choice. The choice is the Consolidated Health Centers. It is not a cut in NLRB funding but a shifting of what would have been an increase in NLRB funding but a shifting of $25.472 million from the NLRB to the Consolidated Health Centers. They say in order to increase funding for these community health centers. They are the ultimate safety net in our society.

Health centers provide health care to people regardless of their ability to pay. By law they serve anyone who walks in through their doors—rich or poor, insured or not. Of the clients received by community health centers, 44 percent are children, 66 percent have incomes below what is poverty, 75 percent of the clients are uninsured. By spending $25 million more care to those who need it most, the uninsured, those who fall through the cracks in our current health insurance marketplace. We may fight and we may argue on the floor of this Senate as to what we should do about managed care reform, what we should do about providing health care for the uninsured, but we don’t need to argue about the need to increase funding for these vital community health centers. They are the ultimate safety net in our society.

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at a time caseload is falling or shifting that increase to the communities, to the deprived and neglected communities of this country in which there is a high percentage of uninsured and a high percentage of children who don’t have access to health care. We can help that by providing tens of thousands of people health care by the simple passage of this amendment.

How much time remains?

The PRESIDING OFFICER. The Senator from Arkansas has 17 minutes 51 seconds remaining.

Mr. ENZI. Mr. President, I ask unanimous consent to make a unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition to the amendment?

Mr. ENZI. Mr. President, I ask unanimous consent to make an unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. I reserve the remainder of my time.

Mr. HARKIN. I object. If the Senator wants to speak, why not have the Senator’s time.

Mr. HARKIN. I object. If the Senator wants to speak, why not have the Senator yield time?

Mr. HUTCHINSON. Mr. President, I am happy to yield to the Senator from Wyoming whatever time he desires.

Mr. ENZI. Mr. President, I rise in support of NLRB action by the Senator from Arkansas. I am Chair of the Senate Subcommittee on Employment, Safety and Training. I have worked closely with Senator HUTCHINSON to assure small businesses are treated fairly by the NLRB. I have numbers as well that show there is difficulty with that.

I held a hearing in July that clearly illustrated how small business owners that win against the NLRB on an action against the employer get left with thousands of dollars of legal bills. Aggressive action continues to be harassment against the small business owners with no relief in sight. That has to be solved.

Regarding this movement for community health centers, regardless of how much it takes to take care of the present situation, Wyoming doesn’t have a community health center. We have a need for it equally. I hope that is included in the suggestions for where this money will be going. I understand the need to raise enough funds to be able to support the current efforts.

I ask people to take a look at the record of the hearings we held on this subject of the National Labor Relations Board and the unfairness with which they have treated some of the employers, the huge bills employers have been left with, in spite of some of them representing themselves before the committee. Such practices are wrong and need to be stopped.

We shouldn’t have additional funds for a function that is actually decreasing the load. We also find there is a decrease in cases going before those people.

Earlier this year at a field hearing about the National Labor Relations Board’s treatment of small businesses by the safety subcommittee, a small business employer named Randall Truckenbrodt testified that in one year alone, over 36 unfair labor practice charges were filed against his company. After a prolonged legal battle, Randall won all 36 charges. The cost of defending himself, however, totaled a whopping $80,000, a sum which he testified, ‘‘could have been triple had I not represented myself.’’ I am a small business owner. I shudder to think that such a practice could ever occur—much less to a small business—and I am dumbstruck by reports that what happened to Randall happens all the time. Such practices are more than wrong, they should be stopped. I support this amendment, which would allow NLRB to focus on their existing responsibilities and not allow additional funds for random, meritless claims brought against small businesses by the NLRB—an intimidating bureaucracy that can sometimes strong-arm the little guy who doesn’t have the resources to defend himself.

I have great concerns over the actions of the NLRB against small businesses, and before we give it 25 million additional dollars, I think we need to get to the bottom of NLRB’s treatment of these smallest of businesses. I support Senator HUTCHINSON’s amendment which would transfer the $25.7 million increases for the National Labor Relations Board to Consolidated Health Centers under the Public Health Service Act.

Community health centers play a vital role in providing primary care services to underserved areas. The Labor HHS bill provides a $99 million increase for CHCs—Consolidated Community Health Centers Program—for poor, rural areas. HRSA, however, tested and requested $264 million just to maintain levels and carry. Health centers serve over 10 million people nationwide, over 4 million of which are uninsured. By spending $25 million more for health centers, health centers estimate that they will be able to serve over $5,000 more people.

Bottom line, this amendment will bring better health care to millions of Americans, rather than harming more small businesses by allowing the NLRB to run wild in filing meritless claims against them, and therefore I rise to strongly support it.

I yield the floor.

Mr. SPECTER. Mr. President, when this bill was crafted with some 300 items, great care was taken on the establishment of priorities. That is always a difficult matter. Where is the $1.800 trillion in Federal money to be spent? We have a bill of $91.7 billion. We have had a series of amendments to change the allocations and assessments on the member states and I came to initially with staff, and then the subcommittee and then the full committee.

I am inclined to agree with my colleague from Arkansas about the desirability of having more money in the consolidated health centers. He came from a small town, as he recited, of several hundred that has grown to more than 1,000. The town where I went to high school is a small town with a population of 100. Randall was a greater place to live, but after I moved to Philadelphia I concluded Russell, KS, was a greater place to live.

When the Senator from Arkansas talks about smalltown life and the need for health centers, he is right. They are needed not only in Arkansas but in Pennsylvania, in Kansas, and everywhere.

When we made the allocations, as has already been noted by the Senator from Arkansas, we paid a very substantial increase to consolidated health centers. Consolidated health centers were a little over $900 million and we added $99.3 million to bring them to $1.24 billion. That is, I am advised, $79 million over the President’s request.

But, even so, when the Senator from Arkansas says he would like to have more money, I would not disagree with him. But then it is a question of establishing priorities, as to what we do. I listened closely to the statistics which were cited by the Senator from Arkansas on the decrease in the backlog. But even after the backlog has decreased—and I am searching for those exact statistics myself—there still is an enormous backlog which is pending before the National Labor Relations Board.

The Senator from Arkansas makes a comment about the board establishing priorities, I think that is to the board’s credit. They are not going to be able to take all the cases, so they ought to establish priorities. I hope their priorities are not subject to as much challenge as mine are on the floor. I am not really too serious about that, there haven’t been too many challenges. But the day is not over yet, either. We are waiting for all the amendments to be filed by 2 o’clock this afternoon.

But I compliment the National Labor Relations Board for establishing priorities, to take up the most important cases first. The fact that there are a great many unmeritorious claims filed is not surprising. There are sometimes unmeritorious amendments filed—not this one. But there are lots of cases filed in court or any adjudicatory process where there are unmeritorious matters. But I do not think that can be the function of a function that is actually decreasing the load. We also find there is a decrease in cases going before those people.
course of this debate, to be specific and put them into the CONGRESSIONAL RECORD, is that this funding is needed.

The National Labor Relations Board, by word of just a little explanation for those who may be watching on C-SPAN2, was created to take court consideration of complaints, either by labor or by management, as to what is happening in a labor practice and to produce labor peace by having an administrative remedy which would stop people from taking cases to court.

I know there are others who wish to speak who are waiting now, but I think a careful analysis of the backlog, of the procedures of the National Labor Relations Board, and the entire picture, will show that this kind of increase is warranted and certainly in consideration of the significant increase accorded to the consolidated health centers, which I have already noted.

The PRESIDING OFFICER. Who yields?

Mr. SPECTER. How much time would my colleague from Iowa like?

Mr. WELLSTONE. Might I ask my colleague from Iowa a question?

Mr. HARKIN. I do not have the floor yet.

Mr. SPECTER. There is a question pending of the Senator from Iowa, how much time does he want?

Mr. HARKIN. Just 5 minutes.

Mr. WELLSTONE. Mr. President, before I leave the floor, might I ask my colleagues from Iowa and Pennsylvania a question? I want to know the parliamentary situation. Do we have an agreement for no second-degree amendments and this would only be debated for an hour? Could I get some information about this?

Mr. SPECTER. If I may respond to the question. I was off the floor for a moment, actually, in the lunchroom. I came back to the floor. A unanimous consent agreement had been propounded for an hour time agreement, equally divided, with no second-degree amendments. It was later determined that this was not really acceptable to the Democratic side of the aisle. I said to the Senator from Iowa, when I came back in: If it causes you heartburn, we will eliminate it.

I now ask unanimous consent that the part as to "no second-degree amendments" be rescinded, but the time as to 1 hour equally divided remain in effect.

Mr. HUTCHINSON. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Mr. President, if I could make it clear to the Senator from Iowa, if there is an objection—I thank the Senator from Pennsylvania. I think his unanimous consent request is very much in the spirit of fairness.

I say to my colleagues on the other side of the aisle, if that is not acceptable, keep the unanimous consent request in—this is a very important amendment. There ought to be second-degree amendments on every single amendment introduced to this bill forthwith with no time agreement if we are going to play that way. That is just not acceptable. We need much more time and we certainly should have the right to second-degree amendments.

The PRESIDING OFFICER. The Senator from Iowa is recognized. I think he was yielded time.

Mr. HARKIN. I assume I have some of my 5 minutes?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. HARKIN. Mr. President, first, I say I thank the Senator from Pennsylvania. He is a true gentleman, I think, in the spirit of comity on the Senate floor, to recognize the unanimous consent request that was propounded earlier was not acceptable to this side. I bear some responsibility for that. I was engaged in a conversation with my staff and I did not hear the unanimous consent request propounded, so I bear some responsibility for that.

As I said, in the spirit of comity and the smooth functioning of the Senate, my friend from Pennsylvania, the chairman of the appropiation subcommittee, came back on the floor and said I would move to vitiate that unanimous consent agreement, which he did, I think, again, in the true spirit of comity and smooth functioning of the Senate. That then was objected to, I guess, by the Senator from Arkansas?

Mr. SPECTER. Will the Senator yield?

Mr. HARKIN. I will yield the floor back to the Senator.

Mr. SPECTER. Mr. President, when I heard there was a problem—we work together on too many matters over too long a period of time. If it was inadvertently entered into, we are prepared not to have a lot of work to do. If we did not have a lot of work to do, we would still not hold them to it if it was inadvertently entered into.

I have not discussed that with my colleague from Arkansas. I think we can work this out in the course of the next few minutes, if the Senator from Iowa will take his 5 minutes to argue on the merits.

Mr. HARKIN. If I can have another 5 minutes to talk about the amendment itself?

Mr. SPECTER. I allocate 10 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the amendment propounded by the distinguished Senator from Arkansas really would harm the NLRB drastically. The Senator from Arkansas said the case load had gone down. That is true, the caseload did go down, I assume because we increased some of the funding and they were able to, then, hire some more staff and decrease the caseload.

If now, however, we cut the funding, what we are going to do is release those people and fire people who were hired; therefore we will be right back where we started from.

We keep hearing about the backlog. What is the backlog? The NLRB, at the end of last fiscal year, had 6,198 cases pending at the end of the last fiscal year. I understand some of those were reduced last year, but we are still in the neighborhood of about a 5,000-case backlog. So I do not think the Senator from Arkansas can argue we are making great progress. We are making a little bit of progress. But to take the $25 million out of the NLRB would put us right back where we were before, and you would see us start going back up again. That may not be his intention, but that is exactly what would happen.

At this funding level, the staffing, I am told, would have to be reduced by at least 100 people below the current level. That would be about a 5-percent reduction. Again, that would mean the backlogs would continue to go up. The time to process the claims would grow significantly, and that would hurt not just employers but also the employees. Both sides are harmed when they get this kind of backlog at the NLRB. Again, they are most effective when they can get at this in a hurry. Workers who are fired for union organizing must sometimes wait weeks or months for cases to be processed. Then when the remedy does come through it is too late. People have to move on with their lives. They have found other jobs, they get the remedy, but it is too late to make any kind of difference at all.

Employers are hurt because a delay causes back pay to add up until the case is resolved. This creates uncertainty. It destabilizes the workplace. I have had employers who have contacted my office and said: Can't you do something about NLRB? There is a case pending. It is causing us a lot of headaches. So it is not just labor, but it is also management that is hurt when you have this kind of backlog.

If this amendment is passed, I am told, the funding level right now would put us, as I understand it, below the 1993 inflation-adjusted level for the NLRB. During that period of time, the number of cases has gone up. So you can see the number of cases has gone up. We took a little bit out last year because of some additional staffing we gave them. This budget cut would put us back where we were in 1993.

Of course, not only would the present backlog of cases be more time, we could see actually more cases piling up behind the ones that are there.

Again, there is some thought that the NLRB is a kind of a prolabor organization. The NLRB is effective because it is a nonmanagement, nonunion, independent board. It promotes stable and productive labor relations. If they are not able to do their job, our whole society breaks down.

Let me get to the point. The Senator from Arkansas wants to take $25 million out of the NLRB and put it into community health centers. I take a back seat to no one in supporting community health centers.
health centers—consolidated health centers I guess they are now called—and have worked over the years with Senator SPECTER, as a matter of fact, to increase funding for our community health centers. They do a great job. In many cases, they are really the only source of health care for low-income people who have no health care insurance.

We worked very hard—Senator SPECTER, I, and our staffs—to get a $100 million increase. We are up to slightly over $1 billion now for community health centers, and they need the money. But I do not think they need the money at the expense of taking it out of the NLRB. We gave them a $100 million increase. I believe this will be more than sufficient to help get new community health centers started next year and to adequately fund the ones in existence.

While I support community health centers, this is not the way to get money for them, by taking it out of the NLRB and taking it out of the more rapid resolution of the backlog of cases. Many times, the workers who are waiting to get a case heard are the same ones who are low income and need to have their cases resolved so they can get on with their jobs and their lives. I yield back whatever remaining time I have.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. Bunning). Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. Hutchinson. Mr. President, I yield such time as he may consume to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. Enzi. Mr. President, I ask unanimous consent that Patrick Thompson from the HELP Committee staff and Mark Battaglini, who is a fellow, be granted the privilege of the floor during the debate on S. 1650, the Labor, Health, and Human Services, and Education Appropriations Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Enzi. Mr. President, I want to respond to some of the numbers used a minute ago in talking about the number of cases filed and the number of cases disposed of in this seemingly inverted pyramid of backlog of cases. It did not happen that way.

In 1997, there were 37,000 cases pending. In 1998, there were 34,000 cases pending. That is a decrease in the number of cases pending. That is not the same as the number of cases filed. There were 39,000 cases filed in 1997; there were 36,000 cases filed in 1998. Both of those numbers show a decrease in cases filed, in the number that were pending and a decrease in the number that were filed. The Senator from Iowa mentioned there was a decrease in the backlog, that they were working that down.

Let me tell you how part of that backlog happens. In my previous life, before I came to the Senate, I was an accountant. One of the people I did accounting for were the notices of audit from the National Labor Relations Board. They came in—it was about 10 days work for me—and they looked over all of the accounts and decided at the conclusion of that time whether or not there was any violation. We said: Great; we will wait for your letter. It is my understanding they are still waiting for that letter.

As far as they know, that is still a case pending. All of the work was done, a decision was rendered verbally, and that ought to dispose of it. I know for that year it was still a case pending. For an employer, sometimes this gray cloud hangs over, even after they have been acquitted. That shows up in these statistics of the backlog.

The other number presented, the number they worked, actually increased; the number evidently was not pending in the next year. So they were working a full 37,000 cases in 1997, plus a few more to work that backlog down.

This agency has been working the cases. They have been eliminating extra cases, some of which I do not think should have been part of the backlog anyway. Now we are talking about significantly increasing the amount of dollars. There would be an appropriate time to do that.

One of the things we talked about in a hearing in the subcommittee was the legal fees these businesses have to put up when cases are brought, and the cases, in some instances, are frivolous. At any rate, the decision ought to be on whether the small business wins or not, and if they win, they ought to get back the costs they have expended on this.

Part of the testimony in that hearing was from some other employers who would never take a case to the NLRB because they know it is going to be more expensive to fight it than to pay it. That is not the way the American Government is supposed to work. Businesses are not supposed to live in fear of expensive litigation by their Federal Government with their tax money.

Perhaps an increase ought to accompany making a change where there is some reimbursement for these small business employers who win—only when they win. But there could be a degree of fairness built in this at the same time there is an increase. Until that happens, the community health centers are still waiting to get the money. I yield the floor and reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

Mr. Wellstone. Mr. President, first I will speak to procedure and then to substance.

I apologize to my colleague from Arkansas, for whom I have a lot of respect even though we do not agree on all issues. I used the words "sneak through," and I should not have said that. He is above board, and I know that. However, I do feel there was an intention of going forward with a unanimous consent agreement that would limit this to 1 hour with no second-degree amendments.

I say one more time, I certainly hope my colleague from Arkansas will understand that. I hope he will understand this is above and beyond the debate. We can always debate issues. This is generating a lot of anger and indignation.

In my own part, I am committed to doing a second-degree amendment on every amendment that comes to the floor forthwith, with no time limit at all, because I believe this should not have gone this way as a unanimous consent agreement.

The reason I feel strongly about the procedure is because of the substance of what this is about. To me, it is a matter of justice delayed is justice denied. I tell you, what is real important in our country is that people have the right to organize and bargain collectively, to earn a decent living, to give their children the care they know they need and deserve.

Frankly, we ought to be doing much more by way of labor law reform. But when you cut into the NLRB’s budget, and you are going to reduce staff by an additional 100 women and men, the only thing you are doing is you are making it impossible for many working people to have justice.

I do not even know the figures because I came rushing to the floor when I heard about this, but there are well over 10,000 people who are illegally fired. And quite often—Mr. Hutchinson. Will the Senator yield for a question?

Mr. Wellstone. I say to my colleague from Arkansas, I am well aware that it flat-lines and it is unclear to what we talk about with the veterans’ health care budget. When you flat-line, and you do not take into account additional inflation, then basically the effect is this: it is a reduction.

My understanding is that you have a reduction of about 5 percent. If that is the effect, and if we cut into the man and woman power requirements of the
National Labor Relations Board, I am unalterably opposed to this because working people in this country have a right to be able to make an appeal. It should not be profitable for companies to illegally fire people. It should not be easy for companies to break the law. When we try to go after the NLRB, what we are doing is going after the rights of working people.

So I say to my colleagues, an awful lot is at stake here. The National Labor Relations Board is all about a framework of laws we have set up in our country. It is all about making sure working people have certain rights. I think this amendment guts some of those rights by basically stripping away some of our enforcement power.

So I say to my colleague on the other side of the aisle that I do not accept this choice he presents to us. I think my colleague from Iowa probably will be told that he has heard from the community health care clinics. But to pit one group of low-income citizens against another group of low- and moderate-income people, working- income people, I think is simply outrageous.

Knowing the people I have met who work at the community health care clinics, I doubt the people who work at our community health care clinics are interested in additional funding for them if that means taking away from the rights of working people. We are basically talking about the same group of citizens—hard working, not caring for themselves, or hoping that their rights will be respected.

I again say to my colleague that when you flat-line the budget, you effectively cut the budget. You cut into the NLRB’s capacity and ability to represent working people. There will be more and more and more delay. As my colleague from Pennsylvania said, justice delayed is justice denied. That is what this amendment is—it is a justice denied amendment.

I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. Eight minutes 40 seconds.

Mr. HARKIN. If I could have 3 minutes.

Mr. SPECTER. I yield 3 minutes to Senator Harkin.

Mr. HARKIN. I appreciate the Senator yielding.

I hope I can have the attention of Senators and the Senator from Arkansas, the proponent of the amendment.

I just spoke with the National Association of Community Health Centers. I want to make one point: that they would not want this to happen at the expense of the NLRB.

I yield back my time, I guess.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. If I might just respond to the Senator from Iowa.

I do not know who he spoke to at the health centers. I suppose whoever it was is a spokesman for all of them. But the ones I would like to speak for are the 83,000 people who could be served if this amendment was adopted. The $25 million, it is estimated, would allow these health centers to be able to serve 83,000 more people. Those are the ones I am concerned about. I am not so much concerned about whoever in Washington, DC, decided that the NLRB needed a big increase.

The fact is, the NLRB has said with this increased funding they will hire 122 more people, and they will buy an $11 million computer system. So I would say to the Senator from Minnesota, that is the issue. Do you want an $11 million computer system for the NLRB or do you want to help 83,000 more people get health care in the delta and the poor areas of this country who are currently not receiving it?

It is a pretty simple issue. We can try to cloud it with parliamentary questions. We can try to cloud it with questions about a UC that was adopted. But there is a very fundamental question in which I believe very strongly.

I oftentimes hear the Senator from Minnesota speak with great passion to the Senator from Iowa speak with great passion as to how they are prepared to create a problem in the Senate in order to further their goals. I admire them, I respect them for their commitment. I just say, I have a deep belief about those who are being served by these community health centers. I have visited them. I see the good work they do. I ask myself what that person would walk in and not have to worry about presenting an insurance policy in order to get help. I know the value of helping those little children in the delta when they get preventive health care services.

Mr. HUTCHINSON. Reserving the floor.

The PRESIDING OFFICER. Eight minutes 40 seconds.
Mr. SPECTER. It fails, then Senator WELLSSTONE will be recognized for offering a second degree.

Mr. HARKIN. Without objection, it is so ordered.

The amendment is as follows:

"OF FUNDS FOR THE CONSOLIDATED HEALTH CENTERS

"SEC. 2. Notwithstanding any other provi-

sion of this Act, $25,471,000 of the amounts

appropriated for the National Labor Rela-

tions Board shall be transferred and utilized to
carry out projects for the consolidated health
centers under section 330 of the Public Health Service Act (42 U.S.C. 256b)."

Mr. HUTCHINSON. Mr. President, under the UC, it is my understanding that there is no time limit currently on the second-degree amendment.

The PRESIDING OFFICER. There are 30 minutes under the unanimous consent, equally divided on the Senator's second-degree amendment.

Mr. HUTCHINSON. That is fine.

Mr. SPECTER. Will the Senator from Iowa yield me a couple minutes?

Mr. HUTCHINSON. That is fine.

Mr. SPECTER. I do.

Mr. HARKIN. Mr. President, will the Senator yield me a couple minutes? Mr. SPECTER, I do.

Mr. HARKIN. I don't mean to take any more time of the Senator from Arkansas, I can't help poking a little bit at him before.

It is interesting that the Senator from Arkansas is trying to take $25 million out of the NLRB for the community health centers. Why didn't the Senator from Arkansas try to take $25 million out of the defense appropriations to help the community health centers? Why didn't he try to take $25 million out of energy and water or all the other 12 appropriations bills that came down here? Why go after the NLRB?

As I pointed out, I just spoke with the Association of Community Health Centers. They said that while they appreciate his intentions of giving them more money, they don't want to do it at the expense of the NLRB. I hope the amendment will be defeated.

Mr. HUTCHINSON. Mr. President, my staff talked to the community health centers, and they clarified that they do not oppose this amendment. In fact, while they may have concerns about how this might be involved in a political fight before the Senate that may affect their relationship with the appropriators, in fact I think they would very much welcome the additional $25 million for health care in rural areas. That is where their heart is. They want to help people, they are not going to turn away $25 million to help.

The Senator from Iowa is concerned about why I didn't take this from the Department of Defense bill or shift it from somewhere else, and why we chose the NLRB. I think I made that case very convincingly. They have done an excellent job. They ought to be commended for their priorities and their impact analysis system by which the most critical cases are taken first.

They have seen a decrease in the backlog. They have seen a decrease in the number of cases being filled—all the time. We need help to purchase the average guest, the NLRB will have an $11 million computer and hire 122 more people at a time when there are tens of thousands of people in the poor areas of this country being left uninsured and cannot access to basic health care, I think, is a pretty easy call.

While I think I can make a strong case for why we need to increase defense spending, when we have treatment goals failing in virtually every branch of the military, with the exception of the Marines, and when we see tens of thousands of our men and women in uniform on food stamps, I can tell you why I didn't take it from defense.

The budget for the NLRB has been cut over the years. From 1980 to 1998—over that 18-year period—their budget declined 21 percent. That sounds pretty bad until you realize the number of charges received and processed decreased 10 percent more than that—31 percent.

To stand on the floor of the Senate and say we are disenfranchising, that we are denying justice by not increasing by $25 million the budget for a Washington bureaucracy, I am sorry; I don't think that sells. And I don't think it is too convincing to those who are going to be denied health care by the defeat of this amendment.

They have done a good job of reducing the backlog. They have done a good job in seeing a fewer number of charges. And they have done so with lower budgets over the last 18 years. It doesn't make any sense now to increase dramatically their budget by $25 million so they can hire 122 more people and buy an $11 million computer system.

I suggest that money would be better used by people in the poor communities, in the rural areas of this country, who are rising up and 44 percent of them are children—and not have to worry about presenting insurance documentation when they go.
into these health centers; that they can get treatment. Eighty-three thousand more people would be served. I ask my colleagues to support this amendment.

I reserve the remainder of my time.

Mr. SPECTER. Mr. President, I commented earlier that I would defer to the statistics. I am about to put a detailed chart into the RECORD. It is true that the backlog went down from about 6,200 to about 5,500 because we added $24 million to the budget, which will buy a computer, which is not inexpensive. Computers are expensive. That will enable the NLRB to move part way into the latter part of the 20th century, if not the 21st century.

The projection is that the backlog would then be reduced to about 1,960 cases. If this is not done, there are many health centers who are now at the NLRB who would be lost. I think it is plain that for the NLRB to keep up with the backlog and do its job, they need these additional employees.

I ask my colleagues to support this amendment, and then to proceed to a vote on the Hutchinson amendment. I would be delighted to hear the chairman of the subcommittee at this point, if I might yield to him.

Mr. DURBIN. Mr. President, let’s compare: $25 million for 122 more federal employees and new computers versus health care for 83,000 more people. This is a no brainer.

Mr. President, let’s compare: $25 million for 122 more federal employees and new computers versus health care for 83,000 more people. This is a no brainer.

Mr. SPECTER. Mr. President, I commented earlier that if I might yield to the chairman of the subcommittee at this point, I don’t want to delay the proceedings, if he wants to move to a vote. It is my understanding there is time remaining on the debate.

Mr. SPECTER. Mr. President, as manager of the bill, I do wish to move to a vote. I would be delighted to hear how much time the Senator from Illinois wants, to hear his closing argument, and then to proceed to a vote on the tabling motion.

Mr. SPECTER. With 2 minutes for Senator Durbin to close.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Without objection, it is so ordered.

Mr. DURBIN. Thank you, Mr. President. I thank the chairman of the subcommittee, the Senator from Pennsylvania.

This is a difficult choice which is offered to us by the Senator from Arkansas in terms of transferring money because hardly any Member of the Senate will argue that community health centers should have more resources. We have opened a new one in my hometown. It is very important in many rural areas. In smalltown America, these community health centers are the only health care that is not otherwise available. So in that regard I applaud his effort. I only take exception to his source.

The National Labor Relations Board has been a pain in the side of big business for over 60 years because it is a mechanism for dealing with disputes between employers and employees and employees and employer and labor unions.

There has been an effort by those who cannot repeal the law creating this agency to reduce the resources of the agency and make the delays in the backlog so insurmountable that the agency virtually was stopped in its tracks. Not that many years ago there was a hard freeze on this agency which resulted in slowing down the process for years.

As I travel around the State of Illinois, and I listen to my colleagues from other parts of the Nation, I find that if you are trying to organize a plant, for example, to bring in a labor union, and there is some dispute about whether both sides are following the law, it is almost impossible to turn to the NLRB and expect a timely decision on violations of the law. As a consequence, the whole effort of collective bargaining, which has been a recognized legal right for this country for decades, is jeopardized because of efforts to strangle this agency.

This is not a voluntary reduction in NLRB funds. This is an effort to stop its mission. Frankly, I think that is a serious mistake because we understand as well that some of the rights that are protected by the National Labor Relations Board were rights that were fought for over the years by many people who gave their blood and their lives to make certain that the concept principle of collective bargaining would be recognized.

Listen to this about the agency backlog currently facing the NLRB. Despite

How much time would he like?

Mr. DURBIN. Ten minutes would be more than enough.

Mr. SPECTER. I agree. There is another unanimous consent agreement on top of that. I ask unanimous consent that for the Senator from Illinois speaks for up to 10 minutes, we move to a vote on the tabling motion.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. With 2 minutes for Senator Durbin to close.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. Thank you, Mr. President. I thank the chairman of the subcommittee, the Senator from Pennsylvania.
the agency’s success in screening out
tens of thousands of public inquiries
and voluntarily resolving the vast ma-
jority of its representation in unfair
labor practice, backlogs continue to
grow with no concomitant increases in
staffing.
I salute the chairman of the sub-
committee, the Senator from Pennsyl-
vania, and his counterpart on the
Democratic side, the Senator from
Iowa. They have recognized it and put
$25 million into the NLRB.
When the NLRB runs through where this money
is being spent, it is for things that are
absolutely essential—training the peo-
ple who work there, the attorneys, the
hearing officers, and the like to make
sure people get a fair chance and their
day in court.
The Senator from Arkansas closes
out that possibility. He takes the $25
million away.
Some of the funds here are used to
modernize equipment to deal with the
Y2K problem. The Senator from
Arkansas, by cutting $25 million,
makes that more difficult to achieve. A
lot of the money is used for basic ad-
ministration of the agency, relocating
people where they are needed, where
the workload is growing. The Senator
from Arkansas steps in the path of
that. I suggest to those listening to the
debate on this amendment, don’t just
dwell on where the money is going.
Look to the source of the money.
The Senator from Pennsylvania very
eloquently has presented the fact that
the backlogs are still a problem and, if
we adopt the approach of the Senator
from Arkansas, we are going to be, if
not turning out the lights, dimming the
lights in a very important agency
where justice is part of the agenda; in
fact, it is the reason for the existence
of the agency.
Looking at what the NLRB has ac-
complished in a very short period of
time shows understanding why they need
to be in business and fully staffed. Last
year, the National Labor Relations
Board cases resulted in reinstatement
offers to 4,500 American employees who
alleged unlawful firing or layoff. They
also had cases that resulted in back
pay and other monetary recovery to
more than 24,000 American workers to
totaling more than $92 million. They also
held nearly 3,800 representation elec-
tions affecting a quarter million Amer-
ican workers.
What the Senator from Arkansas
does with his amendment is restrict
the power of this agency to do its job,
does with his amendment is restrict
the power of this agency to do its job,
that should be exposed for what it is. It is an effort
to take away from a very important agen-
cy the resources they need to respond
to the requests of American workers
across the Nation.
I urge my colleagues to support the
efforts of the Senator from Pennsyl-
vania, Mr. SPECTER, to table this mo-
tion, to stand by this subcommittee,
and make sure the National Labor Re-
lations Board has the resources it
needs to do the job that is very impor-
tant to American workers.
I yield the floor.
Mr. HUTCHINSON. Mr. President, I
regret that the Senator from Illinois
implies that I deny the employees of
this country their right under the Na-
tional Labor Relations Act. I certainly
would not imply by his position that he
supports denying 83,000 Americans
health care served under the $25
million added to the budget of the health
centers. I wouldn’t make such a sug-
gestion. I regret he made such a sug-
gestion before the Senate.
If we were denying justice for em-
ployees, I would not offer this amend-
ment. The reality is, we are not cut-
ting a dime from the NLRB. We are
only eliminating the $25 million in-
crease so they can hire 122 more em-
ployees and a computer system at a
time when the caseload is decreasing.
Mr. President, a 31-percent decrease in
caseload I don’t think justifies a $25
million increase in funding.
It is not hard to understand. Make
that case to the American people. I will
go out and say this is what we should
do, flat-line their budget at a time they
have decreasing workload and put more
money into community health centers.
That is what this amendment does.
If Members want to vote against
community health centers and vote for
more bureaucracy, Members have their
opportunity. I want to serve those
83,000 people who will receive health
care because of this $25 million infu-
sion into this very worthwhile pro-
gram. It is bureaucrats at the NLRB—
122 more employees—or serving people
who need health care, primarily chil-
dren.
I ask my colleagues to support the
children of this country, not the bu-
reaucrats in Washington.
Mr. NICKLES. I announce that the
Senator from Arizona (Mr. MCAIN), is
necessarily absent.
Mr. VONIVICH. Are there any other Sen-
ators in the Chamber desiring to vote?
result as announced—yeas 50, nays 49, as follows:

Yeas—50
Akaka
Baucus
Bayh
Biden
Boxer
Breaux
Bryan
Byrd
Chafee
Chanders
Conrad
Daschle
DeWine
Durbin
Edwards
Franken
Feinstein
Fitzgerald
Hollings
Inouye
Jeffords
Kennedy
Kerry
Kohl
Lieberman
Lienhart
Lincoln
Lott
MCCAIN
McConnell
McGovern
Mikulski
Moynihan
Murray
Reed
Robb
Rockefeller
Salazar
Schumer
Specter
Specter
Torricelli
Wollstone
Wyden

Nays—49
Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Covandell
Craig
Crapo
DeWine
Domenici
Enzi
Feingold
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Inhofe
Kennedy
Kerry
Kohls
Lautenberg
Leahy
Lieberman
Lincoln
Lott
McConnell
McNulty
Miller
Moynihan
Murray
Reed
Robb
Rockefeller
Salazar
Schumer
Specter
Specter
Torricelli
Wollstone
Wyden

NOT VOTING—1
McCain

The motion was agreed to.
Mr. HARKIN. I move to reconsider the vote.
Mr. INOUYE. I move to lay that motion on the table.
The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the underlying first-degree amendment.
The amendment (No. 1812) was rejected.
Mr. HARKIN. I move to reconsider the vote.
Mr. REID. I move to lay that motion on the table.
The motion to lay on the table was agreed to.

Mr. SPECTER addressed the Chair.
The PRESIDING OFFICER. The Senator from Pennsylvania.
Mr. SPECTER. Mr. President, under our sequencing arrangement, Mr. ENZI, the Senator from Wyoming, is next on the list. We are then going to move to the Senator from Florida, Mr. GRAHAM. We are trying to get time agreements here to move the bill along. We have a long list of proposed amendments which were filed as of 2 o'clock which we are going to try to window here.
Mr. WELLSTONE. Could we have order in the Chamber, please.
The PRESIDING OFFICER. The Senator from Wyoming [Mr. ENZI] proposed an amendment numbered 1846.
Mr. ENZI. I ask unanimous consent reading of the amendment be dispensed with.
The PRESIDING OFFICER. Without objection, it is so ordered.
The amendment is as follows:
On page 13, line 14, insert after "1970;" the following: "Provided, That of the amount appropriated under this heading that is in excess of $16,883,500 shall be used to carry out the activities described in paragraph (1) and $16,883,500 shall be used to carry out paragraph (6)."
Mr. ENZI. I ask unanimous consent to have a technical correction from what the legislative service drafters had, to change "line 18" to "line 14."
Mr. WELLSTONE. Mr. President, reserving the right to object.
The PRESIDING OFFICER. Is there objection?
Mr. WELLSTONE. I would like to object until I look at the change in the language.
The wrong page number. I do not object.
The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. ENZI. Mr. President, today as Americans head off to work, 17 of them will die and 18,600 of them will be injured on the job. All of us on the Labor Committee have worked very hard to make sure those numbers come down—go not up. We do not want an increase; we want a dramatic decrease in deaths. We want a dramatic decrease in the number who are injured. I repeat: 17 working Americans will not be returning home tonight because they will die on the job.
As chairman of the Worker Safety Subcommittee, I feel responsible to those families for making sure we are doing all we can to prevent those horrible accidents from occurring in the first place. I feel responsible for finding solutions that will help protect more workers from harm.
The Occupational Safety and Health Administration, OSHA, is the Government agency responsible for regulating safety laws in America. The way OSHA is supposed to work is that it should be providing helpful assistance to the overwhelming number of employers who are actively pursuing safer workplaces. And I can tell you that according to OSHA: . . . 95 percent of the employers do their level best to try to voluntarily comply with OSHA.
"Voluntarily comply with OSHA"—that was stated by Frank Vetrusso, the Deputy Assistant Secretary of OSHA.
Simultaneously, OSHA should be effectively targeting those employers who are willfully disregarding safety laws. They should be inspecting them. They should be fining them. And they should follow up to ensure the bad practices are stopped before accidents occur.
But everyone knows that is not what is actually happening. What is happening is that OSHA lumps all employers together—both the good and the bad—treats them the same, and tries to inspect and fine them all, no matter how small or ridiculous the violation. Meanwhile, serious and potentially deadly practices go un inspected and unstopped. The result is disastrous and, unfortunately, often fatal.
I am not trying to decrease any funding for OSHA. What this amendment does is shift the emphasis so that there is some money being spent on consultation. We have had a lot of hearings. We have had a lot of discussion. We have said that prevention is where we want to be, prevention of an accident, not persecution after a death. That is not how this is supposed to work.
As reported in the Associated Press, three-quarters of the worksites in the United States that had serious accidents in 1994 and 1995 had never been inspected by OSHA in that decade. The report also showed that even OSHA officials acknowledge that their inspectors do not get to a lion's share of lethal sites until after accidents occur because it takes OSHA, according to the AFL–CIO, over 167 years to reach every worksite in this country. We want them to be able to serve everyone, but 167 years? That means the budget would have to be increased 167 times to do that. The fact is that OSHA neither helps those employers who want to achieve compliance with the safety laws, nor effectively deters bad employers from breaking the law.
How long does it take to get an inspection? That varies quite a bit by State. Those that are State plan States get a little bit more frequent visits than those that are not State plan States. So the Federal ones, some of them, it will be more than 200 years that they have the odds of not getting an inspection.
This point is so important, I will say again, because it takes OSHA over 167 years to reach every worksite in this country. The fact is that OSHA neither helps those good-faith employers who want to achieve compliance with safety laws, nor effectively deters bad employers from breaking the law. OSHA’s response has been to ask Congress for more and more enforcement dollars. I say that response only begs the question. Using OSHA’s framework, the scenario would be as follows: Since it takes 167 years for OSHA to investigate every worksite in the country, we would need to increase OSHA’s enforcement budget 167 times in order for OSHA to inspect every worksite every year. It doesn’t take as long when they are doing consultation, and it reduces accidents.
Increasing it 167 times would be a reckless, unrealistic suggestion that results in the heart of the problem. That is not even the worst part. The worst part is what OSHA’s response for more enforcement dollars
says to those 95 percent of employers who are doing their level best to comply. It says: Hey, Mr. Good-Faith Employer, we know you are trying to comply, but you are out of luck because even if you are trying to be safe, if you don’t know what you are doing, or if you can’t understand the statute, we are going to fine you. We are going to fine you big.

Here are the facts: Employers have to read through, try to understand and interpret, and implement over 1,200 pages of highly technical safety regulations. That is what I have right here. Do you know how big numbers like that are in Washington? I want to make this clear as possible so I brought a little show and tell.

Before I do that, I yield to the Senator from Georgia.

AMENDMENT NO. 1885 TO AMENDMENT NO. 1886
(Purpose: To clarify provisions relating to expenditures by the Occupational Safety and Health Administration by authorizing 50 percent of the amount appropriated that is in excess of the amount appropriated for such purpose for fiscal year 1999 to be used for compliance assistance and 50 percent of such amount for enforcement and other purposes)

Mr. COVERDELL. Mr. President, I offer a second-degree amendment and send it to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL] proposes an amendment numbered 1885 to amendment 1886.

Mr. COVERDELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word and insert the following: “That of the amount appropriated under this heading that is in excess of the amount appropriated for such purposes for fiscal year 1999, $16,883,000 shall be used to carry out the activities described in paragraph (1) and $16,883,000 shall be used to carry out paragraphs (2) through (6);”.

Mr. COVERDELL. I yield the floor.

Mr. ENZI. Mr. President, I was mentioning these regulations, these 1,200 pages of regulations. That is what we expect the businessman to know, understand, and implement. Just imagine, Dodd’s Bootery in Laramie or Coral West Ranchware in Cheyenne or Bubble Jackson. These people are supposed to have understood all five of these huge volumes. There are more pages in these OSHA regulations than “Gone with the Wind” or “The Canterbury Tales” or even the Old Testament and the New Testament combined. Add in the thousands of pages of interpretation of any OSHA’s regulations are so complicated and so complex that even if you read through it all, deciding one correct interpretation of a rule is nearly impossible.

Take OSHA’s draft safety and health rule, for example. This is the draft one. This is one I have a lot of concern about. What this draft rule would require is for almost all employers, regardless of their size or type, to put in place a written safety plan. Now, I am in favor of safety plans. I know that safety plans make a difference in safety in the workplace. I have watched that in my son’s workplace. It makes a real difference. This, however, is not a reasonable interpretation of the rule; but, the elements of the rule are completely subjective to human nature.

For example, the rule requires the program, and I quote, to be “appropriate” in the workplace and an employer to evaluate the effectiveness of the program. He is supposed to evaluate the effectiveness as often as necessary, and where appropriate, to initiate corrective action. So I throw out this question to the Senate: How often is as often as necessary? Is it once a month? Once a week? Every day? I can envision 1,000 different responses from 1,000 different angles. So how on Earth do we expect small businesses to cope, not only with reading these regulations, but also understanding what is meant by them, how OSHA would interpret them, and then to draw up a safety plan?

That, however, is exactly what the draft rule expects every small business to do. This is the answer that will save workers like Patrick from being killed on the job. In 1993, one of those who died was our beloved son, Patrick Hayes. I did not come here today to rebuke or chastise anyone. I am simply here to plead—no, to beg you great statesmen to work together to come up with positive solutions for a better agency. No one wants to get rid of OSHA; we just want the agency to do its job, protect workers, help train and support businesses. I ask you great statesmen to lay down your party affiliations and work toward a common goal.

I would wonder why the good businesses in our country continue to stay safe. Sometimes they are at a disadvantage by their own good deeds. These good businesses build into their product or bids safety measures and are sometimes undercut or underbid by other uncaring business owners, so under our present OSHA system, is there any benefit? The bad companies know OSHA is ineffective and because of the length of time it will take OSHA to inspect every work site or get a sensible answer from OSHA, they are on their side and even if caught, they know OSHA will not do much.

OSHA’s reactive enforcement methodology has not and is not working. Letting OSHA continue in this manner and giving them more and more money each year for enforcement and getting less and less each year is just crazy. Someone has to take a stand and make some hard decisions for our very future.

Ron’s strong, unwavering stand is that OSHA consultation, rather than reactive “find and fine enforcement,” is the answer that will save workers like Patrick from being killed on the job.

I agree with Ron. That is why I am here today with this amendment.

The amendment isn’t to decrease the enforcement of OSHA. The amendment is to make sure there is an increase in consultation, an increase in the people who go to the places to look for the problem, interpret the problem, suggest solutions and also make it a bigger penalty if they come back later and it hasn’t been solved.

My amendment is simple. It puts half of the $33 million increase into OSHA’s budget, into a consultation group program, which is the effective alternative to OSHA enforcement. It is what is currently working well and is highly praised by employees and employers. It is praised by the agency,
No army of federal auditors descends upon American businesses to audit their books; the government forces them to have the job done themselves. In the same way, no army of OSHA inspectors need descend upon corporate America."

I agree with the Vice President’s praise for consultation. This amendment simply puts the money where our mouths are.

A few final remarks to remind everyone what a balanced approach this amendment really is. Does this amendment strip OSHA of the enforcement front? No. It gives OSHA a 50 percent increase over its 1999 budget to use for enforcement. That is a lot of additional people to hire and train. Does this amendment strip OSHA’s ability to go after that thin layer of bad work sites? No. They have more money to go after those work sites than they did last year. What it does do is help those 95 percent of employers who OSHA estimates are doing their best to comply with OSHA and find safety solutions that work.

It helps them out, too.

This amendment is more of a statement than it is an actual change within the department. Oversight capability of seeing where the money really winds up is pretty limited, but our ability to assign it there in the first place is not.

I am pleased that there is an increase in the budget for OSHA. I am disappointed they didn’t designate part of that for consultation as well. Beefing up OSHA’s proactive consultation approach empowers both OSHA and the employer to achieve safer worksites.

I have seen these consultation programs work. I have seen people clamoring to have the consultation, and I have seen them get in long waiting lines for it. These are the people who want to comply, who understand that there are 1,200 pages, and who want to do the right thing. But there isn’t enough money to hire and train enough inspectors to help them get the consultation in a timely fashion. All we are doing is saying, please earmark some of that money for consultation; don’t put all of it into enforcement and prosecution.

By voting in favor of this amendment, OSHA’s own consultation programs will be extended to even more employers who are seeking safety and health solutions. The result will mean vastly improved safety for America’s workplaces.

This is something I have been talking about to all of the Members on the committee since I came to Washington. This is an approach that needs to be stated in our appropriations as well. Again, it is not an elimination of safety and not an elimination of inspection but a 50-percent increase in the money going to enforcement. That is what we need to have. But we also need to be sure the consultation programs are improving and increasing and are more accessible in a timely fashion. We can’t do that if people have to wait a year for a consultation, accidents can happen. They are interested in doing it. They are ready to budget the money to fix it because if they don’t, it doesn’t do them any good.

This is an amendment that just places some priority. It doesn’t say all we are going to do is enforces and that if you are going to do is find and beat you up and fine you. It says if you will ask the questions, if you are serious about safety, if you want to help, we are going to help.

I hope you will support me on this allocation of money to consultation as well as an increase in enforcement.

I yield the floor. I reserve the remainder of my time.

Mr. WELLS TONE. I thank the Chair. Mr. President, first of all, let me point out to all of my colleagues that I think the approach we want to take is very logical. When there are work sites that are really a flop, we can take resources away from enforcement, which is the backbone of worker safety, toward consultation to find safety solutions that work.

As a matter of fact, at our March 4 hearing, a majority of witnesses were asked why more small businesses do not take advantage of free consultation services available in all 50 States. The majority of the witnesses said—this is not a direct quote, but I will paraphrase—that many small businesses think that they are exempt, so it is not economical for them to take advantage of these consultations. They feel no need to. The two are interrelated. When businesses really worry about this and know that in fact there are some enforcement laws we can implement, then they are more likely to go to a consultative service.

Again, I really do not understand. It is a little bit similar to the amendment we just had here, on the one hand, you say that we want the community health centers and you will take it out of the NLRB, which has everything to do with workers’ rights to organize, and making sure equally that people who are fired are going to be able to have their day in court and make their appeal, and there isn’t going to be a long delay. In that case, justice delayed is justice denied.

In this case, we have an amendment introduced by my colleague from Wyoming that basically takes resources away from enforcement. Standards and regulations are no more than suggestions. They don’t mean anything for working people in this country if there is not sufficient enforcement to back them up. Let me repeat that we can have standards and regulations but if it is empty, it doesn’t mean anything to someone if they can’t be backed up through enforcement.

Even with the additions to the President’s budget, OSHA’s Federal enforcement funding will fall $3 million below the level it was in 1995. By contrast, during the same period, 1995 to...
2000, OSHA’s State consultation program has grown from $31.5 million to $40.9 million, an increase of 30 percent.

So I question the priorities of this amendment. The very area where we have not kept up and have not made adequate investment in inspection is the very area from which we get the funding OSHA takes from Wyoming takes funds and puts them into the consultation program where we have been making the investment.

Of the 12,500 most dangerous workplaces in the Nation, OSHA is able to inspect only about 3,000 a year. The other 9,500 will go uninspected unless there is a fatality or catastrophic accident. We need more enforcement resources, not less. I will repeat, we need more enforcement resources, not less.

If my colleagues think about the number of people who are killed at the workplace because of an unsafe workplace and the number of people who work with carcinogenic substances which cut their life short before they even think about the number of workers who go deaf or suffer other disabling injuries because of an unsafe workplace, I find it almost impossible to believe they are going to take funding away from enforcement.

I have to say to my colleagues, including my colleague from Arkansas, I don’t know why we make this a zero sum game. Why don’t we say, yes, let’s do even better for consultation.

The second-degree amendment I will introduce will say we don’t cut enforcement. I don’t think we should. I think that just means we will have fewer inspectors, less inspections, and more complaints. That is illogical. If colleagues are worried about the delay in inspections, then I do believe Senators can vote to reduce the resources for OSHA inspectors.

Again, I say to both of my colleagues, including my colleague from Arkansas, I don’t know why we make this a zero sum game. Why don’t we say, yes, let’s do even better for consultation.

The Senator from Wyoming has offered an amendment that it takes too long. In fact, half of the $33 million increased spending and fund the additional money, forward enforcement. In fact, half of the $33 million increase will continue to go into the enforcement area.

The Senator from Minnesota said the amendment was flawed. It is not this amendment that is flawed. It is the “find and fine” approach of OSHA that is flawed and that needs reform. This is a small step, but a significant step that the Senator from Wyoming has offered. It is a small step, but a significant step that the Senator from Wyoming has offered.

Let me point out that in 1995 and 1996, after OSHA’s inspection activity declined so did requests for consultation services. Business for private safety consultants also fell and even vendor sales of safety and health equipment declined as well.

I go back again to our hearing that we had March 4. My colleague from Wyoming conducted that hearing where the majority of witnesses said one of the reasons small businesses don’t take advantage of the free consultation services is because small businesses don’t think they will get inspected.

As I hear my colleague speak about inspection, I hear him making the argument that it takes too long. In fact, I agree with him. But if my colleagues are worried about the delay in inspection, the last thing they want to do is cut the budget that deals with inspection. That is illogical. If colleagues are worried about the delay, the last thing in the world they want to do is reduce enforcement resources.

I put out to my colleagues this is an important vote. Think about the people you represent in your States: 55 percent of all OSHA inspections are in construction, which continues to be extremely dangerous. In 1998, 1,171 construction workers died on the job. Construction workers are about 6 percent of the workforce, but they comprise about 19 percent of workplace deaths. If we think that is too many workers dying, the evidence is overwhelming there are still too many unsafe workplaces, and if Members are concerned about workplace safety, then I do not believe Senators can vote to reduce the resources for OSHA inspectors.

The Senator from Minnesota said this cuts enforcement. No, it doesn’t. It takes the $33 million increased spending and fund the additional money, it is only $9 million, for consultation. Why continue to play off one good idea versus another or help some business or some workers over here but end up hurting other workers over there?

I don’t understand the premise of this amendment. I think it is flawed. I think enforcement is the backbone of worker safety, and this amendment which takes resources away from enforcement also means there will be less safety for workers. That is why I am opposed to this amendment. That is why I hope this amendment will be defeated.

I yield the floor.

Mr. SPECTER. Parliamentary inquiry to the effect that many more speakers the Senator anticipates on his side.

Mr. WELLSTONE. Mr. President, I think Senator Kennedy may want to speak. I am not sure that we will have anyone else. I don’t know that we will need to spend a lot more time. I think the Senator will be back soon. I have not heard from other Senators.

Mr. SPECTER. Mr. President, would it be in order to entertain a request for a consent agreement? Talk to your colleagues and you could fix a time. We have a great number of other amendments pending. We want to move to the Graham of Florida amendment, Senator Dodd has an amendment, and we have amendments here. If we could make an agreement to 30 more minutes.

Mr. WELLSTONE. I am pleased to do so; I will let the Senator know.

Mr. HUTCHINSON. Mr. President, I rise to support the Enzi amendment. I compliment the Senator. He has been a leader and always a leader in the area of OSHA reform. I think on both sides of the aisle no one would dispute Senator Enzi has been the foremost student of OSHA, the way it works, where its failings are. The legislation he has brought forward and his efforts to reform this agency deserve the praise and the appreciation of the American people. I appreciate very much his willingness to offer this amendment.

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and you had to deal with this Tax Code and you had to deal with the regulatory agencies like OSHA. My brother and I owned a radio station and we did just that.

From my experience, let me tell you, we were not trying to comply with every OSHA rule, all 1,275 pages. We wanted to comply. But we were a small business that had just a handful of employees, less than a dozen. Frankly, we did not understand. We understood radio, but we did not understand every minute, highly technical regulation that OSHA sent out. If OSHA put forward. That is where this amendment would help. It doesn't cut OSHA’s funding; it just says let's put half of the increase into compliance, into consultation service for small businesses.

It is hard for me to imagine why anybody would oppose this. The Senator from Wyoming has hit upon something. It is very logical. It is very much common sense. The American people out there understand this amendment. Those who may have the opportunity to see this debate and hear this debate, they will understand the difficulty that good actors, people who want to be in compliance, law-abiding businesses have had with an OSHA regulation book over 1,200 pages long.

We are not saying decrease enforcement. But I will tell you this: OSHA could send an army of inspectors out across this country; they still could not get into every workplace in the country. That is simply the wrong approach if we want a safe workplace. The right approach is to put more into consultation services, work with the 95 percent of businesspeople who want to have a good workplace, assist them in ensuring they have it, and we will do more to save lives than under the “find and fine,” punitive, enforcement-oriented approach that OSHA has had in the past.

Again, I commend Senator Enzi for remarkable leadership, leadership that has been praised on both sides of the aisle in his tireless efforts to improve the way OSHA operates. I commend him and am glad to be supportive of his amendment today.

I have a chart I will just point to briefly. It shows 61.5 percent of the current budget is going to enforcement; less than a quarter of their budget going to compliance or consultation. Senator Enzi has taken the approach that at least half of what we are putting into OSHA’s budget ought to go into assistance, not taking a hammer and beating up on the small businessman who is trying to comply with OSHA’s thousands of regulations.

Once again, I am glad to be a supporter of this amendment and ask my colleagues to support Senator Enzi and his continued efforts to make OSHA a better agency and to make the workplace in this country a safer place for American workers. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I, first of all, acknowledge the strong interest that my friend and colleague from Wyoming has in the whole area of OSHA. He is a leader on this in particular issue. Although I have areas of difference with him, he is someone who has involved himself in this issue to a very significant extent. We certainly take note of his longstanding and continuing and ongoing interest in trying to make the workplace safer.

Having said that, I do hope his position will not be sustained on this particular issue this afternoon. I hope eventually we will have the opportunity to support the Wellstone amendment that, instead of taking the money from inspections for consultation, would just add additional funding for consultations rather than denying the money for inspections.

The way it would be done is Senator Enzi would have offered his amendment to transfer, and then Senator Wellstone would have come on and offered a second-degree amendment and said: All right, let us have the increased money from forward funding for compliance. We would have gone to the Senate, I think, with the support of the Senator from Wyoming. I think we would have resolved this issue and we would be further down the road in moving ahead on the whole question of the appropriation.

But we will go through, I guess, the vote on Coverdell, which is basically a repeat of the Enzi amendment. The Senator is entitled to offer that, to effectively cut off, at least at this time, the Wellstone amendment. Then we will have to come back in on top of that, after the Senate makes a resolution of that particular question.

Just to put the facts straight, there are very few of us—I do not know many of us—who do not believe there should be an expansion of both: Consultation, and I think there has to be a very extensive inspection program. They go hand in hand. Why do we say they go hand in hand? We have some very direct and powerful evidence. In 1995 and 1996, when the Congress cut dramatically the funding for inspections, then the number of consultations went down correspondingly, dramatically. The reduction was very clear from the record. If there is a reduction in inspections, and there is a sense the companies are not going to be inspected, there is less of an incentive to move ahead with consultations.

So these have gone hand in hand. What the Senator from Wyoming wants to do is put a greater emphasis on consultation and reduce the number of inspections. I do not think that is wise, given the fact that we have seen the dramatic increase in the workforce. We have about 64 percent more workers working now than we had 6 years ago, as we saw, as Mr. Ralph Nader, interestingly, reminded us last Labor Day, indicating that and indicting the OSHA department for not having enough inspections in order to provide the kinds of protections for an expanded workforce.

Under the amendment of the Senator from Wyoming, he wants to reduce them further. It will be about a 10-percent reduction in the total number of inspections, which is not significant.

It is particularly important in the areas of the construction trades, as my friend and colleague has pointed out, the Senator from Minnesota. Even though those in construction are only about 6 percent of the workforce, we find close to 20 percent of all the deaths in the workplace are in construction. This is a dangerous, dangerous industry to work in. We are fortunate in this country to have dramatic escalation in construction projects. We have them in our own city of Boston, and we have them all over this country, dramatic escalation in construction. We find these attendant accidents, which happen, and also deaths which occur.

So if we look at the history, we find very important and powerful evidence. We can represent what we think will happen. We can say what we would like to happen. But the fact is, in this particular situation, we know on the basis of evidence what does happen, and that is, reduction in inspections is reduction in consultations.

With all respect to my friend from Wyoming, if we want to see an expansion of the consultations, we ought to increase the number of inspections instead of reducing them. But that is not where we are this afternoon.

Finally, the administration and the Congress have seen a significant increase in consultations over the last 4 years, about a 30-percent increase. There has been important work done in the area of consultation. We certainly support—I do—that program and think it is very important.

It is interesting that the association which represents those who are involved in consultation is resisting this amendment, and the reason they are resisting this amendment is for the reason I have identified. They understand with the reduction of inspections, there is going to be a reduction in consultations.

One would think they would say: Wow, amen, let’s get behind them; they are going to put more money into consultations and, therefore, we are going to get more of it.

But no, they do not. That ought to say something to us because they understand as well.

As I mentioned, I have great respect and affection for my friend and colleague from Wyoming, particularly in this area of OSHA, but in this very important area where we are talking about people’s lives, what is the real purpose of this? The real purpose is the protection of workers’ lives.
We have seen since the time OSHA has gone into effect a dramatic reduction—50%, 60-percent reduction—in the loss of lives on the construction site. OSHA is faced with additional problems of occupational health. It is faced with workers with health and toxic substances and a wide range of challenges for the new workplace they are trying to deal with and that also pose a significant and serious threat to workers. What we are basically saying with OSHA we in the United States want to make sure we are going to have as safe a workplace as possible for working men and women.

We believe with the increased funding provided for OSHA in this appropriation, as compared to the under-mining of OSHA, as we saw in the House Appropriations Committee, we will meet that responsibility and OSHA can meet it.

Let me put at risk what is tried and tested policy conclusions: We have strong inspections and strong consultations. That works. That is the position Senator WELLSTON and I and others support. I hope as a result of these votes that is where we will come out; that we will come out and there will be a modest increase which the good Senator has mentioned in terms of consultation; that we will come out and add those additional funds for the out years but not take away from the extremely important inspection.

Finally, we can pass various pieces of legislation, but unless we are going to have, by right without a remedy does not go very far. That is true in just about every area of public policy. We learn that every single day. What we need to have is accountability. We hear a great deal of talk about accountability. This is accountability. The question of inspections is a part of accountability to protect workers. If we cut off and reduce inspections, we are denying the important accountability that is necessary to protect workers in this country, and that is an enormous mistake. Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I appreciate the kind remarks of my colleagues. I appreciate the comments they have made. We all have a tremendous interest in seeing there are safer workplaces, and there is a long way to go on that. We are having a little trouble agreeing on is the mechanism for getting there. There are some philosophical differences on how to go about safety.

I do not think they are across that big of a chasm, but if we had the opportunity to spend some time to sit down and talk about them, we could come up with some things that will help the safety of the workplace in this country. We can throw out all the misconceptions and previous solutions and work from there. That is not what is happening. What is happening is this appropriation bill.

We mentioned a record of safety and how it has been increasing. I have been very curious about that record of safety because a lot of people said when OSHA went into effect, there was a huge jump in safety in this country and it has been continuing; since OSHA went into effect there has been a decrease in the number of deaths and accidents in this country.

I went back another 20 years beyond that and looked at the number of accidents in this country. Business had been bad before OSHA went into effect. They were doing that because they knew if they were going to have a good business, they had to take care of the employee. There has been an ever-increasing awareness of that, and there has been an ever-increasing improvement in that.

My colleagues from across the aisle say consultation and enforcement have to go hand in hand. Yes, they do have to go hand in hand, and I am not suggesting any less. What I am saying is that half the money we are putting in increases ought to go for the other hand of the hand in hand. We ought to do 50 percent for each. We are already doing a whole lot more enforcement than we are doing consultation even to that up. I am trying to take part of what we are doing this year and putting it in there.

They say: Whoa, rather than do that, take another $33 million and stick it in there and try to make a real commitment to safety. Let me tell you what that would show. It would show my stupidity on management. We are doing a drastic increase on that budget. We are expecting them to take a huge increase of funds, find the people, train the people and put them out there doing enforcement.

I have faith in the people who are in that Department, and I believe they can do that, but they have a better chance of being able to train the people but also to get effective use out of them by putting half the money into consultation so half the people being trained are going to go out there and answer questions.

They are going to be the good guys. They are going to be the ones who say: I know you do not understand these 1,200 pages, but just let me go through your business, show you what is wrong and, by golly, you fix it. If you fix it, you have no problem. If you don’t fix it, my name is going to be on your tail; this other 50 percent of the money is going to be on you. There is a limit to how much increase you can do in a given year.

There is a room for training improvement. We have worked at what kind of training there is. I have also looked at the number of inspections that are being done by the people who are there. I am not sure there is enough management over the inspections that are being done.

My colleague from Minnesota mentioned that out of those very bad employers, they were only able to inspect 3,000. That is terrible. That is rotten. That is not the way it is supposed to happen.

We have 2,500 Federal inspectors. They are not doing the State-plan States. They are only doing the Federal inspections. If they did one more inspection in the same time looking at the bad employers and finding those bad problems.

It takes more than a few months to train the people, and you cannot do it if you have thousands coming into the workforce at one time.

There have to be some limits. This is a reasonable approach to being sure there is an increase in enforcement, and it is accompanied by an increase in consultation.

If you look at the numbers of people who are waiting out there in non-State plan States—the State-plan States are doing pretty good on this, the ones that have said they will do the work themselves. They are doing pretty good. The non-State-plan States are having a terrible time getting to the back log on consultations. So we need some consultation money.

I have a bill that may be the wrong approach to doing safety. I put a lot of hours into it. I sat down with everybody individually, and I talked to them about it. It is the SAFE Act, and it calls for hiring some private consultation. I have run into opposition on that. What I have heard in the way of opposition is: You cannot let the businesses hire people to do inspections. Even though those inspections would result in things being found, things stopped, things improved, you cannot do it that way. It has to be done federally or that there be some kind of a mechanism for the Federal Government to have the inspectors involved.

So I have listened. I have said OK. Under this program, the Federal Government hires the Federal inspectors. The Federal Government hires the consultation people; it is the Federal Government that is coming in to do these consultations—totally independent, totally under the direction of OSHA.

I have been trying to listen to what is being said on all of this. This is one of the solutions that can be provided. I hope you will support increasing the funds to OSHA. I know that is a tough stand for a lot of people over here, but I want you to do that. I want you to increase the amount of money, let that be going to the enforcement of OSHA, but at the same time what I want you to do is take half of that money and assure that it is going to consultation.

As I said before, there is no way we can assure that it is going to consultation. OSHA has its own budget, even though it is under a line item, there is not much of a way, even with oversight, to see if those people...
Mr. SPECTER addressed the Chair.  The PRESIDING OFFICER, the Senator from Pennsylvania.

Mr. SPECTER. Just a few comments about the merits of the pending amendment; then I will move on to a unanimous consent request.

I believe that in the bill, as it is currently drafted, there is an appropriate balance between consultation and enforcement. I agree with the Senator from Wyoming that this consultation process is very important, and there are many places where consultation will work. I think there are some areas where enforcement is necessary.

I saw in my line of work as district attorney of Philadelphia, under somewhat different circumstances, what enforcement does and what deterrence does and what the prospects of penalties may do.

We have crafted this bill as carefully as we can. I think it has about the right mix, although I welcome the suggestion from the Senator from Wyoming and the spirited debate which we have had.

As I take a look at the figures, in the period from 1995 to 1999, the enforcement funding falls $3 million this year below the 1995 level; $145 million to $142 million.

By contrast, in the same period, fiscal year 1995 to fiscal year 2000, OSHA's consultation program has grown from $31.5 million to almost $41 million; an increase of about 30 percent.

Even at the level that we have here, there are 7 million workplaces in the United States but only about 2,300 OSHA inspectors. Of the 12,500 most dangerous workplaces in the Nation, OSHA is able to inspect only about 3,000 a year; so 9,500 will not be inspected. The enforcement shows that there is an average decline of some 22 percent in the 3 years following inspections.

So when I take a look at the entire picture, I think we have it about right in the current bill.

Therefore, I move to table the second-degree amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second?

Mr. SPECTER. Mr. President, I am now going to propound a unanimous consent request on the pending matter.

I have been asked to pause for a minute so that other Senators may consider the unanimous-consent agreement.

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What we propose to do by way of schedule today to move ahead is to set the vote aside, then move to an amendment by Senator Graham of Florida. I hope we can work out a time agreement on that which is not yet agreed to. Then we would go to an amendment by Senator Bond for 20 minutes, equally divided, and then come back, perhaps, to Senator Gregg, and then move to an amendment which may be contentious on ergonomics, to be offered by Senators Bond and Nickles. We would plan to have the votes before the ergonomics amendment, which may take some considerable time and move into the evening.

We are still working as fast as we can through a long list of amendments to try to see when we can bring this bill to a conclusion at the earliest moment.

May I inquire of the Senator from Minnesota if he is prepared for me to propound the unanimous consent request?

Mr. WELLSTONE. I say to my colleague from Pennsylvania, we are looking at it right now. If we can have another moment, we will be ready to respond.

Mr. SPECTER. Mr. President, I ask consent that a vote occur on or in relation to the pending second-degree amendment after 15 minutes of debate to be equally divided in the usual form, and if a motion to table is made and denied, then the Senate immediately proceed to a vote on the pending second-degree amendment.

I further ask consent that following the disposition of the second-degree amendment, only if agreed to, Senator Wellstone be recognized to offer a second-degree amendment under the same terms as outlined above.

Finally, I ask consent that following the disposition of the first second-degree amendment, if tabled, the first-degree amendment be withdrawn.

I further ask consent that if the second-second-degree amendment is offered, following its disposition, the Senate proceed to vote on the first-second-degree amendment, as amended, if amended, without any intervening action, motion, or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. I think that is a miraculous arrangement, and I hardly understand much of what I just read, although it was carefully drafted and I am sure will provide a roadmap to the future.

I ask unanimous consent that we now proceed to the amendment offered by the Senator from Florida, Mr. Graham. I inquire of Senator Graham if he will be prepared to enter into a time agreement.

Mr. GRAHAM. Mr. President, I appreciate the courtesy of moving forward with this amendment to raise some very fundamental issues not only for a major social program but also for the relationship between the Federal Government and the States and the relationship between the appropriations process and the committees that have jurisdiction for authorization and the administration of the mandatory spending program.

I do not believe at this time I can indicate how long it will take to fully articulate those issues to have the kind of debate which this amendment clearly justifies.

Mr. SPECTER. Might I suggest an hour for the Senator's position and a
half hour for this side or perhaps even an hour and a half for the Senator’s position and a half hour for this side. I am anxious to try to get some parameters so we know what to do with the remainder of the amendments and voting.

Mr. GRAHAM. I suggest, in deference to the effective use of time, it would be preferable if we got started with this amendment and then saw, as we were into it, what might be a reasonable time.

Mr. SPECTER. Mr. President, I ask consent to yield back the time on the Enzi amendment and ask that the amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

AMENDMENT NO. 1821
(Purpose: To restore funding for social services block grants)

Mr. GRAHAM. Mr. President, I ask that amendment No. 1821 be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Florida (Mr. GRAHAM), for himself, Mr. WELLSTONE, and Mr. ROCKEFELLER, proposes an amendment numbered 1821.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title II, add the following:

SOCIAL SERVICES BLOCK GRANT

SEC. 2001. Notwithstanding any other provision of this title, the amount appropriated under this title for making grants pursuant to section 1397a of title 42, United States Code, shall be increased to $2,380,000,000; Provided, That (1) $1,380,000,000 of which shall become available on October 1, 2000, and (2) notwithstanding any other provision of this title, the amount specified for allocation under subsections (a) and (c) of section 1397a of title 42, United States Code, for fiscal year 2000 shall be $2,380,000,000.

Mr. GRAHAM. Mr. President, this amendment, in which I am joined by Senators WELLSTONE, ROCKEFELLER, and DODD, will have the effect of reversing a decision made by the appropriations subcommittee to cut by more than 50 percent the funding in title 20 of the Social Security Act for social services block grants.

This amendment will restore the program levels that were authorized by the Finance Committee, which is $2,38 billion. This program, title 20 of Social Security, allocates funds to the States in block grant form, allowing them to provide services to vulnerable, low-income children and elderly, disabled people. The purpose of this program is to assist in maintaining the well-being of those Americans who, but for these types of services, might become direct, individual recipients of Social Security funds, whether they fall into a chronic disability because of their circumstances in terms of losing the support of an adult, or because of the aging process.

I can tell the Senate, as a former Governor of Florida, the State which has the highest percentage of persons over 65 in the Nation, and now, as a member of the Finance Committee, which has responsibility for the authorization of this program, I am aware of the positive impact that this program has made to the well-being of millions of Americans and to the fiscal well-being of the Social Security program. I am particularly concerned about the draconian cuts that have occurred that they have been made with almost no discussion or attention to the very serious policy implications.

My Finance Committee colleagues and I, joined by colleagues from the House Ways and Means Committee, have agreed that this program should be funded at the level of $2.38 billion for the fiscal year 2000. In fact, the two committees of responsibility, the Senate Finance Committee and the House Ways and Means Committee, made a commitment to the States that the social services block grant would be guaranteed at the level of $2.38 billion until welfare reform is reauthorized in the year 2000.

However, the Senate appropriators, rather than simply appropriating the statutory funding level for the fiscal year 2000 at $2.38 billion, have slashed the social services block grant to $1.05 billion for the fiscal year 2000. This harsh, unauthorized reduction would be on top of a 15-percent reduction made to title 20 in the 1996 welfare law.

These enormous reductions will have adverse consequences for substantial numbers of frail elderly persons, disabled individuals, and children and their families. In my State of Florida, critical programs will be at serious risk if these cuts are made.

For example, these reductions will affect services that protect children from abuse and that enable poor, elderly and disabled persons to remain in their homes rather than being placed prematurely in nursing homes or other institutions.

Our State was one of the first to start a program called Community Care for the elderly, begun over 20 years ago. It had as its objective to allow older Americans to live the life they wanted to live, a life of independence in their homes, in their communities, not to be forced prematurely into institutions. That program was funded both by State funds and by the use of some of these social service block grant programs. That program has had not only enormous positive benefits in terms of the quality of life of the beneficiaries—and, I might say, has now become a program that has been identified for substantial expansion by our current Governor, Governor Bush—but it also has been a program that has saved both Medicare and Medicaid dollars by allowing us to maintain the best possible state of health for many frail elderly and avoiding the extreme costs that are entailed when an individual has to be placed in a nursing home.

We heard at a luncheon earlier today from a program that has shown great promise in terms of providing a successful educational environment for the young stages of development. The primary keystones of that success is appropriate early intervention with children before they become public school students, while they are still in the infant and toddler ages, if they have physical or other disabilities begin to deal with them at the earliest stages, to give them an appropriate learning environment in preschool.

Again, those are precisely the programs that are funded through title 20 of the Social Security Act. Those are precisely the programs that are going to be eviscerated if we adopt this budget with this over 50-percent cut.

To add to all of that, I direct the attention of the Senate to page 212 of the conference report, which has been issued on the Labor-HHS appropriations bill. In that conference report, there is an explanation of why this cut is being recommended. The report states:

The committee recommends an appropriations of $1.50 billion for the Social Services Block Grant. The recommendation is $1.330 billion below the budget request (read the recommendation of the House Ways and Means Committee and the Senate Finance Committee) and $859 million below the 1999 enacted level. The committee has reduced funding for the block grant because of extremely tight budget constraints.

I would like for the Presiding Officer and my colleagues to listen to this particular part.

The committee believes that the States can supplement the block grant account with funds received through the recent settlements with the tobacco companies.

So the subcommittee’s rationale for this particular reduction is that the States can now be directed to use their tobacco settlement money in order to fund what previously had been a partnership of Federal-State funds for the frail elderly, for the disabled, and for children and their families.

Mr. President, I fervently object to this outrageous, irresponsible and, I would say, nonsensical rationale.

As you will recall, this spring we had a fervent debate about the question of whether the Federal Government should reach in and mandate how all or a portion of the States’ tobacco settlement money in order to fund what previously had been a partnership of Federal-State funds for the frail elderly, for the disabled, and for children and their families.

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were faced with the threat that the Federal Government would want to play big father and tell them how to spend their money.

It was only in March of this year that the Senate overwhelmingly by a margin of approximately 71 to 29 defeated an amendment that would have required the States to spend part of their tobacco settlement according to a Federal list of priorities. In June, the entire Congress voted for the Federal Government to stand back, to keep its hands off the settlement, which the States had with such effort and commitment achieved; that the Federal Government was saying to the State: We respect you, and we put our confidence in your decisions as to how to spend this money.

Now we have a few months later this language saying that it is one of the most important social programs we in Washington are going to effectively, by withdrawing Federal funds, direct how the States are going to spend their tobacco settlement.

It is outrageous.

The commitment that we made for hands off was a binding commitment, just as our commitment to fund the title XX.
could serve as an example of what will happen when a program is block grant-
ed. In the eleventh hour of last year’s budget debate, a budget bind had devel-
oped and the means of escaping from that bind was to use title XX funds, if
you could secure a transfer of TANF funds. Today, we are again sacrific-
ing the same social services block grant on the altar of budgetary expen-
dency.

This year it is not highway funds but let’s tell the States how to spend their
tobacco settlement, these experiences should serve as a big red flag as we struc-
ture our social services funding. Thus far, we seem willing to use Meals
on Wheels’ funds to continue the illusion we are not breaking the budget
caps. Will we ever fund the census from money’s from our children’s edu-
cational future? If the answer to this question is yes, can similar cuts to So-
cial Security and Medicare and other social programs critical to the well-
being of millions of Americans be far behind?

The implications of this action this afternoon are ominous. They are od-
ious. We have the opportunity to avoid them.

EXHIBIT 1

INTergOVERNMENTAL RELATIONS

Hon. Bob Graham,
Senator, Washington, DC.

DEAR SENATOR GRAHAM: I am writing to you on behalf of the Wisconsin Counties As-

sociation (WCA) to express our strong sup-
pport for your amendment to the Labor-HHS Appropriations bill to transfer funds to the Social Services Block Grant (Title XX).
Funding the Title XX program at its author-
ized level of $2.38 billion is critically impor-
tant to Wisconsin’s counties.

In addition, WCA urges you to retain cur-
rent law provisions that allow states to trans-
fer up to 10 percent of their TANF block grants into Title XX.
As you know, the SSBG program has been cut three times in the past three years, to-
taling over $18 million in TANF funds. With current funding down to $1.9 billion for FY 1999, Wisconsin has experienced a de-
crease in funding of over $7.6 million for this year, with the state’s counties bearing the brunt of these significant cuts.
In Wisconsin, it is the state’s counties that provide critical social services to vulnerable populations such as supportive home care and community living and support services for elderly and disabled adults and children. Wisconsin’s counties utilize SSBG dol-
ars to provide a wide range of other ser-

vices, including drug and alcohol abuse treat-
ment, temporary shelter service for home-
less families, and intervention services.

In addition, Wisconsin is currently trans-
ferring the full 10 percent of its TANF block
grant, nearly $32 million, to fund Title XX
services. If the current 10 percent trans-
ferability level is reduced to the proposed 4.25
percent, Wisconsin would lose the ability to transfer over $13 million in TANF funds.

Again, Milwaukee County strongly sup-
ports the retention of SSBG funds to restore full funding for the SSBG. Thank you in advance for your active support of Title XX.

Sincerely,
JOE KRAHN,
Milwaukee County
Washington Representative.

Wisconsin Counties Association,
Monona, WI, September 30, 1999.
Hon. Bob Graham,
Washington, DC.

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SSBG is also an important source of sup-
port for Child Care.

OLDER ADULTS

SSBG is essential for keeping older adults independent and out of institutions.
In 1997, an estimated 318 million was used for adult day care and home-based services.

Generations United is the only national or-
ganization that promotes comprehensive policies, programs, and strategies. We rep-
resent more than 100 national organizations and millions of individuals who support rec-
iprocal relations between the two generations.

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DEAR SENATOR: The National Network for Youth is a 24 year-old member-
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vancing its mission to ensure that young people can be safe and grow up to lead healthy and productive lives. Representing hundreds of non-profit, community-based youth-serving organizations, youth workers and young people from around the nation, the National Network for Youth un-
covers the harm suffered by youth who are neither in school nor in work. We urge you to fund Title XX, the Social Service Block Grant at its fully authorized level of $2.38 billion.

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Sincerely,
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NATIONAL NETWORK FOR YOUTH,
Block Grant could weaken those services critical to the aid of vulnerable youth and other at-risk populations. The National Network for Youth urges Congress to support the amendment offered by Sens. Graham, Wellstone, and Rockefeller to restore funding for the Social Security Block Grant in FY2000.

Sincerely,
Della M. Hughes, Executive Director
Miriam A. Rollin, Director of Public Policy
CALIFORNIA STATE ASSOCIATION OF COUNTIES, Sacramento, CA, September 30, 1999.

Hon. Bob Graham,
Washington, DC.

Dear Senator Graham: I am writing to you on behalf of the California State Association of Counties (CSAC) to express our strong support for your amendment to the Labor-HHS Appropriations bill to restore funding to the Social Services Block Grant (Title XX). Funding the Title XX program at its authorized level of $2.38 billion is critically important to California’s counties.

In addition, CSAC urges you to retain current law provisions that allow states to transfer up to 10 percent of their TANF block grants into Title XX.

The SSBG is a major source of human service funding for California, and repeated federal cuts and caps for vulnerable populations. Our state is one of the largest recipients of SSBG funds, and due to last year’s $471 million reduction in the block grant, California lost over $56 million in funding. Two of the major services California funds with SSBG are In-Home Supportive Services (IHSS) at $186.2 million, and Developmental Disability Services for kids in CWS at $111 million.

The SSBG is a cost-effective program that has been slashed by close to one billion dollars over the past five years. The SSBG funds services that allow people to remain in their homes, a much more desirable solution than the costly alternative of institutionalization. According to IHSS data, in FY 1997 the SSBG funded home-based services that allowed over 60,000 elderly Californians to remain in the community. Overall, the SSBG funded services for 1,665,349 Californians, including 191,000 disabled and 87,195 elderly that same year. In addition, in 1998, California transferred $183 million from TANF to the SSBG to fund child care services.

Again, CSAC strong supports your efforts to restore full funding for the SSBG. Thank you in advance for your active support to Title XX.

Sincerely,
Jerry Krahn, CSAC Washington Representative.

DEAR SENATOR GRAHAM: I am writing to you on behalf of the American Humane Association (AHA) to express our strong support for your amendment to fund Title XX, the Social Service Block Grant at its present entitlement level of $2.38 billion for the FY 2000 budget. Title XX is one of the few programs that support our in- come working families. This block grant has also been a significant funding source for programs that protect abused and neglected children.

Founded in 1877, the American Humane Association (AHA) is a national association of child welfare professionals, public and private child welfare agencies, medical and mental health professionals, as well as educators, researchers, judicial and law enforcement professionals and child advocates. AHA’s Children’s Division continues to be a voice dedicated to the protection of children.

AHA strongly believes that Title XX serves to protect the rights of vulnerable populations. This block grant allows states the flexibility to provide much needed services for vulnerable children and families in near crisis situations and to support reform in state foster care systems.

AHA is pleased that the Clinton administration has requested restoration of this vital program to the full entitlement level for the next fiscal year. We believe that this proposed funding level is a formal recognition by the administration of the vital importance of this block grant and we hope you will endorse this recommendation. We do, however, continue to hold great concerns with regard to the administration’s proposal to reduce the states’ ability to transfer funds from TANF into Title XX to no more than 4.25 percent. We would like to work closely with you, as well as the administration, to ensure that state flexibility is retained.

By helping to keep people in the community, the Social Services Block Grant actually saves the federal government and the nation’s taxpayers the cost of expensive institutional care. Therefore, we strongly urge you to fund the Social Services block Grant at its fully authorized level of $2.38 billion.

Thank you for your hard work and attention to this issue. If you have any questions or concerns, please do not hesitate to contact us at (202) 543-7780.

Sincerely,
Adele Douglass, Director, Washington DC Office.

AMENDMENT NO. 1886 TO AMENDMENT NO. 1821
(Purpose: To restore funding for social services, on a priority basis I propose an amendment numbered 1821 to amendment No. 1831)

Mr. GRAHAM. I send to the desk a second-degree amendment to the amendment currently pending.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Florida (Mr. GRAHAM), for himself, Mr. WELLSTONE, Mr. ROCKEFELLER, Mr. DODD, and Mr. KENNEDY, proposes an amendment numbered 1821 to amendment No. 1831.

Mr. GRAHAM. I ask unanimous consent of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Strike all after the first word and insert the following:

“Notwithstanding any other provision of this title, the amount appropriated under this title for making grants pursuant to section 2002 of the Social Security Act (42 U.S.C. 1397a) shall be increased to $3,380,000,000: Provided, That (1) $1,330,000,000 of which shall become available on October 1, 2000, and (2) notwithstanding any other provision of this title, the amount specified for allocation under section 2003(c) of such Act for fiscal year 2001 shall be $3,380,000,000.”

Mr. WELLSTONE. Mr. President, I ask unanimous consent I be able to follow the Senator from Pennsylvania.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECKER. Mr. President, in listening to the arguments by the Senator from Florida I can understand his interest in adding funds to what the committee mark is. I have no disagreement with the importance of the funds which are at issue.

I am constrained to oppose the amendment because in constructing this overall bill for $91.7 billion, in collaboration with the ranking Democrat on the subcommittee, we have jugged some 300 programs. If we are going to add a very substantial amount of additional funding to education, which we have some $2.3 billion over last year, and if we are to add $2 billion for the National Institutes of Health, I have to have an initiative against juvenile violence, it is a matter of the allocation of priorities.

The comment has been made about the use of the tobacco funds. Those are very substantial sums of money, some $203 billion over a number of years.

I fought on the Senate floor to try to bring some of those tobacco funds to the Federal Government so we would have more moneys available. It is an opportunity—states are the recipients of so much of that funding, that some of it be used where other Federal funds had been made available. This is another illustration, along with the request for additional funding for after school, $200 million more, or for class size, for the Corporation for Public Broadcasting—all of those are items which, under normal circumstances, I would say are very good programs, they are very good priorities, we would like to them. But when it comes to assessing priorities, it is my sense, after working through very carefully with staff and then with the Democratic staff, the full subcommittee and the full committee, that this is an appropriate assessment of priorities.

Therefore, even though I have sympathy for what the Senator from Florida has had to say and think these are good programs, on a priority basis I have to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I am pleased to join with the Senator from Florida, Mr. Graham, on his amendment.

I want to respond to my colleague from Pennsylvania. I will start out with Minnesota, and then I will go to the country at large. Actually, in Minnesota for many reasons I will explain, these social service programs and funding are passed directly to counties. The State cannot replace the money with tobacco money or anything else, and certainly not for next year, which is a bonding legislature. But as you and beyond that, in any case, the tobacco money has already been spent for other programs.

The point is, we do not know what will happen. This is what my colleague concluded. We do not know what will happen with these programs that are so important to people who are vulnerable people, elderly people, people with disabilities. To cut the social service programs by 50 percent and then say...
States have tobacco money so we will count on them to do it is an abandonment of our commitment. It is an abandonment of our commitment.

What we have done is cut the social services block grant program by more than $1 billion, which every one of them has done—and I am pleased to join him in this amendment—is to restore the funding to the full formula amount of $2.38 billion. We are talking about programs that are so important to the lives of the most vulnerable citizens in our country: The elderly, the very young, the poor, and the disabled.

The question is, What is this SSBG fund? Are we talking about something important?

Yes, we are talking about something important, if you think adoption services, congregate meals, counseling services, child abuse and neglect services, day care, education and training services, employment services, family planning services, foster care services, home-delivered meals, housing services, independent and transitional living services, legal services, pregnancy and parenting services, residential treatment services, services for at-risk youth, and special services for families for which transitional services are important. If we think these services are important, then how in the world can we cut this funding by 50 percent?

I recall my colleague from Pennsylvania. He has done the very best, given the budget caps under which he has worked. But I do not believe a good argument against the amendment we have introduced is: Well, there is tobacco money out there and the States can use that money.

Some States do not have that money to use. Some States can’t use that money. In any case, whatever happened to our commitment at the Federal level to try to fund some services that would help the most vulnerable citizens in our country? That is my question.

Let me talk a little about some of these programs and then go further with the argument I want to make. Let me take Meals on Wheels. Why do we not think about this in personal terms? I think, I say to Senator GRAHAM, we are going to get support for this amendment. I believe we can pass this amendment. Are Senators going to vote for the budget reduction did Wheels program? That is a program for people, many of them elderly, many of them disabled. Both my parents, for example, had Parkinson’s disease. They might not even be able to get to a nursing home placement if her agency becomes institutionalized care without SSBG funds.

She gave me the example of the child who might have to go into an out-of-home placement if her agency becomes institutionalized care without SSBG funds.

If we are talking about counseling services for parents and for children at risk, what in the world are we doing cutting those services? Marien told me that in Sibley County, MN, a rural county, who whom I talked.

Let me talk about something important, if you think adoption services, congregate meals, counseling services, child abuse and neglect services, day care, education and training services, employment services, family planning services, foster care services, home-delivered meals, housing services, independent and transitional living services, legal services, pregnancy and parenting services, residential treatment services, services for at-risk youth, and special services for families for which transitional services are important. If we think these services are important, then how in the world can we cut this funding by 50 percent?

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Let me point out what we are doing. All too often we say SSBG and people do not know what we are talking about. And we throw the money around: increase $1.2 billion, subtract $1.3 billion. I will translate it into personal services. Here is an example of one of many counties—I could take hours on this—where we use this money to provide transportation. Sometimes it is smaller, a dial-a-bus so an elderly person can go to the doctor, people can go to the grocery store, they can go to congregate dining, they
The core question for us to address, the issue for us to debate, is whether or not the States have a tremendous amount of leeway in how they use their SSBG funds, and this is one program in which they are able to try to develop innovative and creative programs to help the poor and needy (people with incomes up to 200 percent of the poverty line are eligible for SSBG funds). Title XX only specifies that the money be used to help people achieve and maintain economic self-support and self-sufficiency to preventconstituting welfare reform to the states on the premise that they would have the flexibility to administer their own social service programs. But as the National Conference of State Legislatures point out, these cuts do not fall back on, and these Federal level program cuts will be reflected immediately in local level cuts; in other words, right there in the counties where the people live. It would mean substantial reductions or perhaps even the elimination of local Minnesota programs.

So when I come to the floor and speak about this with some sense of urgency, it is because we could lose senior congregate dining. We could lose Meals on Wheels. We could lose a host of other local community-based programs that are so important to our citizens. It would also mean cuts in health and substance abuse programs. Minnesota is one of only seven States in the country that fully try title XX grants than its SAMHSA grant to fund mental health services. We are going to see draconian cuts in mental health services as well.

Furthermore, next year, in my State it will be time to take on the “legislature,” one in which they will not be able to consider policy issues. So the Minnesota Legislature is not going to be able—I think my colleague from Florida was alluding to this in other States—to take up any legislation to change the law governing the flow of SSBG funds in 2001.

I will tell you, I give the example of Minnesota because this is one hugely important issue in my State. But I also want to say to my colleagues that Senator GRAHAM has done a good job of talking about how this is going to affect all of the States. In a report that was put out yesterday, the Center on Budget and Policy Priorities explained that the Senate Labor-HHS appropriations bill becomes law, SSBG funding will have been cut 87 percent since 1977 in inflation-adjusted terms—87 percent. An SSBG cut of the magnitude proposed in this bill will substantially reduce our State’s ability to provide services to vulnerable children, to elderly, and disabled people.

This amendment, that I am proud to cosponsor with Senator GRAHAM, is an effort to say to the Senate that we have to do the right thing and that we must restore full funding for the title XX social services block grant program.

I will wait to hear if there is debate on the other side. I have many more examples to present from many counties in my State, both rural and urban. But I will repeat it one more time. As far as I am concerned, the fundamental core question for us to address, the issue for us to debate, is whether or not we in the Senate want to cut the social services programs that are so important to the most vulnerable citizens in our States—important to elderly people so they can have transportation and not be so isolated; important to people like my parents, who are no longer alive, so someone can come to their apartment and help them live at home when they have a disabiling disease; important to a family where the single parent is working and we want to make sure there is affordable child care; important to the person with disabilities so he or she can live at home with dignity; important for people who are not well enough and cannot even physically be able to get a congregate dining, who need Meals on Wheels, so someone can come and deliver them a nutritious meal.

By the way, the Meals on Wheels program is inadequately funded right now. We cannot cut these critically important programs and services that make life better for vulnerable citizens in our country. We cannot do this.

The State have a tremendous amount of leeway in how they use their SSBG funds, and this is one program in which they are able to try to develop innovative and creative programs to help the poor and needy (people with incomes up to 200 percent of the poverty line are eligible for SSBG funds). Title XX only specifies that the money be used to help people achieve and maintain economic self-support and self-sufficiency to prevent, reduce, or eliminate dependence. The law also allows the money to be used for services that prevent or remedy neglect and abuse, and to prevent or reduce unnecessary institutional care by providing community-based or home-based non-institutional care. I use this money to care for people who would otherwise slip through the cracks; these funds are critical for the well-being of the most vulnerable people among us—the elderly and the very young, the poor, and the disabled. These are people who most need our help, and we should not be slashing the very money that is most likely to serve them.

The Title XX of the Social Security Act specifies that $2.38 billion is to be provided to the States for fiscal year 2000. The Senate Labor-HHS appropriations bill, though, slashes funding for this block grant to only $1.05 billion. This cut comes on top of a 15 percent cut to the block grant made as part of the 1996 welfare reform law, a cut that the States reluctantly accepted only with a commitment from Congress that we would provide stable funding for the block grant in the future. I am pretty sure that a 50-percent cut doesn’t qualify as stable funding by anyone’s definition.

And what kind of a message do we send to the States when we talk about cutting this block grant? Congress sold welfare reform to the States on the promise that they would have the flexibility to administer their own social service programs. But as the National Conference of State Legislatures point out, these cuts do not fall back on, and these Federal level program cuts will be reflected immediately in local level cuts; in other words, right there in the counties where the people live. It would mean substantial reductions or perhaps even the elimination of local Minnesota programs.

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administering social programs." SSBG funds are used by the states to provide services for needy individuals and families not eligible for TANF, and to reduce federal Medicaid payments by helping vulnerable elderly and disabled live in their homes rather than in institutions. States also use SSBG funds for child care services and other support for families moving from welfare to work. When Congress proposes slashing these funds, we send a clear, and I believe extremely damaging, message to those who we are telling them not to invest in these kinds of social support programs, because they just can't count on the money being there.

But let's just say for a minute that we do go back on our word and break our commitment to the States—so what? What exactly does SSBG fund? Anything important?

Only if you think adoption services, congregate meals, counselling services, child neglect services, day care, education and training services, employment services, family planning services, foster care services, home delivered meals, housing services, independent and transitional living services, pregnancy and parenting services, respite services, residential treatment services, services for at-risk youth and families, special services for the disabled, and transportation services are important. All of these programs are funded in part at least, through the SSBG.

According to the Title XX Coalition, in fiscal year 1997, more than 1.1 million elderly people and over 740,000 people with disabilities benefited from SSBG. State and local prevention and treatment services reached over 2.3 million children and their families. The SSBG also reached 1.5 million individuals and families by supporting their physical and mental well-being, and by helping them overcome barriers to employment and economic self-sufficiency. And child care-related services were provided to over 2.3 million children through SSBG.

In my home State of Minnesota, SSBG funds are used in some counties to augment child care for low-income single women and families. Even with these additional funds, there are currently huge waiting lists for subsidized day care in most counties. If we further cut these funds, these early childhood education programs are going to have to reduce or eliminate services that they provide. And when a single mom who has just gotten off welfare and is trying to make ends meet while she starts working at her new job, loses the subsidization that she counts on, what do you think is going to happen? Which do you think is more likely—she'll be able to afford to pay for day care herself, or that she'll be forced to go back onto welfare?

Many Minnesota counties use SSBG money for home care services for the elderly. These counties use SSBG funds to pay for a care giver to go into a vulnerable elderly person's home and help them with basic “home chore” services like taking their medicine on time and in the right doses, keeping their home clean and safe, taking a bath, or making sure there is food in the refrigerator. Simple services, but they often mean the difference between allowing someone to stay in their own home or being forced into an institution. If SSBG funds are cut, vulnerable elderly are likely to lose the visiting home help—nurse or case management person, which might then force them into a nursing home or an assisted living situation that would, in the end, cost much more money.

I was speaking with Marien Brandt, the Human Services Director in Sibley County, Minnesota, who told me that her county spends SSBG funds primarily to serve vulnerable populations to keep them from entering into other funding programs, and she suggested that many of the people her agency serves would be forced into institutionalized care without SSBG funds. Marien gave me the example of the child who might have to go into an out-of-home placement if her agency becomes unable to provide counseling services that help the child’s parent learn to adequately care for and protect the vulnerable adult. They help with SSBG money tend to be elderly, seniors or disabled people, who get home care services—someone to come in to help them clean their home and maintain a safe environment, but not necessarily to see that they take the right amount of medicine when they are supposed to. Sometimes these people are not eligible for medical assistance, so there is not another source of funding available to help them continue to live in the community. What will happen if SSBG funds are cut is that they will wind up having to go into a nursing home in order to qualify for funds to pay for their care.

Marien told me that in Sibley County, SSBG money is also used, especially in rural areas, to fund transportation for elderly and disabled, so they can access services like doctors, getting groceries, and just simply so they are not so isolated in their home (a ride to the senior center, perhaps). There is no other funding source that will pay for this. For disabled people who are just over eligibility guidelines for medical assistance, SSBG money is used to help meet their needs—managing medication, transportation, and community based services like training and counseling.

The way Marien explained it to me, her county tells the SSBG money to pay for services for people who otherwise fall through the cracks. They count on this money to provide simple, basic services that keep the most vulnerable among us in their homes and out of much more costly institutions.

Sue Beck, the Director of Human Services in Crow Wing County, Minnesota, told me a similar story. She explained that her county also counts on SSBG funds to make sure that vulnerable populations, the elderly, the disabled, children, and poor people, have the services they need to live economically, self-sufficient lives. Over the past several years, due to SSBG cuts that have already been imposed, her county has had to cut back services in transportation and “chore services” for disabled and elderly people who are just a step or two away from needing support—like helping with things like helping with snow or grocery shopping. They use SSBG money currently to augment their employability budget—to provide supported employment, and community based employment for people who other wise might not be able to compete successfully in the job market. All of this is at risk when we talk about cutting SSBG in half.

Dave Haley, from the Ramsey County Department of Human Services, also told me about SSBG money. The first example he gave me was that of a typical family of a single mother who has three young children. The oldest child, a 7-year-old boy, has missed a significant number of school days. The mother has multiple problems with chemical dependency and involved in a violent relationship with her boyfriend. The mother cannot make sure that the child gets up every day on time, and is promptly fed and dressed for school. The family does not have a car or other personal means of transportation. Through programs partially funded with SSBG money, the County is able to provide support to the mother to resolve her chemical dependence problems and domestic abuse. Services ensure that the seven-year-old is attending school on a regular basis and the boy is beginning to make academic progress.

There are over 2,000 young children in Ramsey County currently in this situation. Ramsey County and local school districts have been able to develop a very active program to address these educational neglect issues and insure that children attend school on a consistent basis. They will be forced to scale back this effort, though, if SSBG funds are cut by more than 50 percent.

Another example that Dave gave me is that of a 30-year-old woman that is living in her own apartment in her community. She has a son, and both of them have a similar individual with moderate mental health needs who would have been placed in a state hospital miles from their family home. Over the last three decades, needed supports have been developed, including programs to monitor and assist individuals in managing their medications, checking on their money management and assisting when necessary with proper budgeting, teaching needed independent living skills, and employment support to help them into the job market. Without periodic weekly checks, the individual would have great difficulty managing their daily life, and might be forced
into an institutionalized living situation.

The system that has developed over the last three decades has not only improved the lives of hundreds of people in Ramsey County, it has also enabled the state and local government to save thousands of dollars in more expensive institutional care.

Currently, Ramsey County receives $5 million in SSBG funding. If this were reduced by half, it would affect far more than I have briefed men- tioned. SSBG money also supports chemical dependency prevention efforts, homemaker and other support services for seniors to prevent nursing home placement, and support efforts for families with a child with development- mental disabilities to enable the family to stay together and avoid or delay out of home placement, to name only a few. If these funds are not restored, all of these programs, and all of the people they serve, will suffer.

So you tell me, which of these programs deserves to go, because something is going to have to if this provi- sion passes. Who do you think we should turn away? Maybe low-income families with children, or perhaps the elderly or the homeless. What difference does it make if someone goes to bed hungry, or homeless, or just plain sad, that they won’t make it through tomorrow? We have a budget cap to maintain, after all. And that is what this Congress has defined as really important here, right? Not helping our constituents, or keeping our commit- ments to the States, because I cer- tainly don’t see how anyone in Con- gress could argue differently when I see an effort like this to eliminate one-half of the SSBG funding.

In my own State of Minnesota, these cuts will have an immediate and deeply felt effect. Minnesota communities currently receive $4.6 million annually. If the in-spread cuts are enacted, Minnesota will lose $232.2 million in funding, receiving only $18.3 million in FY 2000.

Minnesota is unique among all the states, though, because, by law, SSBG funds bypass the governor and flow di- rectly to the local level. The state can- not touch the money—they can neither add nor subtract funds from the block grant. Minnesota law further requires local services programs to run balanced books. The only way that they can carry any budget surplus from one year to the next. So what that means is that if these cuts to the SSBG go through, the state will not be able to help offset any of the lost funds with funds from other sources. The local level programs will have no budget surpluses to fall back on, and these federal level cuts will be reflected immediately at the local level in program cuts. It would mean substantial reductions, or per- haps even the elimination of local Min- nesota programs like senior congregate dining, Meals on Wheels, and a host of other local community based pro- grams. It would also mean cuts in

health and substance abuse programs, as Minnesota is one of only seven states in the country that relies more heavily on its Title XX grant than its SAMHSA grant to fund mental health services. Furthermore, because next year will be a “bonding year,” one in which they will not be consid- ering policy issues, the Minnesota legis- lature will not be able to take up leg- islation to change the law governing the flow of SSBG funds until 2001. So don’t tell me that the state comes first. Minnesota nurturing and others may be saying to themselves, well that’s unfortu- nate for Minnesota, but in my home state we’ll be able to supplement the cuts with other money—maybe the money we got from the tobacco settle- ment, or perhaps we will just transfer money from our TANF surplus. First, let’s talk about the tobacco settle- ments: in some states, anti-smoking and other health needs will receive first priority for use of the settlement funds, not anticipated reductions in SSBG. States that have already enacted legislation committing the tobacco funds for other purposes. Okay, well, then if not the tobacco settle- ment funds, then maybe the TANF surplus funds. But right now, seven states—Delaware, Illinois, Indiana, Massachusetts, Missouri, Nevada, Or- egon—currently have no unobligated TANF surplus funds. And if the House gets its way, 3 billion dollars in TANF sur- pluses will be rescinded from the states. 12 states—Alabama, Connecticut, Kansas, Kentucky, Maine, Michigan, Nebraska, New Hampshire, North Carolina, North Dakota, Utah, and Vermont—who if they used every single cent of their re- maining TANF surplus still won’t have enough money to cover the lost SSBG funds. That’s a total of 19 States, more than a third of all states, that won’t have the social service funds available to offset the SSBG funding cuts pro- posed in this bill.

I have heard a letter from a group called “Fight Crime, Invest in Kids,” which is an organization made up of over 500 police chiefs, sheriffs, prosecu- tors, victims of violence, and violence prevention scholars, written in support of this amendment. They write to ex- plain that recent cuts in SSBG have short changed child care, child abuse prevention, removal and placement of abused children, drug treatment, and other critical crime prevention invest- ments.

As they point out in this letter, one of the Government’s most fundamental responsibilities is to protect the public safety. To meet that responsibility, Congress must close the crime-preven- tion gap—the gaping shortfall we ought to be making to help our Nation’s chil- dren get the right start.

The Graham-Wellstone amendment to restore funding to the SSBG would provide over $591 million to protect vulnerable families with children. SSBG monies also support the High Scope Foundation showed that early childhood care in 47 states. A study by the National Coalition for the Prevention of Child Abuse shows that the program can have an important crime prevention impact. The amendment would also provide $300 million to support child care in 47 states. A study by the High Scope Foundation showed that quality child care can dramatically re- duce the chances of children becoming criminals. It is clear that we must con- tinue to provide the funds for these programs, and we can only do that by restoring the title XX grant to its full formula amount.

In a report they put out yesterday, the Center on Budget and Policy Priorities explained that if the Senate Labor-HHS appropriations bill becomes law, SSBG funding will have been cut by 87 percent since 1977 in inflation-ad- justed terms. An SSBG cut of the mag- nitude proposed in this Senate bill will substantially reduce the States’ ability to provide services to vulnerable chil- dren, elderly, and disabled people. Please, do the right thing and restore the SSBG money. I am delighted to be a cosponsor of the Graham-Wellstone amendment to re- store full funding for the Title XX So- cial Services Block Grant.

If the Senate does not support this amendment, then, in my view, the Senate does not have a soul. If the Senate does not support this amendment, then, in my honest to God opinion, the Senate does not have a soul.

I yield the floor.
think it makes a significant contribution. I point out, in my State alone—I represent the most affluent State in America, something of which I am proud. I also tell you I am not so proud of the fact that the largest increase in child poverty in the country occurred in my State over the last several years—a 60-percent increase in child poverty.

So here is a small State, Connecticut, with 3.5 million people, enjoying prosperity and centered prosperity. Yet in the midst of this small State, we are also finding an unprecedented hardship on the part of a lot of people, particularly young people. One out of every five children in my State is growing up in poverty.

What the Senator from Florida and the Senator from Minnesota have offered is some relief for people in that category, to see to it that they might also enjoy the prosperity of our country.

Meals on Wheels, adult day care, foster care—there is a wide variety of other issues. But as my colleagues know, I have tried to focus my attention, particularly on children and their needs; and hence the amendment I will offer with Senator Jeffords in a moment on child care and afterschool care.

But I realize this amendment being offered by the Senator from Florida covers more than just children. For example, it covers adult day care. Three generations living under the same roof—we find that a more frequent occurrence in our society. The wonderful advances in medicine allow people to live longer, more fruitful lives, but it also creates generational burdens in many ways.

So this is not an unreasonable request for a nation of almost 280 million people to see to it that those who are the least well off—carrying some of the most significant burdens—can also share in the prosperity we are enjoying. That is what I think we would all like to think of when we talk about America: a nation where there is equal opportunity.

What this amendment does is create opportunity. It does not guarantee success, but it gives people a chance to maximize their potential. For those reasons, I strongly urge the adoption of the amendment, and again I am pleased to be a cosponsor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. I would like to reserve time to close. If there are any speakers in opposition to the amendment, I would defer to them and then I would like to close.

Mr. TOYSTERDELL. Mr. President, we are prepared to move to the close on behalf of the distinguished Senator from Florida.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. The arguments in favor of this amendment are numerous. The Federal Government made a commitment to the States as part of the welfare-to-work legislation that it would maintain funding for this program at the level of $2.38 billion each year. That commitment was made out of a recognition of the importance of the programs that are funded by Title XX of the Social Security Act toward achieving the results, the goals of welfare to work. We are about to breach that commitment—not just to breach it, we are about to obliterate that commitment.

Second, the proposal directs the States to spend a portion of their tobacco settlement to replace these Federal funds, the funds we have committed to make available to the States.

We have voted in this Senate on numerous occasions, by margins of 70 to 30 or more, against that specific proposition, against the attempt of the Federal Government to play big father and direct the States to how they should use their tobacco settlement money. Now, having beaten back the efforts at the front door, we see this effort coming in through the back door saying: Well, we are not going to tell you that you have to spend your money. We are just going to cut over half of a critical Federal partnership program with the States, a program we committed to as part of the States entering into the Welfare-to-Work Program. We are just going to suggest, by the way, you ought to spend your tobacco money to fund it. Outrageous.

Third, this is not just a matter of what is in our heart; this is also what is in our mind. The reason Congress adopted this program in 1975—which, if I recall, was under the administration of President Ford—was the recognition that expenditure of Federal funds on programs that kept older Americans out of nursing homes, expenditure of Federal funds on programs that alleviated the suffering and the potential for further suffering of the disabled, saved the Federal Government money, programs that kept families together, that helped children in need, saved the Federal Government money. With almost no consideration, we are about to turn the clock back on this accomplishment of President Ford and 25 years of demonstrated success of this program in both helping people and saving the Federal Government money.

Most important, we are about to pick out the most vulnerable people among us and say: It is upon your back that we are going to attempt to reduce the imbalance in our budget accounts. We are going to turn to the weakest to say: You should carry the fullest load. I don't want to just speak these closing remarks in my words. I will use the words of a few of the many organizations across America which, in the short period of time since the alert went out that this ridiculous action was even being considered by the most deliberative body in the world, have responded with their assessment of what this would mean. Let me mention a few of them.

The National Governors’ Association had this to say:

Over the past few years, the [social services block grant] has taken more than its proportion of cuts in federal funding. As part of the 1996 welfare reform deal, Congress made a commitment to Governors that the SSBG would be level funded at $2.38 billion each year. The Federal Government made a commitment to the States that this funding would be maintained. Now we are about to cut that funding by more than 50 percent, according to the National Governors’ Association.

The Fight Crime Invest in Kids Coalition, an organization that represents over 500 police chiefs, sheriffs, prosecutors, victims of violence, leaders of police organizations and violence prevention scholars, had this to say about the proposal:

The GRAHAM-WELSTONE amendment to restore funding of $2.38 billion for the Title XX Social Services Block Grant would:

Provide over $391 million to protect children from abuse and neglect. Since abused and neglected children are almost twice as likely to become chronic offenders, it is clear these services can have an important crime prevention impact.

Provide $300 million to support child care in 47 States. The High/Scope Foundation study showed that quality child care can dramatically reduce the chances of children becoming criminals.

That is what 500 chiefs of police and sheriffs and other leaders in the criminal justice community have said about the importance of this amendment.

Catholic Charities USA said this in its letter:

Cutting funds to services that keep people independent and in their communities is short sighted and will lead to unnecessary suffering and increases in other federal programs.

This is what the Girl Scouts said about this proposal:

The further cuts to this program which have been proposed by the Senate will do no good, but will negatively impact many of our communities, most of which are already struggling with limited resources for much needed services.

Finally, the National Conference of State Legislatures in their letter stated:

The current proposal in the Senate Labor, Health and Human Services and Education appropriations legislation will jeopardize services to the elderly, disabled and children and families. It also represents a retreat from Federal commitments made during the enactment of welfare reform legislation.

For all of those reasons, as well as the fact that Senators Kennedy and Cleland have asked to be added as additional cosponsors to this amendment, I urge my colleagues to step back from the precipice of irresponsibility and repudiation of commitment, to step back from the cliff that would have us, through the back door of this ill-considered proposal, breach our commitment of a commitment to Governors that their State-won tobacco settlement, and particularly so we can look in the eyes of the American people who would
be most affected by this—the children, the disabled, and the frail elderly—and say: You are not the forgotten Americans. I urge the adoption of this amendment.

Mr. MOYNIHAN. Mr. President, I rise to voice my displeasure at the severe reduction this year's Labor-Health and Human Services appropriations bill includes for the Social Services Block Grant program. The program was established under Title XX of the Social Security Act to help people who are least able to help themselves: the elderly, the disabled, and children of low income families. The money is put to good use in some 200 areas such as foster care services, day care, intervention and prevention for at-risk families, and special services for the disabled. The Labor-HHS Subcommittee has produced a bill that cuts SSBG from $1.9 billion to $1 billion. Just a simple cut in half. The committee report cites tight budget constraints and suggests that states can make up the difference with proceeds from the tobacco settlement.

Mr. President, $1 billion is money from the tobacco settlement should be used for anti-smoking programs and other health programs. The basis of that litigation was that smoking caused health problems which the state is paid to solve. So health care programs that were deprived of funds in the past should be the beneficiaries of the tobacco money, as should anti-smoking programs. We should not tell the states that we're pulling the rug out from them, leaving them to make up the difference if they choose to. Some states have already passed legislation that allocates the tobacco money.

The Social Services Block Grant program is an integral part of this program. The formula could scarcely be simpler. The proportion of the money each state gets is the proportion of the national population it has. New York has seven percent of the population. It gets seven percent of the funds. This is one example of a draconian cut affects states evenly. Everyone should be concerned about it.

One further point. This is a block grant. It allows the states to decide how best to spend money on a range of similar needs. The alternative would be a handful of categorical programs to which the states would apply various categories. Education comes to mind, for example. The opponents of block grants frequently say that once you block grant a group of existing programs, it becomes significantly easier to cut their funding. If the funds for the Drug Abuse Prevention and Treatment Act are allowed to stand, the opponents of block grants will have a more difficult time gaining their objectives in the future.

Mr. ROCKEFELLER. Mr. President, I am proud to be a cosponsor of the Graham amendment to restore funding for Title XX, the Social Services Block Grant. This program is critical to the ability of our states to meet the needs of our most vulnerable citizens—children, the elderly and the disabled. The present Senate Labor-HHS-Education appropriations bill contains a provision to cut funding for the Social Services Block Grant by more than half, from $2.38 billion to $1.06 billion. This is an attack on our citizens. In 1996, Title XX was cut by 15%. In 1998, the highway bill used cuts in Title XX to pay for the out years of highway spending in 2001. While I understand the importance of roads for economic development, should we pay for it by cutting basic funding for needy children, disabled Americans, or senior citizens?

In the last few years this Congress has sent a message to the states. We state that we would not know how to take care of your own people. We want to support you, and help you, and at the same time, give you the flexibility to design your own programs. This was one of the clear messages of welfare reform.

As one of the members on this side of the aisle who voted for the 1996 welfare law, I have to say that I truly believe that these Title XX cuts will weaken welfare efforts in our states. The Social Services Block Grant is used to provide many important support services that help complement the efforts of welfare reform in helping individuals go to work and continue working—education and training, payment for child care, transportation, and child care are all among the important programs supported by this block grant. Indeed, as part of the welfare reform package that I agreed to, we promised the funding for Title XX at the $2.38 billion level until reauthorization in 2002. How can we take back that promise now?

You know, one of the greatest features of the Social Services Block Grant program is its flexibility. States, and even communities, can determine how to best serve their poor, their elderly, their children and their disabled citizens. My state provides an excellent example of this. While nationally states used an average of 14% of the Title XX block grant for foster care program for abused and neglected children, in West Virginia we use over 30% of our block grant for foster care and 34% for protective services for abused and neglected children. West Virginia cannot afford such a drastic cut in Title XX. It will undermine our state's commitment to abused and neglected children just when tough, new federal time lines are being enforced to move more children from foster care into safe, permanent homes faster.

If we cut this funding by more than half, our state will face enormous challenges in its efforts to keep children safe and stable in their homes and communities. This is intolerable.

Nationally, 12% of the Title XX block grant is spent on services for the elderly, including protective services for seniors who are victims of abuse and neglect. In West Virginia, 10% of our block grant—a little over $1.6 million—is spent on these services for seniors. This not only provides them with support and protection, it helps them remain in their own homes, rather than being placed in nursing homes or other institutions.

What message are we sending to our poor, elderly neighbors, if we cut these services in half? As a former Governor, I understand why Governors want the flexibility of block grants. But the history of Congress is to push for block grants in the name of “flexibility” but then to slowly but surely cut the funding of block grants, leaving states and families in the lurch. As a member who cares deeply about poor children, disabled Americans and needy families, I am worried about how such cuts will effect the small communities and our most vulnerable families.

We should not cut these vital funds. There is a unique and strong coalition fighting to protect this vital investment ranging from government groups like the National Governors Association, the National Association of Counties, to dedicated service providers like Catholic Charities and the United Way. If we believe in community programs and the importance of non-profit charities, can we say those cuts to Title XX will hinder their partnership projects?

The Social Services Block Grant is not just good for people, it is also good policy. It gives the states flexibility. It helps communities to be innovative in taking care of their own by supporting local partnerships. It makes sense.

These funding cuts undermine many of our priorities. We cannot say we want to invest in children and families, then cut the Title XX Social Services Block Grant. This is one of many of the budget gimmicks in this legislation because cutting Title XX hurts vulnerable families in communities across America. We should not cut this program.

Mrs. HUTCHISON. I would like to briefly discuss with my colleague, Senator GRAHAM, some language that appeared in the Appropriations Committee Report for the fiscal year 2000 Labor, HHS, and Education Appropriations bill. Senator GRAHAM and I understand that the Report states, with regard to the funding reduction in Social Services Block Grant program, that “the States can supplement the block grant amount funds received through the recent settlements with tobacco companies.” Senator GRAHAM, I understand you have seen this language?

Mr. GRAHAM. Yes I have, and I thank my colleague from Texas. I must say I was very surprised by this report language, particularly considering the fact that the Senate this year voted several times and decisively to prevent the federal government from seizing the money the States earned as...
The PRESIDING OFFICER. The amendment by Senator Graham of Florida, Mr. Coverdell, Mr. President, I am referring to the amendment by Senator Graham of Florida.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The amendment is the Senator referring?

Mr. COVERDELL. I am referring to the amendment by Senator Graham of Florida.

The PRESIDING OFFICER. The second-degree amendment or the first-degree amendment?

Mr. COVERDELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The amendment by Senator Graham of Florida, Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. To clarify the motion, I apologize, I did not realize it was a second degree. The motion I have just made would be to the first-degree amendment.

The PRESIDING OFFICER. Is there a second quorum?

The yeas and nays were ordered.

Mr. COVERDELL. Mr. President, I am about to ask unanimous consent that will explain what the remainder of the evening will be. We are waiting for the other side to sign off. I suggest the absence of a quorum.

The PRESIDING OFFICER. The amendment by Senator Graham of Florida, Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the pending amendment be laid aside in order for Senator Dodd of Connecticut to offer his amendment and that no second-degree amendments be in order to the Dodd amendment prior to a vote on a motion to table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. If the Senator will pause for one moment, I think what we are close to doing is having about four votes that would occur at around 5:15. So Senators can be on notice. We need to get one more sign off on that matter before we officially announce it. But that is the intent of the managers of the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1813

(Purpose: To increase funding for activities carried out under the Child Care and Development Block Grant Act of 1990)

Mr. DODD. Mr. President, I thank the manager of the bill.

I call up amendment No. 1813.

Mr. DODD. Mr. President, I thank the manager of the bill.

Mr. DODD. I yield the floor.

The PRESIDING OFFICER. The amendment by Senator Kennedy, Mr. Levin, and Mrs. Murray, proposes an amendment numbered 1813.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the matter under the heading "Payments to States for the Child Care and Development Block Grant" in the matter under the heading "Administration for Children and Families" in title II, strike "$1,182,672,000" and insert "$2,000,000,000".

Mr. DODD. Mr. President, I offer this amendment on behalf of myself, Senator Jeffords, Senator Snowe, Senator Kennedy, Senator Murray, Senator Levin, and others.

Let me begin these remarks by apologizing to my colleagues who, once again, are being asked to vote on a child care amendment. The obvious question raised is, Why am I voting on this for the third or fourth time? The simple reason is—and I appreciate the votes. We have had good votes in the Senate and strong bipartisan votes on this issue. But for a variety of reasons, which I will not take the time of this body to go into, the matter has been dropped in conference, or bills have died, or for other reasons. So despite the good and strong and positive efforts on behalf of Members of the Senate, we have not been able to adopt the language on child care that my colleagues, by overwhelming votes, have adopted already in these past 10 months.

Again, Senator Jeffords, myself, and Senator Snowe are proposing this amendment. It is somewhat different than the other ones in this regard only. Earlier, amendments dealing with the child care proposal actually had managed spending in discretionary spending. In fact, the amendment I am offering—properly the credit goes to Senator Chafee of Rhode Island, who has been a champion on child care issues. This amendment is an amendment to the Child amendment on child care that we think is deserving of our support on a bipartisan basis.

By increasing margins, as I have indicated, this body has supported additional funding for the child care block grant. The first vote we had was 57–43, the second vote was 69–33, and by the third vote it was unanimously adopted.

I apologize again at the outset for asking my colleagues, once again, to cast a child care vote since you think you have done so, and already you have. But basically our opportunity to propose some additional spending has died, or for other reasons. So despite the good and strong and positive efforts on behalf of Members of the Senate, we have not been able to adopt the language on child care that my colleagues, by overwhelming votes, have adopted already in these past 10 months.

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to take any more of this Chamber’s time than is necessary on this amendment. But the amendment would increase child care assistance to working families by doubling the discretionary fund in the child care development block grant from $1 billion to $2 billion.

I continue to believe the best place for a child to be is with their parents. That is the best place—no question about it. But when both parents are working or in this country, trying to put food on the table, a roof over their children’s heads—that is difficult. When there is only one parent—regrettably, that happens too often in our society—you can imagine the burdens on a single parent who has to work and also has young children and trying to provide for child care needs.

So the reality is that good, affordable child care is a necessity. In the absence of parental care, we try to do the best we can to approximate the kind of care that would otherwise be given.

That is what this amendment is all about.

The child care block grant is almost a decade old. My good friend and colleague from Utah, Senator Hatch, and I authored this block grant almost a decade ago. It won support and the signature of President Bush who signed the legislation into law, and it has provided a lot of decent assistance to people over the years.

It is critical to provide federal financial assistance to help families pay for child care and does not dictate where that care must be provided. Parents across this country can choose a child care center as the child care provider. They can choose a home-based provider, a neighbor, a church, a relative, or whatever they think is best for that child. We leave that entirely up to the parents to make that decision.

This block grant is also the largest source of Federal funding for critical afterschool programs.

Again, we all appreciate, I think, the growing need for afterschool care. I point out to my colleagues that 30 percent of the child care block grant is used by parents to pay for care to school-age children. That translates into almost $1 billion a year.

That is a major, major source of assistance to parents who worry about who is watching their children after school in State after State across our country.

The only downside to this now almost decade-old program is that it has been underfunded because of the lack of resources. The Child Care and Development Block Grant Act is available only to 10 eligible families in America today.

Despite all the efforts over the years—and I appreciate the votes and the support we have received—still only one in 10 eligible families get any assistance under this program.

Because of a lack of resources States have had to severely ration child care assistance to families in need.

So what States have done is they create a threshold, a dollar threshold, an income threshold. They say that anybody above that threshold cannot get the child care development block grant assistance. They have lowered the threshold—that is all the time—because the scarce dollars mean that they can only provide it to some families.

Let me explain what I mean.

Two-thirds of all of the States in the United States have cut this child care assistance to families earning under $25,000 a year—two-thirds of all the States. Seventeen of those States have cut off all assistance to families earning over $20,000 a year, and eight States even ration the funds more stringently.

In the States of Wyoming, Alabama, Missouri, Kentucky, Iowa South Carolina, and West Virginia, if you are a family earning in excess of $17,000, you get no child care assistance. I don’t know how a family making $17,000 a year trying to work—is a working family; I am not talking about somebody getting welfare. These are working people. If you are a working mother and you have a $17,000-a-year income, you have two children, you do not have child care. I am sorry. You don’t. You may be lucky and have a grandmother, aunt, or next-door neighbor, and probably juggling it every day.

In California, there are 200,000 children waiting for a child care slot, even in one of those 22 States, and make $20,000 or less, I don’t know how people do it.

That is because we have underfunded for the block grant. I am not going to be able to take care of everybody. Senator Jeffords, Senator Snowe, I, and others who have supported these amendments know we are not going to make a difference for every family. But if we can get a little more money by doubling this amendment from $1 billion to $2 billion in this discretionary program, maybe these States—we think they will—will raise those threshold levels, and as a result, more families in these States will get that kind of good child care assistance that they need.

Let me tell you how bad this problem is. Even with these stringent income eligibility requirements that I have just enumerated, consider the waiting list that exists across America. I will not recite all 50 States.

Let me tell you for almost every State that we have, the numbers are high.

In California, there are 200,000 children waiting for a child care slot, even with the income levels as low as they are.

So even when you have an income level of $17,000 or lower to get child care, or $20,000 or lower, there are 200,000 children in those States whose parents qualify financially. They are earning less than $20,000. But because there are so few funds, 200,000 are on a waiting list.

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Texas, 34,000; Massachusetts, 15,000; Pennsylvania, almost 13,000; Alabama, 19,000; Georgia, in excess of 12,000.

The list goes on. These are families that are meeting those income criteria. But even with the highest income criteria, not enough dollars to go around to provide child care to these families.

There is a waiting list even with these low-income levels.

Other States ration their limited child care dollars by paying child care providers poverty level wages.

That is hardly the way to ensure good, quality child care. Again, the lowest paid teachers in America are child care providers.

I appreciate the votes and the support we have received—still only one in 10 eligible families get any assistance under this program.

Let me explain what I mean.

Texas, 34,000; Massachusetts, 15,000; Pennsylvania, almost 13,000; Alabama, 19,000; Georgia, in excess of 12,000.

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That is hardly the way to ensure good, quality child care. Again, the lowest paid teachers in America are child care providers.

What a great irony. I don’t think anyone argues we probably ought to have the best prepared teachers for the most vulnerable of our society—kids. A case could be made, I suppose, that someone in a higher education institution needed less care than a 6-month-old baby and the person who watches that 6-month-old, 1-year-old child is one of the lowest paid workers.

I am urging my colleagues to adopt this amendment so we can raise some of the income levels, we can get a few more dollars to money to child care providers who are so necessary, and we can also see if we cannot help our Governors raise some of the income levels.

We have voted on this now three times. I am deeply apologetic to my colleagues, I leave behind unanimous support for this amendment as recently as a few months ago. Because of bills dying or being dropped in conference, we are back at it again. I apologize for taking the time of my colleagues on this amendment that Senator Jeffords and I have offered. We cannot let this issue go away. It is too important to too many families.

I thank publicly Senator Abraham of Michigan, Senator Campbell of Colorado, Senator Collins, Senator DeWine, Senator Frist, Senator Hatch, Senator Jeffords, Senator Roberts, Senator Snowe, Senator Specter, Senator Warner, and more. I will not read the entire list of Republican colleagues who have been supportive of this amendment. The Senators have made a difference voting for this. I thank the Senators for their support.

The votes I had then were for the mandatory program. This is discretionary funding. It is substantially different. Some in the past may have said vote for this, it is mandatory; this is a discretionary program. Obviously, we are dealing with Senator Specter’s bill. It is different in that regard, probably less of a problem politically for some.

I am deeply grateful for the strong bipartisanship and I am confident we will have support again this afternoon on this issue which has developed strong bipartisan interest in this body.

My principal cosponsor from Vermont is here. I want to make sure he has some time to talk about this.
Mr. SPECTER. Mr. President, I ask unanimous consent a time agreement be entered into, with 10 additional minutes for the proponents of the amendment, and 15 minutes for myself and whomever I designate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

Mr. JEFFFORDS. Mr. President, I join my good friend from Connecticut. We have been working for years to draw the attention of the public to the essential need that we pay more attention and provide help in the child care area. Each year we get the support of our Members. Each year we have successfully gotten agreements for billions of dollars of the budget, but the time is now to do something real. That is why we are here, to make sure we make a commitment, not only make a commitment but provide the funds to enable our society to be able to take advantage of all that can be done to make sure every child has an opportunity to participate in the best possible way in our society.

This amendment will almost double the funds that provide low-income working families with the help they need. Every amendment increases funding for the child care and development block grant from about $1.83 billion to $2 billion. This block grant has always been forward funded so no offset will be required. States are struggling to meet the escalating child care needs of low-income families, and they are transitioning off of welfare. States have already transferred $1.2 billion in TANF funds into the child development block grant; other States use TANF dollars directly to pay for child care costs; while still others have spent all of their TANF funds and have nothing left to transfer.

Still this is not enough. States have waiting lists for child care subsidies provided by OCCDBG. In addition, many States provide subsidies so low-income families are forced into the cheapest and in many cases the poorest quality child care.

There are more than 12 million children under the age of 5, including half of all infants under 1 year of age, who spend at least part of the day being cared for by someone other than their parents. There are millions more school-age children under the age of 12 who are in some form of child care either at the beginning or end of the school day as well as during school holidays and vacation. More 6-to-12-year-olds who are latchkey kids return home from school to no supervision because parents are working and there are few, if any, alternatives.

While the supply of child care has increased over the past 10 years, there are still significant shortages for parents in rural areas with school-age children or infants and for lower income families. The cost of child care for lower middle-income families can rival the cost of housing and the cost of food. The most critical growth spurt is between birth and 10 years of age, precisely the time when nonparental child care is most frequently utilized.

A Time magazine special report on “How a Child Brain Develops” from February 3, 1997, said it best:

Good, affordable day care is not a luxury or a fringe benefit for welfare mothers and working parents but essential brain food for the next generation.

The Senate has voted on and passed similar amendments three times this year. There were two votes on the budget resolution, and a modified version of the amendments was included in the conference report. Again, in July, Senator Dodd and I introduced a similar amendment through the tax bill which was subsequently dropped in conference. Hopefully, this fourth time will be the charm and the Senate will pass this amendment and retain it in conference.

I ask my colleagues to vote for this amendment which is so critical for low-income working families and their children.

I yield to my colleague from Connecticut.

Mr. DODD. Mr. President, I thank my colleague and I thank so many of our Republican partners who worked with us on a bipartisan basis. I thank the manager, my good friend from Pennsylvania. We have been together many years. We both first arrived in this Chamber and we worked so closely together both in the tax vote where there was a caucus for children. It seems like a long time ago. Senator SPECTER, on numerous occasions, has been a real stalwart battler and fighter on behalf of the Child Care Block Grant Program. I am deeply grateful to him for his support on that.

Senator JOHNSON desires to be added as a cosponsor.

I know my colleague from Pennsylvania wants to be heard on this. I thank Senator DODD for his amendment and I thank my colleague from Maine. I thank Senator CHAFER who has been a champion on this issue.

The mandatory bill is gone and we are down to the discretionary bill. I apologize, I say to the manager. I know Members think we vote on this issue every other day, but each time we have been dropped in conference despite unanimous votes in the Senate on this issue. I hope, as the Senator from Vermont said four times ago, in 1981, on a caucus for children. It seems like a long time ago. Senator SPECTER, on numerous occasions, has been a real stalwart battler and fighter on behalf of the Child Care Block Grant Program. I am deeply grateful to him for his support on that.

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I, again, thank my colleague for yielding. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, before proceeding to the discussion of the amendment on the merits, I would like to announce to my colleagues we will shortly begin voting on four stacked amendments, Graham amendment, Dodd amendment, and the Coverdell second-degree amendment to the Enzi amendment.

I ask unanimous consent we begin voting on these matters at 5:10.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I say to my friend, the manager of the bill, it is my understanding there will be 1 minute on each side to explain the amendments.

Mr. SPECTER. Fine.

Mr. REID. Two minutes, equally divided.

Mr. SPECTER. I incorporate that into the unanimous consent request.

Mr. REID. And the Reid amendment will be the first amendment we will vote on?

Mr. SPECTER. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Has all time elapsed for Senator DODD?

The PRESIDING OFFICER. The Senator from Connecticut has 10 minutes remaining.

Mr. SPECTER. The Senator from Connecticut has 10 minutes remaining? The PRESIDING OFFICER. That is correct.

Mr. SPECTER. The unanimous consent agreement gave him 10 minutes total. Since that time, Senator JEFFFORDS has spoken and Senator DODD has spoken.

Mr. DODD. If my colleague yields, we will yield back whatever time we have. I realize he is trying to move things along.

Mr. SPECTER. I am trying to find out what is happening with the time.

The PRESIDING OFFICER. The time of the Senator from Vermont was charged to him, and he yielded back his time to the Senator from Connecticut.

Mr. SPECTER. Is the remaining time between now and 5:10 on my side?

The PRESIDING OFFICER. There are presently 6 minutes 35 seconds remaining for the Senator from Pennsylvania.

Mr. SPECTER. And the other time has been yielded back?

The PRESIDING OFFICER. And 10 minutes remaining.

Mr. DODD. I yield back all time except 1 minute to sum up.

Mr. SPECTER. Mr. President, I find it extremely difficult to speak to and vote on this amendment because I have supported this amendment on so many occasions. Senator Dodd accurately relates, when we were elected in 1980, we cochaired the Children’s Caucus. Then, in 1987, after we were reelected, we were cosponsors of the first parental leave program which had just begun. We have been soldiers in the field. I have voted for this amendment again and again and again. But I am deeply concerned if we agree to this amendment at this time and add another $900 million to the current bill of $91.7 billion, we are not going to have any bill at all. We are not going to get 51 votes in this Chamber to pass this bill and to go to conference. I say that because of the deep-seated concerns which have
been expressed by so many Senators about where we are.

We have a bill at $91.7 billion which is within the budget caps. We have to go to conference with the House. We have to present a bill which the President will sign. I do not believe we will be able to do that if we add $900 million more.

I can count the number of cosponsors which the persuasive Senator Dodd has. It may be he will have enough sponsors to defeat a tabling motion. I think next Tuesday, when Republican Senators return, on the vote on the underlying merits it may be different, although I very much would like to support him. We have been very concerned about children in this bill. We increased the child care block grant $198 million for fiscal year 2000, which brings it to $1.182 billion. Senator Dodd would like to have it added to $2 billion, and so would I, if I thought we could get that bill passed. This $1.182 billion is in addition to the child care entitlement which was increased $200 million, to $2.367 billion next year. So we have on child care more than $3.5 billion.

In addition, States can transfer up to 30 percent, or $4.8 billion, of their temporary assistance to needy families, the so-called 'TANF' block grants, to the child care block grant. At the end of the first quarter of fiscal year 1999, States had $4.220 billion in unobligated TANF, in the child care.

So there have been very substantial allocations for children. I might say, this is an especially tough vote for me. I am deeply appreciative of his kind words. The Senator from Pennsylvania on how much is already committed. But, of course, if the case it still only serves 1 in 10 families—I know he knows—and there are a lot of people on waiting lists, thousands in each State, even with the income levels down. As I said, in 19 strands $15,000; in 14 States, it is $20,000 level. I don't know how a family earning $20,000 a year with all the other financial burdens they have also can meet a child care expense, they may have.

So while I am deeply appreciative of the quandary he is in. I make a case this strengthens the likelihood we might get 51 votes for the bill. It is the kind of bipartisan proposal that has enjoyed so much support. It was unanimously defeated only a few weeks ago, so that it might, in fact, bring some people who would feel otherwise disinclined to support the legislation, but doing something, as he properly points out, for working families—it is all encompassing function. This is an especially tough vote for me. I might say, this is an education and labor port. This is an education and labor amendment. The Senator from Nevada.

Mr. REID. Mr. President, if Members of the Senate have enjoyed and appreciated "Prairie Home Companion," the great work of Ken Burns' "Civil War," I am here to tell you they have also can meet a child care responsibility to meet and you have a lot of possibilities to meet and you have a lot of flexibility to meet and you have a lot of constraints, I think $350 million is an adequate allocation.

Yes, Mr. President. Mr. President, it is Big Bird and Elmo, then big birds and Elmo. Mr. President, it is with reluctance, again, that I am compelled to oppose the Reid amendment. I like public broadcasting, but this bill has been crafted with some 300 programs. Public broadcasting is getting a $90 million increase. This is in the face of some very substantial problems which are raise with public broadcasting on the sale of lists to political organizations. Public broadcasting is very important, and with tight budget constraints, I think $950 million is an adequate allocation.

I must say, as the Senator from Nevada mentioned "Sesame Street," again, it is a family matter. My three granddaughters are mad about "Sesame Street." On gets the television, and their behavior is a model. The Senator from Connecticut for those generous comments. He is almost persuasive enough to get me to change my mind, but passage of this bill is more important.

Mr. President, I ask unanimous consent that after the first roll call vote, which is 15 minutes in accordance with our practice, with a 5-minute leeway, that the subsequent votes be 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, with great reluctance. I move to table the Dodd amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1820

The PRESIDING OFFICER. There are now 2 minutes equally divided on the motion to table the Reid amendment.

The Senator from Nevada.

Mr. REID. Mr. President, if Members of the Senate have enjoyed and appreciated "Prairie Home Companion," the great work of Ken Burns' "Civil War," I am here to tell you they have also can meet a child care responsibility to meet and you have a lot of possibilities to meet and you have a lot of constraints, I think $350 million is an adequate allocation.

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Mr. SPECTER. Mr. President, with great reluctance. I move to table the Dodd amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.
Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), the Senator from Florida (Mr. MACK), the Senator from Rhode Island (Mr. CHAFFEE), the Senator from Ohio (Mr. DEWINE), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

The result was announced—yeas 51, nays 44, as follows:

{Roll Call Vote No. 301 Leg.}

**YEAS—51**

Abraham Feingold  McConnell
Allard Fitzgerald  Murkowski
Ashcroft Fritz  Nickles
Bennett Gorton  Roberts
Bond Gramm  Roth
Brownback Grams  Santorum
Bunning Grassley  Sessions
Burns Greg  Shelby
Campbell Hagel  Smith (MI)
Cleland Hatch  Smith (OH)
Collins Hutchinson  Specter
Coverdell Hatchison  Stevens
Craig Inhofe  Thompson
Craig Kyl  Thurmond
Domenici Lott  Voinovich
Enzi Logar  Warner

**NAYS—44**

Alaska Feinstein  Lieberman
Baucus Graham  Lincoln
Bayh Harkin  Mikulski
Biden Hollings  Moynihan
Bingaman Inouye  Murray
Boxer Jeffords  Reed
Breaux Johnson  Reid
Bryan Kennedy  Robb
Byrd Kerry  Rockefeller
Corzine Kerry  Rockefeller
Daschle Kohl  Sarbanes
Durbin Landrieu  Schumer
Dorgan Landrieu  Torricelli
Durbin Leahy  Wellstone
Edwards Levin  Wyden

NOT VOTING—5

Chafee Mack  Thomas
DeWine McCain  Thompson

The motion was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There are now 2 minutes equally divided on the motion to table the Graham amendment.

Who seeks recognition?

The Senator from Alaska.

Mr. STEVENS. Mr. President, our staff tells me that we now have 62 amendments pending to this bill. That means we are going to be here an awful long time on this bill. I think I am going to request that the leader initiate a weekend session if we are going to get this bill passed.

We had this bill out of committee with the hopes that we could get it passed today at the end of the fiscal year so we could once again get back to the habit of passing all the bills in the Senate that come from the Appropriations Committee by the end of the fiscal year at least.

I hope Senators will tell us seriously how many of these amendments they intend to call up. There are 41 on that side of the aisle and 21 on this side of the aisle. Most of them are riders, and if you put them on the bill, we will drop them in conference anyway. But there are some that take money, you have to take money from some other Senator to get them passed.

Let’s not play games with this bill. It is the last bill. It is the biggest bill. This is the largest bill. Two-thirds of this bill is not even subject to our control. Two-thirds of this bill is entitlements. I hope we will start watching those entitlement bills and understand it is a very large number. I congratulate the Senator from Pennsylvania and the Senator from Iowa for their handling of the bill. But I plead with you to tell us which of these amendments you really want to call up.

I see my good friend from Nevada. He doesn’t have on the right tie today. But he is a man who believes, as I do, that bills should move forward as rapidly as we can move them. I hope he has his help in urging Senators to tell us which of these amendments you really want considered by the Senate and give us a time agreement on them so we know how long it will take before we finish this bill.

Does the Senator wish the floor?

Mr. REID. Mr. President, I say to my friend from Alaska that the managers of the bill on our side have suggested maybe we should drop your amendments and our amendments together. I congratulate the Senator from Florida and the Senator from Wyoming for their handling of the bill. But I urge that this motion to table be defeated.

Mr. SPECTER. Mr. President, as much as I have always favored the social services block grant program, the funding level in this bill is established as a matter of priority.

If we want to add to education $2.3 billion, significant additions to the National Institutes of Health, and crafting some amendments, this is the level which is appropriate. The States can transfer up to 5 percent of their temporary assistance to needy families in this program through these block grants, which amounts to $18.5 billion. Mr. President, $225 million are available there.

At the close of the first quarter of fiscal year 1999 States had $4.22 billion, so it can be made up. People may not want to consider the tobacco money, but the States have about $203 million which they have given to them, where the argument was it should have come to the Federal Government to support these block grant programs.

If we are to pass this bill, if we are to get 51 votes, $81.7 billion, we can’t add additional funds with this amendment.

The PRESIDING OFFICER (Mr. BENNETT). All time has expired. The question is on agreeing to table the amendment No. 1821. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN),
The Senator from Florida (Mr. Mack), the Senator from Rhode Island (Mr. Chafee), and the Senator from Wyoming (Mr. Thomas) are necessarily absent.

The result was announced—yeas 39, nays 57, as follows:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
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<tbody>
<tr>
<td>39</td>
<td>57</td>
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The motion was rejected.

Mr. Graham addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. Graham. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. Graham. Mr. President, I ask that the underlying amendment, as amended, be voice voted.

The PRESIDING OFFICER. Is there objection?

Mr. Specter. I object.

Mr. Graham. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. Graham. I would like to dispose of this matter now.

Mr. Specter. I objected. The Chair.

The PRESIDING OFFICER. The regular order is 2 minutes equally divided on the Dodd amendment.

Mr. Graham. Mr. President, I think I had asked for the yeas and nays on the underlying amendment, as amended.

The PRESIDING OFFICER. A sufficient second has not been obtained. Is there a sufficient second?

Mr. Nickles. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

I don’t know how a family of four, earning $20,000 a year, with young children—where the parents are working, where they need to place these children in a safe place during the day—can afford that without some help.

For 10 years now, Senator Hatch and I sponsored the child care development block grant that was adopted, this Congress has supported a child care program.

Today, we want to serve more than just the 1 in 10 that is being served. This amendment does what my colleagues have voted for it in the past. I urge my colleagues to do so again.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. Specter. Mr. President, in order to save time, I ask unanimous consent to withdraw the motion to table.

The PRESIDING OFFICER. Is there objection?

Mr. Harkin. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. Gramm. Would the Senator yield?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor, under the regular order, for 1 minute.

Mr. Gramm. Would the Senator from Pennsylvania yield?

Mr. Specter. Yes.

Mr. Gramm. We will be voting on the Dodd amendment. At that point, the point of order will lie. All we are going to do is cost every Senator 15 or 20 minutes. It will not change anything.

Mr. Dodd. I say to my colleague, there is obviously a different vote count on the tabling motion than there is on a point of order. I would argue the point of order, but I am hoping—

The PRESIDING OFFICER. The Senator from Pennsylvania has the time.

Mr. Specter. Mr. President, reluctantly I am opposed to the amendment, which would add some $900 million to this bill. There have been substantial increases on child care and on child care entitlement. If we have $900 million added to this bill—which is now at $91.7 billion—it is the log that breaks the camel’s back. I think it is a very good program, but in establishing priorities, we have already allocated very substantial funds to this line. Therefore, I am opposed to the amendment and I move to table.

The PRESIDING OFFICER. The question is on the motion to table. The yeas and nays have been ordered.

Mr. Stevens. I ask unanimous consent that I be allowed just 30 seconds. The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized for 30 seconds.

Mr. Stevens. I wish to correct my statement. This does amend a section in this bill, which is advance funding, and is therefore not subject to the point of order I would have made.

The PRESIDING OFFICER. The regular order is on agreeing to the motion.
The amendment (No. 1821), as amended, was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1813

Mr. DODD. Mr. President, may I inquire, do we move now to the Dodd amendment?

The PRESIDING OFFICER. The Dodd amendment has not been agreed to. The motion to table failed. The Dodd amendment has not been agreed to.

Mr. DODD. Regular order. I ask unanimous consent to have a voice vote on the Dodd amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1813) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1885

Mr. DODD. Mr. President, I move to reconsider the vote.

Miss STEVENS. Mr. President, may I inquire. I asked the Parliamentarian for a list of those amendments that violated rule XVI that have been offered by various tenders. May I inquire, when will it be in order for me to make my points of order against those amendments that violate rule XVI? The PRESIDING OFFICER. The amendments would have to be pending before the point of order would be in order.

Mr. STEVENS. Mr. President, I will leave on the desk a list of the amendments that have been found to violate rule XVI.

May I make a further parliamentary inquiry. Under the new rule XVI, the Parliamentarian’s rule cannot be waived; is that correct?

The PRESIDING OFFICER. There is no provision to waive rule XVI.

Mr. STEVENS. I would like to leave this on my desk and ask Members to see if their amendments are within this category. If they wish to withdraw them, of course, I will not make a motion to table them. I think that would be the easiest way to dispose of them—to have Members withdraw their amendments. But I do intend to make a point of order under rule XVI against some 23 amendments before the evening is over.

The PRESIDING OFFICER. The regular order is 2 minutes equally divided.

Mr. DODD. Mr. President, I ask unanimous consent to have a voice vote on the SPECTER amendment.

Without objection, the amendment is agreed to.

Without objection, it is so ordered.

The amendment is agreed to.
The PRESIDING OFFICER. The amendment (No. 1885) was agreed to.

Mr. MCCAIN. Mr. President, I commend both Senator SPECTER and Senator HARKIN for their dedicated work on this legislation which provides federal funding for the Departments of Labor, Health and Human Services (HHS), and Education. This appropriations bill provides funding for many critical programs directly helping American families and providing important assistance to our most important resource, our children.

One of the most important components in this bill is its vital support for education. We owe it to each and every child to ensure that they have access to a high quality education. This is why I am pleased that this bill increases funding for Department of Education to almost $38 billion, including nearly $6 billion for educating children with special needs and $5.2 billion for the Head Start program.

I am also pleased to note that this bill prohibits federally funded national education standards. It continues to be my strong belief that our nation must have higher learning expectations for our children but academic standards must be controlled by state and local authorities, not the bureaucrats in Washington.

This bill contains important resources for helping make college and continuing education more affordable for all Americans. Under this bill, the maximum loan amount for post-secondary education would be the highest level in the program's history—$3,325 per student. In addition, this legislation provides $1.4 billion for higher education opportunities, including $180 million for the PARA UP which assists under-privileged children and $5 million to provide access to affordable child care for parents struggling to complete their college education while raising their children.

I am particularly pleased that this bill provides significant funding for medical research at the National Institutes of Health, NIH, $17.6 billion, which is an increase of $2 billion from last year. I am sure that my colleagues share my support for this 13 percent increase in medical research which could lead to important scientific breakthroughs which will improve the health of our citizens. Finally, I am encouraged to note that this bill took an important step towards meeting the needs of over 7,000 children and families whose lives have been devastated by hemophilia-related AIDS, by beginning to fund the Ricky Ray Act as authorized by Congress last year.

Furthermore, I was pleased to learn that the sections allocating funding for Labor, HHS and Education were free of direct earmarks, set asides or unauthorized appropriations. However, my enthusiasm waned somewhat upon reviewing the report language. While the Committee made a concerted effort to not include any specific earmarking in those Departments’ budgets, the report contains an exorbitant amount of directive language that is clearly intended to have the same effect as an earmark. By this, I mean the use of words like “encourage”, “urge”, and “recommend” in connection with references to particular institutions, projects, or proposals that the Committee would otherwise have vetoed in the event I am not here, I have not distinguished whip that I will be here. But in the event I am not here, I have not asked that I be the one to have the exclusion right to make a point of order. I only asked I be notified if it is called up. In effect, I am serving notice if you call up that amendment, I will make the point of order.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, Mr. President, would the chairman mind if somebody else initiated the point of order? He would not have to be here if somebody else did it.

Mr. STEVENS. I assure the distinguished whip that I will be here. But in the event I am not here, I have not asked that I be the one to have the exclusion right to make a point of order. I only asked I be notified if it is called up. In effect, I am serving notice if you call up that amendment, I will make the point of order.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, what is the unanimous consent request?

The PRESIDING OFFICER. The request is the Senator be notified if any of those amendments is called up that violate rule XVI.

Mr. HARKIN. I don’t mind that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I move to reconsider the vote on the Enzi amendment.

Mr. COVARD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES. Regular order.

The PRESIDING OFFICER. The question is agreeing to the second-degree amendment.

The amendment (No. 1886) was agreed to.
medical facilities in the area a telemedicine program to provide preventive medicine and support services to the large elderly population in Billings and eastern Montana.

The Committee continues to be supported by the Low Country Health Care Systems. The Committee encourages priority to be given to the University of Hawaii at Hilo Native Language College when allocating funds for native Hawaiian education.

The Committee is concerned about the absence of technology integration in the north central communities of Pennsylvania. The committee notes the efforts of the Lock Haven University of Pennsylvania for its development of two regional networks to link these rural communities.

Mr. President, I could continue listing the specific projects, which the report highlights and for which the Committee provides encouragement for continued or new funding, but I will not waste the Senate’s valuable time. Due to its length, the list I compiled of objectionable provisions included in the Senate report cannot be printed in the RECORD. This list will be available on my Senate website.

It is simply inappropriate that the committee is attempting to influence the open, competitive funding process, thereby limiting the funds available to workers, schools, hospitals, and communities around the country which are not fortunate enough to live in a State with a Senator on the Appropriations Committee. Mr. ASHCROFT. Mr. President, I rise to speak on a very important subject. I am referring to teen smoking.

Currently, teen smoking rates are far too high and they continue to rise. Since I left the Missouri Governor’s office, teen smoking in Missouri has increased from 32.6% to 40.3%—almost a 24% increase! In fact, today, Missouri ranks sixth in the nation in teen smoking.

While there is disagreement in this body on where teen smoking policies should be set—at the federal or state level—we all agree that it must be addressed.

Seven years ago, in an attempt to tackle this problem, the United States Congress passed what is now known as the Synar Amendment. This amendment required the states to meet specifications on buying teen cigarettes. It did not tell the States how to meet the targets but just that they had to meet them.

I believe, as I argued during the debate on the Federal tobacco tax legislative of the work being conducted by the Low Country Health Care Systems.

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UNANIMOUS-CONSENT AGREEMENT—S. 82

Mr. LOTT. Mr. President, I congratulate all who have been involved in this next unanimous consent. A lot of effort has gone into it. I will not name them individually, but I know several Senators have been following very closely. I await a presentation on Monday, October 14, it be in order for the majority leader to proceed to the consideration of S. 82, the FAA reauthorization bill, that the majority and minority managers of the bill be recognized to modify brought up amendments, and further that only aviation-related amendments be in order to the bill, that relevant second-degree amendments will be in order.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator is recognized.

Mr. WYDEN. Mr. President, I do not intend to object. But I have been trying now for almost 2 years on this very important legislation to deal with a very serious problem my constituents have brought to my attention dealing with the weighty, soul-ridden Death On The High Seas Act.

We had families at home in Oregon lose loved ones in international waters as a result of a situation where a Korean freighter ran them over. I have been discussing this in the Senate Commerce Committee that we would have an opportunity on the floor of the Senate to remedy this great injustice. In fact, Chairman McCain had agreed with me previously to work to reform the Death On The High Seas Act to ensure that victims of maritime accidents would have the same rights as those provided to victims of aviation accidents under the FAA bill.

I have been extremely patient with respect to this matter. I have indicated on at least two occasions that I would not offer the amendment. I do not intend to do it now because the FAA legislation is of such extraordinary importance. But I want to make it clear to the Senate that at the next available opportunity, I am going to do everything I can to ensure that these victims of these maritime tragedies—tragedies in international waters where very often they are run over by foreign freighters and left at sea languishing for hours and hours—actually have a remedy. They do not today. It is a grave injustice.

We have discussed this at considerable length in the Senate Commerce Committee. In fact, we even made changes in the legislation in the High Seas Act in the past without addressing this particular issue.

I do not intend to hold up the consideration of the FAA legislation because it is so important, but I want to make it very clear to the Senate that the next available opportunity, we are going to debate this on the floor of the Senate. We are going to have an up-or-down vote on it. My colleagues are now aware of that.

Mr. President, I withdraw my reservation.

Several Senators addressed the Chair. The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, may I address the distinguished majority leader who has been very helpful to the interests of my State given that National Airport and Dulles Airport are undergoing extensive modernization. In the present form of the bill that the leader has designated, is that issue taken care of? If not, is the opportunity open for the Senator from Virginia and others to address that issue?

Mr. LOTT. Mr. President, if the Senator will yield, first, I thank Senator Wyden for his comments and for the record he has made and for not objecting. I know this is an important issue to him. He could object and bring additional pressure on the chairman and the committee. He is not the majority leader. I know he will continue to work on it. I know he and Senator McCain will be talking about it on Monday. I thank him for not objecting.

With regard to the question of the Senator from Virginia, I believe the issue that is so important to him is addressed in the bill the way he understands it to be. But if it is not or if there is any problem, under this unanimous consent request, relevant amendments on aviation would be in order and any amendment that he or the other Senator from Virginia wishes to offer with regard to this matter would be in order and would be protected.

Mr. WARNER. Mr. President, I thank my distinguished leader. Likewise, the issue of the number of slots has been a moving target. May I inquire as to the current specification in the bill and whether or not that could be changed by the proponents of the bill under this UC between now and the date it is brought up?

Mr. LOTT. Mr. President, in answer to the Senator's question, I have in my mind the number of slots that are available based on the discussions he and I have had over about 2 years. I am assuming that is the number in the bill. I have to check and make sure of the exact number, but whatever it is, if the Senator is not satisfied with that, an amendment and a debate to change that number would certainly be in order.

Mr. WARNER. Mr. President, I thank our leader for the assistance he has given throughout the years to the Commonwealth of Virginia and other interested parties with regard to these two airports.

Mr. LOTT. Mr. President, I thank the Senator from Virginia.

Mr. WELLSTONE addressed the Chair. The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, reserving the right to object and I shall not—I do not think I will—as I understand this unanimous consent agreement will be the FAA bill with relevant amendments. Does the majority leader intend to bring up the nuclear waste bill?

Mr. LOTT. I would like to bring up the nuclear waste bill. I think this is a major environmental issue. It is very important to a number of States, I believe, including the Senator's State of Minnesota.

There has been an indication there may be a desire for a filibuster and perhaps the Democrat leadership would not support cloture on this very important issue. If that is the case, then I would not be inclined to file cloture on it on Friday, giving us additional time to see if we can work out an agreement or accommodation as to how to bring up this very important bill.

I do not know how many States have nuclear waste sitting in open cooling pools or how many people have looked at the need to address this problem. I believe a large number of Senators may say they have looked at the number of slots or more, believe we need to move this legislation. I want to find a way to do that.

Mr. WELLSTONE. If I can do a quick followup, the reason I asked the majority leader was actually less because of the subject matter of that bill but the question whether or not he also plans on restricting it to relevant amendments. What I am asking is, when will I have an opportunity as a Senator from Minnesota to bring legislation to the floor of the Senate which will alleviate the economic pain and suffering of family farmers? That is what I want to know. Are we going to have an opportunity for debate on agriculture policy?

Mr. LOTT. We certainly know the Senator from Minnesota has views on that or amendments he wants to offer. One of the things we are planning on doing, I say to the Senator—and Senator Daschle may want to talk about it—is to bring up the sanctions bill. I do not know whether or not the Senator's amendments will be in order to that. It does relate to food and agriculture. He may have something to say or some amendment he wants to offer on that subject.

We have not agreed on a time. You may wind up objecting to it, but I think it is high time we have some debate around here and some thought about how we deal with these unilateral sanctions of countries, how we use food and medicine in that area. We had a vote on it in Agriculture. It is still very controversial. I have indicated it is my intent and it is my hope, if we can find a way, to bring that bill to the floor.

Mr. WELLSTONE. With an opportunity for other amendments dealing with agriculture.
Mr. LOTTT. I believe they probably could be offered to that bill. I do not particularly relish the idea, but I think they probably could be.

Mr. WELLSTONE. I thank the majority leader.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, will the majority leader yield? He made reference to a couple of matters which ought to be addressed briefly.

First, with regard to nuclear waste, I know of nobody on this side of the aisle who wishes to filibuster the bill, and I will be happy to clarify that with the majority leader. I think there is an interest in amending the bill. We would love to have the bill come to the Senate floor under normal Senate order, regular order, and if the bill were brought up under regular order, we would be in support of moving the bill and would oppose any of the other options presented to proceed. I will be happy to work with the majority leader to schedule that, if we could accommodate Senators who wish to offer amendments.

With regard to the FAA debate, this was one of the more difficult agreements. I appreciate the ability of many of our colleagues to allow us the opportunity to have this debate on Monday. But I must say that, once again, this is a unanimous consent request to limit debate and limit amendments. We are agreeing to this only because we believe the FAA bill is a matter of great national security and of import not only for safety and health of aviation but because we believe we have already taken too long to reauthorize this legislation.

So because of the expiration of the authorizing legislation, because of the safety and health matters, we share the view that this legislation ought to come up and be debated and that we ought to limit ourselves to relevant amendments.

But again I say that we have not had a bill come to the Senate under regular Senate order since last May. We have gone through June, July, August, and now September—4 months—and we are simply saying: Let's bring bills to the floor under regular order. Let's have a good debate, and let's have amendments offered. I am hopeful that we can work through the rest of the agenda with that in mind.

So we are not going to object to this bill being brought up, again, under normal order and rule. But I think there is a growing concern that too many bills are coming to the floor without the opportunity for a full debate.

So whether it is nuclear waste or whether it is an array of other bills that could come to the floor, we are ready to debate them. We are ready to have a good amount of time dedicated to whatever piece of legislation ought to be considered. But we want the right to object. We will not agree to that right under FAA, but there are not many bills that fit into that category, if any, for the rest of the year.

I thank the majority leader for yielding.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Reserving the right to object, and I will not object, I want to take this moment to thank both the majority leader and the minority leader, the Senator from Arizona, and the Senator from South Carolina, for their patience because we did have a problem that affected my area that has been worked out.

I ask the majority leader one little question. I want to confirm that the language we have talked about seems to meet the agreement of all sides. I want to get the attention of the majority leader. I was thanking him and the minority leader and others, and I just want to clarify the language we have talked about seems to meet the agreement of all the major players in solving that problem.

Mr. LOTTT. I have not had an opportunity to talk personally, directly, to the Senator from Arizona, but I am informed by his senior aide that he is committed to living with the language that the Senator from New York is familiar with, and that also the Senator from South Carolina, the ranking Democrat, has indicated he will comply with that. And based on the assurance I received, then I would work to make sure that understanding was lived up to. Whether with the final result or not, I will make sure that what your understanding is on the part I have been involved in would be honored.

Mr. SCHUMER. I thank the Senator and thank again the Members of the body for their indulgence on this issue.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Earlier, the majority leader made inquiry about the position of the majority leader on the nuclear waste bill. I want to put on record the position of the Senate on this issue. This, as you know, is an issue—

Mr. LOTTT. Will the Senator yield?

Mr. BRYAN. I am happy to.

Mr. LOTTT. You mean you are not ready to object, and is it so ordered.

Mr. BRYAN. The Senator from Mississippi, with his characteristic insight, has hit the nail right on the head.

Mr. LOTTT. Let me assure the Chair and my colleagues that we know the very passionate feelings of the Senator from Nevada. We know he is going to make them heard, and in every way he can. And he will be entitled to all the rules of the Senate in that effort. We understand that and appreciate it.

Mr. BRYAN. I thank the majority leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.
(42 U.S.C. 1395 et seq.) since the inception of such program in 1965.

(2) Reliable, independent estimates now project that the changes to the Medicare program provided for in the Balanced Budget Act of 1997 will result in the reduction of payments to health care providers that greatly exceeds the level of estimated reductions when such Act was enacted.

(3) Congressional oversight has begun to reveal that these greater-than-anticipated reductions in payments are harming the ability of health care providers to maintain and deliver high-quality health care services to beneficiaries under the Medicare program and to other individuals.

(4) One of the key factors that has caused these greater-than-anticipated reductions in payments is the inappropriate regulatory action taken by the Secretary in implementing the provisions of the Balanced Budget Act of 1997.

(5) The Secretary of Health and Human Services, contrary to the direction of 77 Members of the Senate and 153 Members of the House of Representatives (stated in letters to the Secretary dated June 18, 1999, and September 14, 1999, respectively), has interpreted the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) in a manner that would impose an unintended 5.7 percent across the board reduction in payments under such system.

(a) FINDINGS.—The Senate finds the following:

(1) The Balanced Budget Act of 1997, in order to achieve the objective of balancing the Medicare program for the first time in its history and the single largest change in the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) since the inception of such program, was enacted.

(2) Reliable, independent estimates now project that the changes to the Medicare program provided for in the Balanced Budget Act of 1997 will result in the reduction of payments to health care providers that greatly exceeds the level of estimated reductions when such Act was enacted.

(3) Congressional oversight has begun to reveal that these greater-than-anticipated reductions in payments are harming the ability of health care providers to maintain and deliver high-quality health care services to beneficiaries under the Medicare program and to other individuals.

(4) One of the key factors that has caused these greater-than-anticipated reductions in payments is the inappropriate regulatory action taken by the Secretary in implementing the provisions of the Balanced Budget Act of 1997.

(5) The Secretary of Health and Human Services, contrary to the direction of 77 Members of the Senate and 153 Members of the House of Representatives (stated in letters to the Secretary dated June 18, 1999, and September 14, 1999, respectively), has interpreted the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) in a manner that would impose an unintended 5.7 percent across the board reduction in payments under such system.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Health and Human Services should:

(1) carry out congressional intent and cease its inappropriate interpretation of the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)); and

(2) eliminate the unintended 5.7 percent across the board reduction in payments under such system.

AMENDMENT NO. 183, AS MODIFIED

Mr. INHOFE. Mr. President, I ask unanimous consent to modify the amendment in accordance with the modifications at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. 1. SENSE OF THE SENATE REGARDING PAYMENTS UNDER THE PROSPECTIVE PAYMENT SYSTEM FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

(a) FINDINGS.—The Senate finds the following:

(1) The Balanced Budget Act of 1997, in order to achieve the objective of balancing the Medicare program for the first time in its history and the single largest change in the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) since the inception of such program, was enacted.

(2) Reliable, independent estimates now project that the changes to the Medicare program provided for in the Balanced Budget Act of 1997 will result in the reduction of payments to health care providers that greatly exceeds the level of estimated reductions when such Act was enacted.

(3) Congressional oversight has begun to reveal that these greater-than-anticipated reductions in payments are harming the ability of health care providers to maintain and deliver high-quality health care services to beneficiaries under the Medicare program and to other individuals.

(4) One of the key factors that has caused these greater-than-anticipated reductions in payments is the inappropriate regulatory action taken by the Secretary in implementing the provisions of the Balanced Budget Act of 1997.

(5) The Secretary of Health and Human Services, contrary to the direction of 77 Members of the Senate and 153 Members of the House of Representatives (stated in letters to the Secretary dated June 18, 1999, and September 14, 1999, respectively), has interpreted the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) in a manner that would impose an unintended 5.7 percent across the board reduction in payments under such system.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Health and Human Services should:

(1) carry out congressional intent and cease its inappropriate interpretation of the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)); and

(2) eliminate the unintended 5.7 percent across the board reduction in payments under such system.

AMENDMENT NO. 183, AS MODIFIED

Mr. INHOFE. Mr. President, I ask unanimous consent to modify the amendment in accordance with the modifications at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill insert the following:

TITLE __ TASK FORCE ON THE STATE OF AMERICAN SOCIETY

SEC. 01. ESTABLISHMENT OF THE TASK FORCE.

(a) ESTABLISHMENT.—There is established a task force of the Senate to be known as the Task Force on the State of American Society (hereafter in this title referred to as the "task force").

(b) Purpose.—The purpose of the task force shall be to:

(1) study the societal condition of America, particularly in regard to children, youth, and families;

(2) make such findings as are warranted and appropriate, including the impact that trends and developments have on the broader society, particularly in regards to child well-being; and

(3) to study the causes and consequences of youth violence.

(c) Task Force Procedure.—

(1) In general.—Paragraphs 1, 2, 7(a) (2), and 10(a) of rule XXVI of the Standing Rules of the Senate, and section 202 (1) of the Legislative Reorganization Act of 1946, shall apply to the task force except for the provisions relating to the taking of depositions and the subpoena power.

(2) Equal Funding.—The majority and the minority staff of the task force shall receive equal funding.

(3) Quorums.—The task force is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum for the transaction of business as may be considered by the task force. A majority of the task force shall be required to issue a report to the relevant committees, with a minority of the task force afforded an opportunity to record its views in the report.

SEC. 02. MEMBERSHIP AND ORGANIZATION OF THE TASK FORCE.

(a) Membership.—

Mr. REID. If I could have the floor for a second.

I say to my friend from Oklahoma, that was one of the most persuasive arguments I have heard on the Senate floor.

Mr. SPECTER. Mr. President, the final order of business this evening on the pending bill is an amendment to be offered by the Senator from Kansas, Mr. Brownback, for purposes of 10 minutes of discussion, and then it will be withdrawn. So I leave the floor in the hands of Senator Brownback for that 10-minute presentation and withdrawal.

The PRESIDING OFFICER. The Senator from Kansas.

(Purpose: To establish a task force of the Senate to address the societal crisis facing America)

Mr. BROWNBACK. I call up an amendment at the desk numbered 1833 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution proposing an amendment numbered 1833.

Mr. BROWNBACK. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill insert the following:

TITLE __ TASK FORCE ON THE STATE OF AMERICAN SOCIETY

SEC. 01. ESTABLISHMENT OF THE TASK FORCE.

(a) ESTABLISHMENT.—There is established a task force of the Senate to be known as the Task Force on the State of American Society (hereafter in this title referred to as the "task force").

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(1) study the societal condition of America, particularly in regard to children, youth, and families;

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(3) to study the causes and consequences of youth violence.

(c) Task Force Procedure.—

(1) In general.—Paragraphs 1, 2, 7(a) (2), and 10(a) of rule XXVI of the Standing Rules of the Senate, and section 202 (1) of the Legislative Reorganization Act of 1946, shall apply to the task force except for the provisions relating to the taking of depositions and the subpoena power.

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(3) Quorums.—The task force is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum for the transaction of business as may be considered by the task force. A majority of the task force shall be required to issue a report to the relevant committees, with a minority of the task force afforded an opportunity to record its views in the report.

SEC. 02. MEMBERSHIP AND ORGANIZATION OF THE TASK FORCE.

(a) Membership.—
(1) IN GENERAL.—The task force shall consist of 8 members of the Senate—

(A) 4 of whom shall be appointed by the President pro tempore of the Senate upon the recommendation of the Majority Leader of the Senate; and

(B) 4 of whom shall be appointed by the President pro tempore of the Senate from the minority party of the Senate upon the recommendation of the Minority Leader of the Senate.

(2) VACANCIES.—Vacancies in the membership of the task force shall not affect the authority of the remaining members to execute the functions of the task force and shall be filled in the same manner as original appointments to it are made.

(b) CHAIRMAN.—The chairman of the task force shall be selected by the Majority Leader of the Senate and the vice chairman of the task force shall be selected by the Minority Leader of the Senate. The vice chairman shall discharge such responsibilities as the task force or the chairman may assign.

SEC. 90. AUTHORITY OF TASK FORCE.

(a) IN GENERAL.—For the purposes of this title, the task force is authorized, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel;

(3) to hold hearings;

(4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate;

(5) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946; and

(6) with the prior consent of the Government department or agency concerned and the Chairman of Admin and Management, to use on a nonreimbursable basis the services of personnel of any such department or agency.

(b) OTHER COMMITTEE STAFF.—At the joint request of the chairman and vice-chairman of the task force, the chairman and the ranking member of any other Senate committee or subcommittee may jointly permit the task force to use, on a nonreimbursable basis, the facilities or services of any member or members of such other Senate committee or subcommittee whenever the task force or its chairman, following consultation with the vice chairman, considers that such action is appropriate to enable the task force to make the investigation and study provided for in this title.

SEC. 90A. REPORT AND TERMINATION.

The task force shall report its findings, together with such recommendations as it deems advisable, to the relevant committees and the Senate prior to July 7, 2000.

SEC. 90B. FUNDING.

(a) IN GENERAL.—From the date this title is agreed to through July 7, 2000, the expenses of the task force incurred under this title—

(1) shall be paid out of the miscellaneous items account of the contingent fund of the Senate;

(2) shall not exceed $50,000, of which amount not to exceed $150,000 shall be available for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); and

(3) shall include sums in addition to expenses described under paragraph (2), as may be necessary for agency contributions related to compensation of employees of the task force.

(b) PAYMENT OF EXPENSES.—Payment of expenses of the task force shall be disbursed upon vouchers approved by the chairman, except that vouchers shall not be required for disbursements of salaries (and related agency contributions) paid at an annual rate.

Mr. BROWNBACK. Mr. President, I appreciate the Senator from Pennsylvania accommodating our desire to consider this tonight. The reason we offer this amendment is to discuss it briefly and then withdraw it as being subject to a point of order on this particular bill.

I rise to explain the amendment. What this amendment regards is the establishment of a 1-year, actually less than 1-year, Senate task force to study the state of American society. There has been a lot of discussion going on about this. I want to spend a little bit of time discussing what this is and what it isn't because I think both are important.

We are proposing this task force, Senator LIEBERMAN, Senator MOYNIHAN, and myself, the Presiding Officers, the opposite sides of the aisle, and the majority leader of the majority party of the Senate to use on a nonreimbursable basis the services of personnel of any such department or agency.

There are other warning signs. The number and percentages of the children who live in broken homes continues to increase, regrettably. Reports of domestic abuse and child abuse are at shocking levels.

It is a simple and undeniable fact that our families and children, schools, and communities have been subjected to seismic shifts over the last 30 years. These changes have had consequences—consequences which deeply impact the public, including the formation of public policy, which deserve a public forum in which to study and address them.

First, if we take a quick look at what is happening across America, in the last 2 years, we have seen one school shooting after another: Conyers, GA; Littleton, CO; Richmond, VA; Paducah, KY; Springfield, OR; Edinboro, PA; Pearl, MS, and Jonesboro, AR. Unfortunately, the list goes tragically on. We just won't stop.

There are other warning signs. The number and percentages of the children who live in broken homes continues to increase, regrettably. Reports of domestic abuse and child abuse are at shocking levels.

One of our colleagues and cosponsors of this bill, Senator MOYNIHAN, once coined a memorable phrase. He talked about our society in terms of "defining deviancy down." What he meant—and I believe him if I am incorrect—is that when behavior that was once considered deviant or outrageous becomes more ordinary and commonplace, societies tend to redefine deviancy.

This is such a classic and clear example. For example, in 1929, four gangsters killed seven unarmed bootleggers. The slaughter was considered so horrific that the event was dubbed the "St. Valentine's Day Massacre." Remember that one? It was 1929; seven unarmed, defenseless people, including several children, before turning the gun on himself—just as many people, one less, killed in that Florida church one Sunday in the St. Valentine's Day Massacre. Yet that story, so far from making it into an encyclopedia, didn't even get a headline in the Washington Post. Why? Why is it that we no longer consider outrageous what is truly outrageous? Does it have become too commonplace. It has become common on our streets and airwaves. It is both the reality in which many live, and it makes up the entertainment into which many escape.

Over the past 30 years, there are many ways we have made progress as a country and as a people. Our economy has grown tremendously. Technological advances have been unprecedented. New doors of opportunity have been opened to people who once had denied access. The opportunities available to women and minorities have increased, and they need to increase even further. But in the midst of unprecedented prosperity, there is a widespread belief that we live in a mean society where families are breaking down, children are more prone to crime, violence, alienation, drug use and suicide, and our civic fabric is fray, is truly fact, not only in the United States lead the world in material wealth, it also leads the industrialized world in rates of murder, violent juvenile crime, abortion, divorce, cocaine consumption, pornography production, and consumption of pornography. These facts have not hit the American people far from it. Poll after poll shows they recognize it.

I draw the attention of the body to some of the polls that have recently been done here. Here is one from May 3 of this year: Where does the country face the most serious problems today? Moral values area, 56 percent; next closest, environment at 12 percent. Fifty-six percent of the public considering that. That was by a different research group than the last one.

Here is one done by the Princeton Survey Research Group, July 22 of this year: What priority should be given to dealing with the greatest threat to the United States? Fifty-five percent say top priority should be given. My only point in showing these polls is that this is something the American public considers important. Indeed, for us to be considering we need to address it in this body. This is not to say that all societal changes have been negative. Far from it.
As I noted earlier, there are many causes for hope, even celebration. But there are causes for concern taking place as well. Even where our challenges remain stark, I am personally optimistic. I believe for every problem in America, there is a solution already in place, this is what makes America great. We can begin to better understand where we are as a society and where we are headed.

I hope this task force will encourage the replication of those solutions, but first and foremost, my hope is that by working together, we can begin to better understand where we are as a society and where we are headed.

Senator MOYNIHAN, again, made a point that I think is true: You can’t change a problem until you can figure out how to measure it. You need to be able to measure to know when you are making progress on what is happening. That is the stage at which we find ourselves. We know something is happening in our society, but we don’t know how accurately measure it. We are still struggling with asking the right questions.

My hope and intention is that this task force would begin the important and necessary work of measuring these issues and asking the right questions. I want to talk about some of the specifics of the task force, what it is and what it isn’t.

There have been a lot of rumors spreading around about this. First, this task force is not the business of investigating and analyzing and examining the state of our culture the causes and consequences of our societal difficulties, and possible solutions. It will hold hearings on such topics as civic participation, the state of the family structure, the impact of popular culture on young people, the causes of youth violence, and innovative and effective initiatives that have reduced various social problems that we have.

It will look at these issues in a holistic and a broad manner and—let me emphasize this—a bipartisan manner. It will not hold legislative jurisdiction. It will not report out or mark up legislation. It will not intrude on people’s personal lives or seek to impose a set of values on anyone. It aims to achieve a better description of what is going on in our society, not a prescription of morals. It seeks to inform and investigate, rather than to legislate.

I know there were concerns among some of my colleagues about provisions regarding subpoena power. Let me assure all of them, those have been taken out. This endeavor will be a task force of concerned Members working together to work with a better sense of the condition of our society. The task force is bipartisan in purpose, process, and structure, as bipartisan as possible. It is composed of eight members: four Republicans, four Democrats. You can’t get much more bipartisan than that.

Together, I hope we can take a good look at what is going on in our society, at the state of the cultural environment in which we currently reside. While these are not legislative issues, they are important public issues with profound consequences, both in terms of public policy and in our daily lives.

This is an important task. I look forward to the counsel and support of my colleagues and their important work. We have tried to bend over backwards to work in a bipartisan way to get this moving forward. We are still working to get this pulled together. I hope my colleagues will continue to talk with us about this, about how we can do this and how we can work together to address this very important problem.

AMENDMENT NO. 1853, WITHDRAWN

Mr. President, as I stated at the outset, as the Senator from Pennsylvania noted, I realize this will be subjected to a point of order. I wanted to bring it up and discuss it.

With this discussion, I withdraw my amendment at this time.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment (No. 1833) was withdrawn.

Mr. President, I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business without a quorum call being dispensed with.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

MAJOR GENERAL BRUCE SCOTT, CHIEF OF ARMY LEGISLATIVE LIAISON

Mr. THURMOND. Mr. President, I rise today to pay tribute to Maj. Gen. Bruce Scott, who will soon depart his position as Chief of Army Legislative Liaison to assume command of the United States Army Security Assistance Command in Alexandria, VA.

I imagine that the impression most people have of someone who is a general is that of an officer who is in charge of troops, such as a person leading an Infantry and Armored division. Few realize that there are more generals who are administrators than troop leaders, and probably even fewer realize one of the most critical jobs any general in the United States Army could hold as far as preparing that service to protect the borders, and interests of the nation is the position which General Scott has held for the past two years. Though he might not have been wearing BDU’s or eating MRE’s for the past twenty-four months, General Scott has had the extremely important responsibility of serving as the head of liaison efforts between the Congress and the Army. In that role, he has led the efforts to make sure soldiers have the resources they require to accomplish their mission and dominate any battlefield, anywhere, anywhere.

General Scott is well qualified to represent the Army in the Legislative Branch. Every position he has held since beginning his Army career in 1968 as a Cadet at the United States Military Academy at West Point has given him a unique insight into what it is like to be a soldier at every level of the service. Thanks to his assignments to Infantry and Armored divisions, he understands what is involved in serving in a combat arms unit; as a result of his service as a Commanding General and Division Engineer, he understands what general officers require to do their jobs; a veteran of the White House Fellows program, he was exposed at an early stage to the relationship between the legislative and executive branches of government, as well as to the notion of civilian control of the military; and as a former Deputy Director of Strategy, Plans and Policy, Office of the Deputy Chief of Staff for Operations and plans, he has an appreciation of the strategic, or “bigger”, picture. All in all, General Scott came to this job with the credentials and experience that was required of him.

During his command as the Chief of Army Legislative Liaison, General Scott put his rich background to work for him and the Army, working hard to represent the interests of the service to the Senate and House of Representatives, as well as working to make sure that the Army was responsive to our requests and interests. Over the past two years, General Scott helped to shepherd through the Congress major initiatives on Army modernization and defense. He has been a forceful and effective advocate for the Army’s “Force XXI” and its “Force After Next”; and, during my tenure as Chairman of the Senate Armed Services Committee, we worked together to build even stronger ties between the Army and the Senate Armed Services Committee.

I have always believed that hard work will be rewarded, and after what I am certain at times was an agonizing, occasionally heated experience of working with Congress, General Scott will soon take the reins of the United States Army Security Assistance Command. This is an important assignment, especially in this day and age when the success of international coalitions and friendships with other nations is as important to the security of the United States as maintaining a well-equipped, well-trained fighting force. In his new job, General Scott will continue the work that he has been doing, I am sure, for the past two years, in a new role with new responsibilities. But I am confident that the experience that has been gained in his current position will be an asset to the Army as it works in cooperation with the Congress.
the United States as he will be required to work with approximately 120 different nations and multinational organizations in promoting international security by assuring our allies have access to modern and effective equipment and to develop every confidence that he will discharge the duties of his new job with the same ability, dedication, and professionalism as he has done throughout his career, and especially as he did as Chief of Army Legislative Liaison.

I am certain that my colleagues on the Senate Armed Services Committee and throughout the Senate join me in applauding the work of General Scott and in thanking him for his tireless efforts in working with us for the benefit of our Army and soldiers. I look forward to continuing to monitor the career of General Scott, and I predict that he will continue to achieve great things for many years to come.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 29, 1999, the Federal debt stood at $5,465,399,491,050.88 (Five trillion, six hundred forty-five billion, three hundred ninety-nine million, four hundred ninety-one thousand, fifty dollars and eighty-eight cents).

One year ago, September 29, 1998, the Federal debt stood at $5,253,786,000,000 (Five trillion, five hundred twenty-seven billion, four hundred fifty-seven billion, four hundred ninety-one thousand, fifty dollars and eighty-eight cents).

Five years ago, September 29, 1994, the Federal debt stood at $4,669,823,000,000 (Four trillion, six hundred sixty-nine billion, eight hundred sixty-three billion, seven hundred eighty-six million).

Ten years ago, September 29, 1989, the Federal debt stood at $2,857,431,000,000 (Two trillion, eight hundred fifty-seven billion, four hundred thirty-one million) which reflects a double-decade increase of more than $3 trillion—$2,787,968,491,050.88 (Two trillion, seven hundred eighty-seven billion, nine hundred sixty-eight million, four hundred ninety-one thousand, fifty dollars and eighty-eight cents).

MESSAGE FROM THE HOUSE

At 11 a.m., a message from the House of Representatives, delivered by Ms. Noland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:


MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 2506. An act to amend title IX of the Public Health Service Act to extend the Agency for Health Care Policy and Research; to the Committee of Health, Education, Labor, and Pensions.

H.R. 2559. An act to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

The Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following measure which was referred to the Committee on the Judiciary:

S. 1515. A bill to amend the Radiation Exposure Compensation Act, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 30, 1999, he had presented to the President of the United States, the following enrolled bill:

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.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5459. A communication from the Assistant Secretary of Defense for Health Affairs, transmitting, pursuant to law, a report entitled "Plan for Health Care Services for Gulf War Veterans"; to the Committee on Veterans' Affairs.

EC–5460. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, transmitting a report relative to the proposed "Air Transportation Improvement Act"; to the Committee on Commerce, Science, and Transportation.

EC–5461. A communication from the Secretary, Transportation, transmitting, pursuant to law, a report relative to the tax, nicotine, and carbon monoxide content of the smoke of domestic cigarettes sold or distributed on or after 10/11/99; to the Committee on Commerce, Science, and Transportation.

EC–5462. A communication from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Federal Enforcement in Group and Individual Health Insurance Markets" (HCFA–2019–IFC) (RIN0966–A448), received September 22, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5463. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting pursuant to law, the report of a rule entitled "Notice—Labeling of Hard Cider; Treasury Decision—Hard Cider; Postponement of Labeling Compliance Date" (RIN3512–AB71), received September 29, 1999; to the Committee on Finance.

EC–5464. A communication from the Assistant Secretary, Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Coastal Zone Consistency Review of Exploration Plans and Development and Production Plans" (RIN1010–AC12), received September 27, 1999; to the Committee on Energy and Natural Resources.

EC–5465. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report of a rule entitled "Air Toxics; Replacement of the Lead-Based Anti-Freeze Standard" (RIN0836–1020), received September 24, 1999; to the Committee on Environment and Public Works.

EC–5466. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Diflubenzuron; Pesticide Tolerances for Emergency Exemptions" (FRL #6385–6), received September 21, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5467. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pymetrozine; Pesticide Tolerance" (FRL #6386–6), received September 21, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs, with an amendment and an amendment to the title:


By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 2019. An original bill to amend the Agricultural Marketing Act of 1946 to establish a program of mandatory market reporting for certain meat packers regarding the prices, quantities, and terms and conditions of the procurement of cattle, swine, lambs, and products of such livestock, to improve the collection of
information regarding the marketing of cattle, swine, lambs, and products of such livestock, and for other purposes (Rept. No. 106–188).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:
By Mr. HATCH, for the Committee on the Judiciary:
Robert Raben, of Florida, to be an Assistant Attorney General, vice Andrew Fois, resigned.
Robert S. Mueller, III, of California, to be United States Attorney for the Northern District of California for a term of four years.
John Hollingsworth Sinclair, of Vermont to be United States Marshal for the District of Vermont for the term of four years.
(These nominations were reported with the recommendation that they be confirmed.)
By Mr. LOTT for Mr. MCCAIN, for the Committee on Commerce, Science, and Transportation:
Thomas E. Leary, of the District of Columbia, to be a Federal Trade Commissioner for the term of seven years from September 26, 1996.
Stephen D. Van Beek, of the District of Columbia, to be Associate Deputy Secretary of Transportation.
Michael J. Frazier, of Maryland, to be an Assistant Secretary of Transportation, vice Steven O. Palmer.
Gregory R. Robbe, of North Dakota, to be Assistant Secretary of Commerce for Communications and Information.
Linda Joan Morgan, of Maryland, to be a Member of the Surface Transportation Board.
The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., include:

To be rear admiral
Rear Adm. (lh) David S. Belz, 0000
Rear Adm. (lh) James S. Carmichael, 0000
Rear Adm. (lh) Roy J. Casto, 0000
Rear Adm. (lh) James A. Kinghorn, Jr., 0000
Rear Adm. (lh) Erroll M. Brown, 0000
The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., include:

To be rear admiral (lower half)
Capt. Ralph D. Utley, 0000
The following named officer for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., include:

To be rear admiral (lower half)
Capt. Kenneth T. Venuto, 0000
The following named officer for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., include:

To be rear admiral (lower half)
Capt. James C. Olson, 0000
Mr. LOTT for Mr. MCCAIN, Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably nomination lists which were printed in the RECORDS on the dates indicated at the end of the days Senate proceedings, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary’s desk for the information of Senators.
The PRESIDENT OF THE SENATE.
Mr. President, I move to confirm the nominations of:
National Oceanic and Atmospheric Administration 83 nominations beginning Donald A. Drees, and ending Kevin V. Werner, which nominations were received by the Senate and appeared in the Congressional Record of September 9, 1999
Coast Guard 42 nominations beginning Ernest J. Pink, and ending William J. Wagner, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999
(These nominations were reported with the recommendation that they be confirmed.)
INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:
By Mr. CLELAND:
S. 1671. A bill to require country of origin labeling of peanuts and peanut products and to establish penalties for violations of the labeling requirements; to the Committee on Agriculture, Nutrition, and Forestry.
By Mr. GRAHAM (for himself and Mr. BINGAMAN):
S. 1672. A bill to extend the national emergency with respect to terrorism and to authorize the use of force against the Islamic Republic of Iran; to the Committee on Foreign Relations.
By Mr. LEAHY, and Mr. BAUCUS:
S. Con. Res. 58. A 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 Finance.
STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CLELAND:
S. 1674. A bill to promote small schools and smaller learning communities; to the Committee on Health, Education, Labor, and Pensions.
By Mr. BINGAMAN:
S. 1675. A bill to provide for school dropout prevention, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.
By Mr. BINGAMAN:
S. 1676. A bill to improve accountability for schools and local educational agencies under part A of title I of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.
By Mr. HATCH, for the Committee on the Judiciary:
S. Res. 193. A resolution to reauthorize the Jacob K. Javits Senate Fellowship Program; considered and agreed to.
By Mr. DODD:
S. Res. 193. A resolution to reauthorize the Jacob J. Javits Senate Fellowship Program; considered and agreed to.
By Mr. WYDEN:
S. Con. Res. 58. A 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 Finance.

THE PEANUT LABELING ACT OF 1999
Mr. CLELAND. Mr. President, I am coming to the floor to introduce the Peanut Labeling Act of 1999. This bill will require country of origin labeling for all peanut and peanut products sold in the United States; specifically

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it will require that consumers be notified whether the peanuts are grown in the United States or in another country. The main purpose of this bill is to provide American consumers with information about where the peanuts they purchase come from. This bill will allow consumers to make informed food choices and support American farmers. And, with the labeling requirement, should a health concern be raised about a specific country's product, such as the Mexican strawberry recall we witnessed a few year's back, consumers would have the information they need to make their own choices about the products they buy at the market.

Family farmers in America are facing dire circumstances. Farmers' ability to grow and sell their products have been severely affected by bad weather conditions, poor market prices, and trade restrictions. This bill allows consumers to help American farmers in the best way that they can—with their food dollar. Consumers are provided with information about the country of origin of a wide range of products, including clothes, appliances and automobiles. It only seems appropriate and fair that consumers should receive the same information about agricultural products, specifically peanuts. In fact, because consumers purchase agricultural products, including peanuts, based on the quality and safety of these items, it will be even more important to provide them with this basic information.

By providing country of origin labels, consumers can determine if peanuts are from a country that has had pesticide or other problems which may be harmful to their health. This is true particularly during a period when food imports are increasing, and will continue to increase in the wake of new trade agreements such as the WTO and GATT. Some of the recent outbreaks linked to strawberries in Mexico, and European beef related to "mad cow disease" have raised the public’s awareness of imported foods and their potential health impacts. Consumers should not have to wait for the same thing to happen with peanuts before they have the information they need to make wise food choices. With the labeling requirement, should such an outbreak occur, consumers would have information to not only avoid harmful products, but to continue to purchase unaffected ones.

The growth of biotechnology in the food arena necessitates more information in the marketplace. Research is being conducted today on new peanut varieties. These research efforts include seeds that might deter peanut allergies, tolerate more drought, and be more resistant to disease. As various countries use differing technologies, consumers must be made aware of the source of the peanut they are purchasing. GAO recently pointed out that FDA only inspected 1.7 percent of 2.7 million shipments of fruit, vegetables, seafood and processed foods under its jurisdiction. Inspections for peanuts can be assumed to be in this range or less. This lack of inspection does not provide consumers of these products with a great deal of assurance.

Another purpose of this bill is to provide consumers with the ability to gain benefit from the investments of their hard earned taxes paid to the U.S. government. The federal government spends a large sum of money on peanut research, more than that is by far the most advanced in the world. This research not only increases the productivity of peanut growers, but provides growers with vital information about best management practices, including pesticide and water usage. It assists growers in their efforts to more effectively and efficiently grow a more superior and safer product for American consumers. Consumers should be able to receive a return on this investment by being able to purchase U.S. peanuts.

Polls have shown that consumers in America want to know the origin of the products they buy. And, contrary to the arguments given by opponents of labeling measures that such requirements would drive prices up, consumers have indicated that they would be willing to pay extra for easy access to such information. I believe that this is a pro-consumer bill that will have wide support.

I am also very pleased that peanut growers in America strongly support my proposal. I have endorsement letters for my bill from the Georgia Peanut Commission, the National Peanut Growers Group, the Southern Peanut Farmers Federation, the Alabama Peanut Producers Association, and the Florida Peanut Producers Association. In conclusion, as my colleagues know, we live in a global economy which creates an international marketplace for our food products. I strongly support the use of origin labeling for agricultural products, such as peanuts, we not only provide consumers with information they need to make informed choices about the quality of food being served to their family but we also allow American farmers to showcase the time and effort they put into producing the safest and finest food products in the world. I believe this bill represents these principles and I ask my colleagues for their support.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1669
Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, ...
DEAR SENATOR CLELAND: The National Peanut Growers Group endorses the “Peanut Labeling Act of 1999.” Our group, which consists of grower representation from our peanut producing regions across the nation, fully supports your efforts to introduce this legislation. We believe origin labeling of peanuts and peanut products is vital to our industry's survival. Because our quality and safety standards are the best in the world, our peanuts and peanut products should be labeled in order to differentiate from other foreign products. The consumer should have information that allows him to discern which peanut and peanut product is best for him.

Thank you for your support. We appreciate your efforts to strengthen our peanut industry.

Sincerely,

WILBUR GAMBLE, Chairman.

SOUTHERN PEANUT FARMERS FEDERATION,
September 22, 1999.

Hon. MAX CLELAND,
U.S. Senate, Dirksen Senate Building,
Washington, DC.

DEAR SENATOR CLELAND: The Southern Peanut Farmers Federation, an alliance of Alabama Peanut Producers Association, Georgia Peanut Commission, and Florida Peanut Producers Association, strongly supports the “Peanut Labeling Act of 1999.” We appreciate the opportunity to review the bill, and we believe its enactment will strengthen our peanut industry.

This bill is very important to us for several reasons. First, we believe that like most products made in America, peanuts and peanut products should have a label of origin. Secondly, we believe that by giving American consumers this information, it allows them to buy American products. The numbers of imported peanuts and peanut products continue to rise each year. We believe that by labeling our products, our growers will have a tool that keeps them at a level playing field with the competition. The American consumer will want to purchase products of high quality and that meets stringent safety standards.

The labeling of peanuts and peanut products would improve the numbers of peanuts and peanut products coming into the country illegally. Many products are imported into our country without trade restrictions, due to NAFTA, and sold to our American consumer. Yet, some of those peanut products continue to rise each year. We believe that by labeling our products, our growers will keep our peanut market from being saturated.

The “Peanut Labeling Act” is a tremendous step in the right direction for our industry. It is a vital tool that will allow our industry to compete in the future as our country's trade policy is expanded.

Sincerely,

BILLY GRIGGS,
President.

GREG HALL,
Executive Director.

ALABAMA PEANUT PRODUCERS ASSOCIATION,
Dothan, AL, September 22, 1999.

To: Senator Max Cleland.

From: H. Randall Griggs.

On behalf of the peanut producers in Alabama, we support and strongly endorse your “Peanut Labeling Act of 1999”. The bill will give a tool that keeps them at a level playing field with the competition. The American consumer will want to purchase products of high quality and that meets stringent safety standards.

The labeling of peanuts and peanut products would allow the numbers of peanuts and peanut products to be labeled. The market place becomes more globalized, the U.S. industry should be allowed to differentiate its products from other origins. Also, consumers should have the information necessary to choose and know where their food products originate.

Again, we support and appreciate your efforts.

By Mr. ALLARD:

S. 1671. A bill to reform the financing of Federal elections; to the Committee on Rules and Administration.

CAMPAIGN FINANCE INTEGRITY ACT OF 1999

Mr. ALLARD. Mr. President, the Senate is again considering campaign finance reform. The problem is that almost every Senator has a different definition of—and goal for—reform. Today I am introducing the “Campaign Finance Integrity Act.” I believe this bill can actually be agreed upon by a majority of this body that would want to ensure that we improve the campaign finance system (a nearly universally acknowledged goal) without being unconstitutional and attempting measures that fly in the face of the First Amendment.

Some in Congress have stated that freedom of speech and the desire for healthy campaigns in a healthy democracy are in direct conflict, and that you can’t have both. But fortunately for those of us who believe in the First Amendment rights of all American citizens, the founding fathers and the Supreme Court are on our side. They believe, and I believe, that we can have both.

I would hope that celebrating the value of the First Amendment on the floor of the United States Senate is preaching to the choir, as the expression goes, but let me go ahead and do it anyway. Thomas Jefferson repeatedly stated the importance of the First Amendment and how it allows the people and the press the right to speak their minds freely. Jefferson clearly described its significance back in 1788 with one of the amendments to the Constitution. “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press.” It also guarded in the same sentence and under the same words, the freedom of religion, speech, and of the press; insomuch that what ever violates either throws down the sanctuary which covers the others.” Again in 1808, he stated that “The liberty of speaking and writing guards our other liberties.” And in 1823, Jefferson stated, “The force of public opinion cannot be resisted when permitted freely to be expressed. The agitation it produces must be submitted to. Jefferson knew and believed that if we begin restricting what people say, how they say it, and how much they can say, then we deny the first and fundamental freedom given to all citizens.”

The Supreme Court has also been very clear in its rulings concerning campaign finance reform. The Buckley decision says, “The Supreme Court has also been very clear in its rulings concerning campaign finance reform. The Buckley decision says, “The government may not abridge the constitutional right of a political organization to print or what it can print. The government may not abridge the constitutional right of a political organization to print or what it can print.”

Simply stated, the government cannot ration or regulate political speech of an American through campaign spending. The Supreme Court has stated that to impose any restrictions on political speech is to impose an unconstitutional limit on freedom of speech.

Simply stated, the government cannot ration or regulate political speech of an American through campaign spending. The Supreme Court has stated that to impose any restrictions on political speech is to impose an unconstitutional limit on freedom of speech.
itself provides no basis for governmental restrictions on the quantity of campaign spending. . . ."

Campaigns are about ideas and expressing those ideas, no matter how great or small the means. The "distribution of the humblest handbill or the ideas of communication" are both indispensable instruments of effective political speech. We should not force one sector to freely distribute our political ideas just because it is more expensive than all the other sectors. We must recognize that objectionable the cost of campaigns are, the Supreme Court has stated that this is not reason enough to restrict the speech of candidates or any other groups involved in political speech.

We need a campaign finance bill that does not violate the First Amendment, while providing important provisions to open the campaign finances of candidates up to the scrutiny of the American people. I believe the Campaign Finance Integrity Act does that.

My bill would:

- Require candidates to raise at least 50 percent of their contributions from individuals in the state or district in which they are running.
- Equalize contributions from individuals and political action committees (PACs) by raising the individual limit from $1000 to $2500 and reducing the PAC limit from $5000 to $2500.
- Index individual and PAC contribution limits for future inflation.
- Reduce the influence of a candidate's personal wealth by allowing political party committees to match dollar for dollar the personal contribution of a candidate above $5000.
- Require corporations and labor organizations to seek separate, voluntary authorization of the use of any dues, initiative fees or payment as a condition of employment for political activity, and requires annual full disclosure of those activities to members and shareholders.
- Prohibit depositing an individual contribution by a campaign unless the individual's profession and employer are reported.
- Encourage the Federal Election Commission to allow filing of reports by computers and other emerging technologies and to make that information accessible to the public on the Internet less than 24 hours of receipt.
- Ban the use of taxpayer financed mass mailings.

This is common sense campaign finance reform. It drives the candidate back into his district or state to raise money from individual contributions. It has some of the most open, full and timely disclosure requirements of any other campaign finance bill in either the Senate or the House of Representatives. I strongly believe that sunshine is the best disinfectant.

The right of political parties, groups and individuals to say what they want in a political campaign is preserved by the right of the public to know how much they are spending and what they are saying is also recognized. I have great faith that the public can make its own decisions about campaign discourse if it is given full and timely information.

Many of the proponents of other campaign finance bills try to reduce the influence of special interests by suppressing their speech. I believe the best ways to reduce the special interests influence is to suppress and reduce the size of government. If the government rides itself of special interest funding and corruption, we should be less reason for influence-buying donations.

Objecting to the popular quest of the moment is very difficult for any politician, but turning your back on the American people. I believe the Campaign Finance Integrity Act does that.

By Mr. DE WINE (for himself, Mr. HUTCHINSON, Mr. VINOGRANOVICH, Mr. NICKLES, Mr. HELMS, and Mr. ENZI):

S. 1673. A bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence; to the Committee on the Judiciary.

UNBORN VICTIMS OF VIOLENCE ACT OF 1999

- Mr. DE WINE. Mr. President, today I rise to speak on behalf of unborn children who are the victims of violence. I am here to be their voice; I am here to fight for their rights.

We live in a violent world. Mr. President. Sadly, sometimes—perhaps more often than we realize—even unborn babies are the targets, intended or otherwise, of violent acts. I'll give you some disturbing examples.

In 1996, Airman, Gregory Robbins, and his family were stationed in my home state of Ohio at Wright-Patterson Air Force Base in Dayton. At that time, Mrs. Robbins was more than eight months pregnant with a daughter they named Jasmine. On September 12, 1996, in a fit of rage, Airman Robbins wrapped his flat in a T-shirt (to reduce the chance that he would inflict visible injuries) and savagely beat his wife by striking her repeatedly about the head and abdomen. Fortunately, Mrs. Robbins survived the violent assault. Tragically, however, her uterus ruptured during the attack, expelling the baby into her abdominal cavity, causing Jasmine's death.

Air Force prosecutors sought to prosecute the Airman for Jasmine's death, but neither the Uniform Code of Military Justice nor the Federal code makes criminal such an act which results in the death or injury of an unborn child. The only available federal offense was for the assault on the mother. This was a case in which the only available federal penalty did not fit the crime. So prosecutors charged the baby's father with violating the Ohio fetal homicide law to convict Mr. Robbins of Jasmine's death. This case currently is pending appeal, and we do hope that justice will prevail.

Mr. President, if it weren't for the Ohio fetal homicide law in place, there would have been no opportunity to prosecute and punish Airman Robbins for the assault against Baby Jasmine. We need a federal remedy to avoid having to bootstrap state laws and to provide due process when a violent act occurs during the commission of a federal crime—especially in cases when the state in which the crime occurs does not have a fetal protection law in place. A federal remedy will ensure that crimes against unborn victims are punished.

There are other sickening examples of violence against innocent unborn children. Mr. President. An incident occurred in Arkansas just a few short weeks ago. Nearly nine months pregnant, Shawana Pace of Little Rock was days away from giving birth. She was thrilled about her pregnancy. Her boyfriend, Eric Bullock, however, did not share her joy and enthusiasm. In fact, Eric Bullock wanted the baby to die. So, he hired three thugs to beat Shawana so badly that she would lose the unborn baby.

During the vicious assault against mother and child, one of the hired hitmen allegedly said: "Your baby is going to die tonight." Shawana's baby was dead that night. She named the baby Heaven. Mr. President, I am saddened and sickened by the sheer inhumanity and brutality of this act of violence.

Fortunately, the State of Arkansas, like Ohio, passed a fetal protection law, which allows Arkansas prosecutors to charge defendants with murder for the death of a fetus. Under previous law, such attackers could be charged only with crimes against the pregnant woman. As in the case of Baby Jasmine's death in Ohio, but for the Arkansas state law, there was no remedy—no punishment—for Baby Heaven's brutal murder. The only charge would be assault against the mother.

In the Oklahoma City and World Trade Center bombings—here too—federal prosecutors were able to charge the defendants with the murders of or injuries to the mothers—but not to their unborn babies. Again, federal law currently only criminalizes crimes against born humans. There are no federal provisions for the unborn.

This is wrong.

It is wrong that our federal government does absolutely nothing to criminalize violent acts against unborn children. We must correct this loophole in our law, for it allows criminals to go unpunished with violent acts—and sometimes even murder.

We, as a civilized society, should not—with good conscience—stand for that.
So, today, I am introducing legislation, along with my distinguished colleagues, Senator Tim Hutchinson and Senator Abraham, to provide justice for America's unborn victims of violence. Our bill, the Unborn Victims of Violence Act, would hold criminals accountable for conduct that harms or kills an unborn child. It would make it a separate crime under the Federal code and the Uniform Code of Military Justice to kill or injure an unborn child during the commission of certain existing federal crimes.

The Unborn Victims of Violence Act would create a separate offense for unborn children—it would acknowledge them as individual victims. Our bill would no longer allow violent acts against unborn babies to be considered victimless crimes. At least twenty-four (24) states already have criminalized harm to unborn victims, and another seven (7) states criminalize the termination of pregnancy.

Mr. President, in November of 1996, a baby, just three months from full-term, was killed in Ohio as a result of road rage. An angry driver forced a pregnant mother's car to crash into a flatbed truck. Because the Ohio Revised Code imposes criminal liability for any violent conduct which terminates a pregnancy of a child in utero, prosecutors successfully tried and convicted the driver for recklessly causing the baby's death. Our bill would make an act of violence like this a federal crime. It would be a simple step, but one with a dramatic effect.

Mr. President, we purposely have drafted this legislation very narrowly. For example, it would not permit the prosecution for any action (legal or illegal) in regard to her unborn child. This legislation would not permit the prosecution for harm caused to the mother or unborn child in the course of medical treatment. And, the bill would not allow for the imposition of the death penalty under this Act.

Mr. President, it is time that we wrap the arms of justice around unborn children and protect them against criminal assailants. Those who violently attack unborn babies are criminals. The federal penalty should fit the crime. I strongly urge my colleagues to join me in support of this legislation. We have an obligation to our unborn children.

By Mr. BINGAMAN:

S 1676. A bill to improve accountability for schools and local educational agencies under part A of title II of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SCHOOL IMPROVEMENT ACCOUNTABILITY ACT

Mr. BINGAMAN. Mr. President, last week I introduced two education bills that relate to raising standards and ensuring accountability for the performance of our schools—the Small, Safe Schools Act, the National Dropout Prevention Act, and the School Improvement Accountability Act. Next week, I will introduce three bills that relate to raising standards and ensuring accountability for students who attend public schools, which I hope to incorporate into the re-authorization of the Elementary and Secondary Education Act, form the foundation for a comprehensive plan to improve the quality of our public education system. One of the bills that I am introducing today focus on improving school performance.

The Small, Safe Schools Act would help to ensure that children have a sense of belonging in their school by providing additional resources to the provision of the construction of smaller schools and providing resources to create smaller learning communities in existing larger schools. In this way, we can create school environments that keep our children safe and make it easier for them to meet high standards for achievement. Research demonstrates that small schools outperform large schools on every measure of school success.

In the wake of the tragedy at Columbine High School, one of the most important concerns regarding school quality is school safety. Issues of school safety can be effectively addressed by creating smaller schools or smaller learning communities within larger schools. Behavioral problems, including truancy, classroom disruption, vandalism, aggressive behavior, theft, substance abuse and gang participation are all more common in larger schools. Teachers in small schools can develop better relationships with students and can resolve problems before problems become severe. Based on studies of high school violence, researchers have concluded that the first step in ending school violence must be to break through the impersonal atmosphere of large high schools by creating smaller communities of learning within larger structures, where teachers and students can come to know each other well.

Schools that can have a critical impact on learning. Small school size improves students' grades and test scores. This impact is even greater for ethnic minority and low income students. Small institutional size has been found to be one of the most important factors in creating positive educational outcomes. Studies on school dropout rates show a decrease in the rates as schools get smaller. Students and staff at smaller schools have a stronger sense of personal efficacy, and students take more of the responsibility for their own learning, which includes more individualized and experimental learning relevant to the world outside of school.

Small schools can be created cost effectively. Larger schools can be more expensive because their sheer size requires more administrative support. More importantly, additional bureaucracy translates into less flexibility and innovation. In addition, because small schools have higher graduation rates, costs per graduate are lower than costs per graduate in large schools.

The Small, Safe Schools Act would establish three programs designed to promote and support smaller schools and smaller learning communities within large schools. Schools or LEAs could apply for funds to help develop smaller learning communities within large schools. The Secretary of Education would establish the following office that is responsible for the multitude of programs that include dropout prevention as a component.
The Act makes lowering the dropout rate a national priority. Efforts to prevent students from dropping out would be coordinated on the nation level by an Office of Dropout Prevention and Program Completion in the Department of Education. The Office would fund projects to set up and implement dropout prevention programs. Funds could be used to implement comprehensive school-wide reforms, create alternative school programs or smaller learning communities. Grant recipients could contract with community-based organizations to assist in implementing necessary services.

The School Improvement Accountability Act, the third bill I am introducing today, sets more rigorous standards for States and LEAs receiving Title I funds by strengthening the accountability provisions in Title I. The Title I program provides supplemental services to disadvantaged students and schools with high concentrations of disadvantaged students. These students and these schools are often short-changed by our educational system. The bill seeks to ensure that all schools are often short-changed by our educational system. The bill seeks to ensure that all schools receiving Title I funding achieve realistic goals for student achievement and that all students reach those goals, narrowing existing achievement gaps. Recipients will be required to set goals for student achievement which will result in all students (in Title I schools) passing state tests at a “proficiency” standard within 10 years of reauthorization. The bill also requires States, LEAs and schools with high concentrations of disadvantaged students to focus on elimination of the achievement gap between LEP, disabled & low-income students and other students and to ensure inclusion of all students in state assessments.

The bill also modifies the corrective action section of the bill, which is the section that is triggered when schools identified as being in need of improvement, have not made sufficient gains towards the goals set out in the schools Title I plan. The School Improvement Accountability Act would require schools failing to meet standards must take one of three actions affecting personnel and/or management of the schools: (1) decreasing decision-making authority at the school level; (2) reconstituting the school staff; or (3) eliminating the use of noncredentialed staff. Students in failing schools also would have a right to transfer to a school which is not failing.

In order to ensure equal educational opportunities for all our children, we must ensure that schools are safe, welcoming places. We also must ensure that students in danger of dropping out of school are not lost, but instead graduate high school with the skills that they need to be productive members of our society. We must provide special support to students with greater obstacles to learning, such as disadvantaged students, students whose first language is not English, and disabled students. We must ensure that schools serving these students can provide high quality educational programs and that those schools are held accountable for the success of all students. I offer the bill today will do much to achieve these goals. I hope that my colleagues will support these efforts.

By Mr. GREGG (for himself and Mr. HAGEL):

S. 1677. A bill to establish a child centered program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

CHILD CENTERED PROGRAM ESTABLISHMENT LEGISLATION

Mr. GREGG. Mr. President, today I am joined with Senator HAGEL in introducing a bill to allow States and school districts to switch Title I of the Elementary and Secondary Education Act from a school-based to a child-based program.

We will soon take up the reauthorization of the Elementary and Secondary Education Act. The centerpiece of which is Title I which was created in 1965 to provide extra educational assistance to low-income students. Since its inception, Title I has grown into the largest federal education program for elementary and secondary school students with funding, in this year alone, at $7.7 billion.

Unfortunately, after more than 30 years and expenditures of $118 billion, national evaluations indicate that Title I has failed to achieve its primary aim of reducing the achievement gap between advantaged and disadvantaged students.

Reading scores in 1998 showed that only 63 percent of the progress in narrowing the gap between White and African American students and just 3 made progress narrowing the gap between White and Hispanic students. While the gap actually grew in 16 States. In math, nine year olds in high poverty schools remain 3 to 4 grade levels behind students in low poverty schools.

In reading, nine year old students in high poverty schools remain 3 to 4 grade levels behind students in low poverty schools. The percentage of children in high poverty schools score below even the most basic level of reading. Two out of every three African American and Hispanic 4th graders can barely read.

It is time to take a fresh look at this important program to ensure that our neediest students are receiving the services they need. We must provide enough flexibility in Title I for students to receive high quality supplemental educational services, wherever those services are offered.

In order to enable needy students to access high quality supplemental services, States and school districts should be given the opportunity to transform Title I from a school-based program to a child-centered program. Which is exactly what my bill does. Let me explain.

Currently, Title I dollars are sent to States, then distributed to school districts, and ultimately to schools—this is known as a school-based program. Aid goes to the school, rather than directly to the eligible child.

The process of sending dollars to districts and schools rather than students has a serious unintended consequence—millions of eligible children never receive the educational services promised to them by this program.

To make matters worse, even schools which have been identified by their States and communities as chronic poor performers continue to receive Title I dollars, despite that fact that well over one-third of eligible children (about 4 million children) receive no services.

Today, 4 million children generate Title I revenue for their school district, and these schools receive Title I dollars, despite the fact that the school district received federal funds to provide supplemental educational services to those very children.

We should not continue the practice of sustaining failed schools at the expense of our nation's children.

The very serious problem of under serving our neediest students can be alleviated by giving States and school districts the ability to focus their efforts by directly serving Title I eligible students through a child-centered program.

This bill permits interested States and school districts to use Title I dollars to create a child-centered program.

Here is how it would work. Interested States and school districts could use their Title I dollars to establish a per pupil amount for each eligible child—any child between the ages of 5–17 from a family at or below the poverty line. The per pupil amount would be used to provide supplemental educational (“add-on” or “extra”) services to meet the individual educational needs of children participating in the program.

Since some schools continue to fail to provide high quality educational services to their neediest students, students could use their per-pupil amount to receive supplemental educational (“add-on”) services from either their school or a tutorial assistance provider, be that a Sylvan learning center, a charter school or a private school.

It is time to allow parents to use their per-pupil amount to purchase extra tutorial assistance for before or after school.

There are numerous benefits to turning Title I into a child-centered program. It increases the number of disfavored children served by Title I. It ensures that federal dollars generated by a particular student actually
benefit that student. It rewards good schools and penalizes failing schools, as children would have the option to go to the schools that best meet their needs and take their Title I money with them. A child-centered program decreases the practice of financially rewarding schools that consistently fail to provide a high quality education to their students. And, it ensures that students who are stuck in a bad school have access to educational services outside the school, by permitting parents or their child’s per-pupil allotment for tutorial assistance.

In short, this bill creates a much-needed market for change in that it gives families the ability to take their federal dollars out of a school that is not using them effectively and purchase services somewhere else. Families are empowered and schools are compelled to improve in order to keep their students.

I urge my colleagues to cosponsor this bill. Turning Title I into a child-centered program puts Title I back on the right track, focusing on what is best for the child first and foremost.

I ask that it be printed in the RECORD.

The bill follows:

S. 1677

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

SECTION 1. ESTABLISHMENT OF THE CHILD CENTERED PROGRAM.

Part A of Title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended by adding at the end the following:

"Subpart 3—Child Centered Program"

"SEC. 1132. DEFINITIONS.

"In this subpart:

"(1) ELIGIBLE CHILD.—The term 'eligible child' means a child who—

"(A) has been found eligible to be served under section 1124(c); or

"(B)(i) the State or participating local educational agency elects to serve under this subpart; and

"(ii) is a child eligible to be served under this part pursuant to section 1115(b).

"(2) PARTICIPATING LOCAL EDUCATIONAL AGENCY.—The term 'participating local educational agency' means a local educational agency that elects under section 1132(b) to carry out a child centered program under this subpart.

"(3) SCHOOL.—The term 'school' means an institutional day or residential school that provides elementary or secondary education, as determined by State law, except that such term does not include any school that provides education beyond grade 12.

"(4) SUPPLEMENTAL EDUCATION SERVICES.—The term 'supplemental education services' means educational services intended—

"(A) to meet the individual educational needs of eligible children; and

"(B) to enable eligible children to meet challenging State curriculum, content, and student performance standards.

"(5) TUTORIAL ASSISTANCE PROVIDER.—The term 'tutorial assistance provider' means a public or private entity that—

"(A) has a record of effectiveness in providing tutorial assistance to school children; or

"(B) uses instructional practices based on scientific research.

SEC. 1132. CHILD CENTERED PROGRAM FUNDING.

"(a) FUNDING.—Notwithstanding any other provision of law, each State or participating local educational agency shall use the funds made available under subparts 1 and 2, and shall use the funds made available under subsection (c), to carry out a child centered program under this subpart.

"(b) PARTICIPATING LOCAL EDUCATIONAL AGENCY ELECTION.—

"(1) IN GENERAL.—If a State does not carry out a child centered program under this subpart or does not have an application approved under section 1134 for a fiscal year, a local educational agency in the State may elect to carry out a child centered program under this subpart, and the Secretary shall provide the funds that the local educational agency (with an application approved under section 1134) is eligible to receive under subparts 1 and 2, and subsection (c), directly to the local educational agency to enable the local educational agency to carry out the child centered program.

"(2) SUBMISSION APPROVAL.—In order to be eligible to carry out a child centered program under this subpart a participating local educational agency shall obtain from the Secretary an approval under paragraphs (1) and (2) of section 1134, to enable the State or participating local educational agency to carry out the child centered program.

"(3) AMOUNT.—Each State or participating local educational agency that elects to carry out a child centered program under this subpart and has an application approved under section 1134 for a fiscal year shall receive a grant in an amount that bears the same relation to the amount appropriated under paragraph (3) for the fiscal year as the amount the State or participating local educational agency received under subparts 1 and 2 for the fiscal year bears to the amount all States and participating local educational agencies described in subsection (b), that elects to carry out a child centered program under this subpart and has an application approved under paragraph (3) for the fiscal year.

"(c) INCENTIVE GRANTS.—

"(1) IN GENERAL.—From amounts appropriated under paragraph (3) for a fiscal year the Secretary shall award grants to each State, or participating local educational agency (with an application approved under section 1134 for a fiscal year, a public school may use funds provided under this subpart, in combination with other Federal, State, and local funds, to carry out a schoolwide program to upgrade the entire educational program in the school.

"(2) PLAN.—If the public school elects to use funds provided under this part in accordance with paragraph (1), and does not have a plan approved by the Secretary under section 1114(b)(2), the public school shall develop and adopt a comprehensive plan for re-forming the entire educational program of the public school that—

"(A) incorporates—

"(i) strategies for improving achievement for all children to meet the State's proficient and advanced levels of performance described in section 1111(b);

"(ii) instruction by highly qualified staff;

"(iii) professional development for teachers and aides in content areas in which the teachers or aides provide instruction and, where appropriate, professional development for pupil services personnel, and principals, and other staff to ensure that eligible children who experience difficulty mastering any of the standards described in section 1111(b) during the course of the school year shall be provided with effective, timely additional assistance;

"(B) describes the school's use of funds provided under this subpart and from other sources to implement the activities described in subparagraph (A);

"(C) includes a list of State and local educational agency programs and other Federal programs that will be included in the schoolwide program;

"(D) describes how the school will provide individual student assessment results, including an interpretation of those results, to the parents of an eligible child who participates in the assessment; and

"(E) describes how and where the school will use any technical assistance services and a description of such services.

"(3) SPECIAL RULE.—In the case of a public school operating a schoolwide program under this subpart, the Secretary may, through publication of a notice in the Federal Register, exempt child centered programs under
(a) The per pupil amount established under section 1133(a) will follow each eligible child described in that section to the school or tutorial assistance provider of the parent or guardian.

(b) Funds made available under this subpart will be spent in accordance with the requirements of this subpart.

(c) Eligibility will be determined by the parent or guardian as required by this subpart.

(1) The parent or guardian shall use the per pupil amount to purchase supplemental education services for their children from a wide variety of tutorial assistance providers and schools.

(2) An assurance that the State or participating local educational agency will publish in a widely read or distributed medium an annual report on the performance of the State or participating local educational agency.

(3) Information regarding the academic progress of all students served by the State or participating local educational agency in meeting State standards, including students assisted under this subpart, with results disaggregated by race, family income, limited English proficiency, and gender, demonstrating the degree to which measurable objectives have been met.

(4) An assurance that each local educational agency serving each State, and each participating local educational agency, will measure progress in meeting the objectives described in section 1134(a)(5).

(5) An assurance that the participating local educational agency will publish data used to measure student achievement under subpart (B) reliable, complete, and accurate.

(6) An assurance that the participating local educational agency will measure progress in meeting the objectives described in section 1134(a)(5).

(7) An assurance that the participating local educational agency will measure progress in meeting the objectives described in section 1134(a)(5).
require the evaluating entity entering into such contract to annually evaluate each child centered program under this subpart in accordance with the evaluation criteria described in subsection (b).

"(3) transmitting.—The contract described in paragraph (1) shall require the evaluating entity entering into such contract to transmit to the Comptroller General of the United States the findings of each annual evaluation under paragraph (2).

"(b) Evaluation criteria.—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimum criteria for evaluating child centered programs under this subpart. Such criteria shall provide for—

"(1) the implementation of each child centered program under this subpart;

"(2) the effects of the programs on the level of parental participation and satisfaction with the programs; and

"(3) the effects of the programs on the educational achievement of eligible children participating in the programs.

"SEC. 1107. REPORTS.

"(a) Reports by Comptroller General.—

"(1) interim report.—Three years after the date of enactment of this subpart, the Comptroller General of the United States shall submit an interim report to Congress on the findings of the annual evaluations under section 1138a(a)(2) of each child centered program assisted under this subpart. The report shall contain a copy of the annual evaluation under section 1138a(a)(2) of each child centered program assisted under this subpart.

"(2) final report.—The Comptroller General shall submit a final report to Congress, not later than March 1, 2006, that summarizes the findings of the annual evaluations under section 1138a(a)(2)."

"SEC. 1138. LIMITATION ON CONDITIONS; PREEMPTION.

Nothing in this subpart shall be construed—

"(1) to authorize or permit an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content or student performance standards and assessments, curriculum, or program evaluations, as a condition of eligibility to receive funds under this subpart; and

"(2) to preempt any provision of a State constitution or State statute that pertains to the expenditure of State funds in or by religious institutions."

ADDITIONAL COSPONSORS

At the request of Mr. CRRAIG, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1453, a bill to facilitate relief efforts and a comprehensive solution to the war in Sudan.

At the request of Mr. ROBB, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1473, a bill to amend section 2007 of the Social Security Act to provide a national folic acid education program to prevent birth defects, and for other purposes.

At the request of Mr. GORMAN, the name of the Senator from Wyoming (Mr. HARKIN), the Senator from Washington (Mr. GORTON), the Senator from Missouri (Mr. ASHROCK), the Senator from Nevada (Mr. REID), and the Senator from Nebraska (Mr. KERNEY) were added as cosponsors of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

At the request of Mr. BENNETT, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1211, a bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1293, a bill to amend part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training.

At the request of Mr. GORMON, the name of the Senator from Alaska (Mr. MUKKOWSKI) was added as a cosponsor of S. 1266, a bill to allow a State to combine certain funds to improve the academic achievement of all its students.

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to modify the interim payment system for Federally-qualified health centers and rural health clinics.

At the request of Ms. COLLINS, the names of the Senator from Ohio (Mr. DeWINE) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 1310, a bill to amend title XVIII of the Social Security Act to modify the interim payment system for home health services, and for other purposes.

At the request of Mr. ABRAHAM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1384, a bill to amend the Public Health Service Act to provide for a national folic acid education program to prevent birth defects, and for other purposes.

At the request of Mr. FRIST, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Ohio (Mr. DeWINE), and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 1453, a bill to facilitate relief efforts and a comprehensive solution to the war in Sudan.

At the request of Mr. ROBB, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1473, a bill to amend section 2007 of the Social Security Act to provide a national folic acid education program to prevent birth defects, and for other purposes.

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. ROSS) was added as a cosponsor of S. 1488, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.
HATCH was added as a cosponsor of S. 1606, a bill to reenact chapter 12 of title 11, United States Code, and for other purposes.

Amendment No. 1812

AMENDMENT NO. 1812

At the request of Mr. CRAPO, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1608, a bill to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and re-conveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanism for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in federal lands, and reaffirm the positive connection needed between Federal Lands and Federal Lands; and for other purposes.

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. LIGAR, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of Senate Concurrent Resolution 24, a bill to express the sense of the Congress on the need for United States to defend the American agricultural and food supply system from domestic sabotage and terrorist threats.

WHEREAS the United States has issued joint positions reinforce the efforts of the Organization for Economic Cooperation and Development. These positions reinforce the efforts of the U.S. Trade Representative at the WTO and of the U.S. negotiators at the OECD.

In the Internet Tax Freedom Act, enacted during the last Congress, we codified the concept of 30,000 U.S. tax jurisdictions swamping online consumers and entrepreneurs with a crazy quilt of discriminatory taxes. But this problem is small potatoes compared to the prospect of thousands of additional discriminatory tax regimes Americans might face in nearly 200 countries around the world.

We are not going to sit by while the booming, global e-market becomes a permanent international moratorium on tariffs on electronic commerce; and

(A) a permanent international moratorium on tariffs on electronic commerce, and

(B) an international ban on special, multiple, and discriminatory taxation of electronic commerce and the Internet; and

(4) urges the President to oppose any proposal by any country, the United States, or any other multilateral organization to establish a bit tax on electronic transmissions.

Mr. WYDEN. Mr. President, I am pleased to be joined by Senators LEAHY and BAUCUS to introduce today a resolution calling for an international ban on special, multiple, and discriminatory taxation of electronic commerce and the Internet. Representative COX, with whom I have collaborated in the past on Internet-related matters, is introducing a companion resolution in the House of Representatives.

The resolution urges the President to seek a global consensus supporting a permanent international moratorium on tariffs on electronic commerce, and an international ban on special, multiple, and discriminatory taxation of electronic commerce and the Internet. The resolution urges the President to pursue the ban on tariffs through the World Trade Organization—particularly at the WTO Ministerial meeting that will be held in Seattle this November, and to pursue the moratorium on discriminatory, special, and multiple taxes on global e-commerce through the Organization for Economic Cooperation and Development. These positions reinforce the efforts of the U.S. Trade Representative at the WTO and of the U.S. negotiators at the OECD.

In the Internet Tax Freedom Act, enacted during the last Congress, we codified the concept of 30,000 U.S. tax jurisdictions swamping online consumers and entrepreneurs with a crazy quilt of discriminatory taxes. But this problem is small potatoes compared to the prospect of thousands of additional discriminatory tax regimes Americans might face in nearly 200 countries around the world.

We are not going to sit by while the booming, global e-market becomes a permanent international moratorium on tariffs on electronic commerce; and

(B) an international ban on special, multiple, and discriminatory taxation of electronic commerce and the Internet; and

The resolution urges the President to seek a global consensus supporting a permanent international moratorium on tariffs on electronic commerce, and a permanent international moratorium on tariffs on electronic commerce; and

(1) urges the President to seek a global consensus supporting a permanent international moratorium on tariffs on electronic commerce, and

(2) urges the President to instruct the United States delegation to the November 1999 World Trade Organization ministerial in Seattle to seek to make permanent and binding the moratorium on tariffs on electronic transmissions adopted by the World Trade Organization in May 1998; and

(3) urges the President to oppose any proposal by any country, the United States, or any other multilateral organization to establish a bit tax on electronic transmissions.

Mr. WYDEN. Mr. President, I am pleased to be joined by Senators LEAHY and BAUCUS to introduce today a resolution calling for an international ban on special, multiple, and discriminatory taxation of electronic commerce and the Internet; and

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Mr. WYDEN. Mr. President, I am pleased to be joined by Senators LEAHY and BAUCUS to introduce today a resolution calling for an international ban on special, multiple, and discriminatory taxation of electronic commerce and the Internet; and
tasty feast for overly hungry tax collectors from Bonn to Beijing and Manila to Milan.

The same questions we dealt with in the United States become vastly more complex at the international level. For example, during a recent debate about the Internet Tax Freedom Act last year, I asked what happens when Aunt Millie in Iowa uses America Online in Virginia to order Harry and David’s pears from Medford, Oregon, pays for them with a bankcard in California and ships them to her old friend in Florida?

In the global arena, we have to ask what happens when a tax collector in Germany tries to collect a Value Added Tax on a U.S. e-entrepreneur from Coos Bay, Oregon with no physical presence in Europe? This is a very real threat because not long ago, the tax chief of a key European nation called trade over the Internet “a threat to all government tax revenue—a very serious threat.”

In addition, we have heard about the possibility of discriminatory bit taxes, which are taxes levied on the volume of e-mail that passes over the Net. And we have recently learned that the European Commission is discussing something known as “blocking and takedown.” This is not a rugby term, but if established, it would allow the EU to bar the use of an American entrepreneur’s website in Europe if he or she was unwilling to participate in an EU tax registration scheme.

Moreover, some countries are blurring the line between services and products in an effort to impose still more special, targeted tariffs and taxes on global e-commerce. At present, some digital delivery—for example, downloading a CD or software program—is not taxed, but there’s considerable support for turning this service into a product that could be the subject of additional taxes.

Developing fair ground rules for the global digital economy is not a job for the faint hearted. That is why strong U.S. leadership is imperative in key multinational groups that are beginning to consider how to update old laws and regulations to apply in the global electronic marketplace.

That is the point of the resolution we are introducing today. Again, the resolution does two things: It urges the President to seek a global consensus supporting a global moratorium on tariffs and discriminatory taxation of electronic commerce. I introduced Senator Wyden and Congressman Cox for their leadership in keeping the Internet free of discriminatory taxes in the United States and around the world.

The Internet allows businesses to sell their goods all over the world in the blink of an eye. This unique power also presents a unique challenge. That challenge facing the United States and the world is developing tax policies to nurture this exciting new market. That is why I am pleased to cosponsor this resolution to urge the President to seek a global moratorium on discriminatory taxes and tariffs on electronic commerce.

The growth of electronic commerce is everywhere, including my home state where hundreds of Vermont businesses are doing business on the Internet, ranging from the Vermont Teddy Bear Company to Al’s Snowmobile Parts Warehouse to Ben & Jerry’s Homemade Ice Cream. These Vermont businesses are of all sizes and customer bases, from Main Street merchants to boutique entrepreneurs to a couple of ex-hippies who sell great ice cream. But what Vermont online sellers do have in common is the fact that Internet sales and services blur the geographic barriers that historically have limited our access to markets where our products can thrive. Cyberselling is paying off for Vermont and the rest of the United States.

As electronic commerce continues to grow, the United States must take the lead in fostering sound international tax policies. The United States was the incubator of the Internet, and the world closely watches the Internet policies of the United States. We should not become the poster child for discriminatory taxes in the Internet age, much less the global moratorium on discriminatory e-commerce taxes.

With more than 190 nations around the world able to levy discriminatory taxes on electronic commerce, we need this resolution to contribute to the President’s leadership role in encouraging stable electronic commerce to flourish. We are not asking for a tax-free zone on the Internet; if sales taxes and other taxes would apply to traditional sales and services, then those taxes would also apply to Internet sales under our resolution. But our resolution would urge a global ban on any taxes applied only to Internet sales in a discriminatory manner. Let’s not allow the future of electronic commerce—with its great potential to expand the markets of Main Street businesses—to be crushed by the weight of multiple international taxation.

Today, there are more than 700,000 businesses selling their sales and services on the World Wide Web around the world. Estimates predict that the number of e-business Web sites will top 1 million by 2003. This explosion in Web growth has led to thousands of new and exciting opportunities for businesses from Main Street to Wall Street.

The International Internet Tax Freedom Resolution will help ensure that these businesses and many others will continue to reap the rewards of electronic commerce.

SENATE RESOLUTION 192—EXTENDING BIRTHDAY GREETINGS AND BEST WISHES TO JIMMY CARTER IN RECOGNITION OF HIS 75TH BIRTHDAY

Mr. CLELAND (for himself and Mr. COVERDELL) submitted the following resolution; which was considered and agreed to:

S. Res. 192

Whereas October 1, 1999, is the 75th birthday of James Earl (Jimmy) Carter;

Whereas Jimmy Carter has served his country with distinction in the United States Navy, and as a Georgia State Senator, the Governor of Georgia, and the President of the United States;

Whereas Jimmy Carter has continued his service to the people of the United States and the world since leaving the Presidency by resolutely championing adequate housing, democratic elections, human rights, and international peace;

Whereas in all of these endeavors, Jimmy Carter has been fully and ably assisted by his wife Rosalyn; and

Whereas Jimmy Carter serves as a living international symbol of American integrity and compassion: Now, therefore, be it

Resolved, That the Senate—

(1) extends its birthday greetings and best wishes to Jimmy Carter; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Jimmy Carter.

SENATE RESOLUTION 193—TO RE-AUTHORIZE THE JACOB K. JAVITS SENATE FELLOWSHIP PROGRAM

Mr. DODD submitted the following resolution; which was considered and agreed to:

S. Res. 193

Resolved.

SECTION 1. SHORT TITLE. This resolution may be cited as the “Jacob K. Javits Senate Fellowship Program Resolution.”

SEC. 2. FELLOWSHIP PROGRAM EXTENDED; ELIGIBLE PARTICIPANTS.

(a) REAUTHORIZATION.—In order to encourage increased participation by outstanding students in a public service career, the Jacob K. Javits Senate Fellowship Program (in this resolution referred to as the “program”) is extended for 5 years.

(b) ELIGIBLE PARTICIPANTS.—The Jacob K. Javits Foundation, Incorporated, New York, New York (referred to in this resolution as the “Foundation”) shall select Senate fellowship participants in the program. Each such participant shall complete a program of graduate study in accordance with criteria agreed upon by the Foundation.

SEC. 3. SENATE COMPONENT OF FELLOWSHIP PROGRAM.

(a) IN GENERAL.—The Secretary of the Senate (in this resolution referred to as the
AMENDMENTS SUBMITTED

SEC. 4. ADMINISTRATIVE SUPPORT.

The Secretary of Education may enter into an agreement with the Foundation for the purpose of providing administrative support services to the Foundation in conducting the program.

SEC. 5. FUNDS.

An amount not to exceed $250,000 shall be available to the Secretary from the contingent fund of the Senate for each of the 5 years ending on October 1, 1999, to compensate participants in the program.

SEC. 6. PROGRAM EXTENSION.

This program shall terminate September 30, 2004. Not later than 3 months prior to September 30, 2004, the Secretary shall submit a report evaluating the program to the Majority Leader and the Senate along with recommendations concerning the program's extension and continued funding level.

DODD (AND OTHERS) AMENDMENT NO. 1813

Mr. DODD (for himself, Mr. Jeffords, Ms. Snowe, Mr. Levin, Mrs. Murray, and Mr. Johnson) proposed an amendment to the bill (S. 1650) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes; as follows:

In the matter under the heading "PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT" in the matter under the heading "ADMINISTRATION FOR CHILDREN AND FAMILIES" in title II, strike "$1,182,672,000" and insert "$2,000,000,000".

HUTCHISON (AND BINGAMAN) AMENDMENT NO. 1814

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

(A) the enactment of that bill or resolution as reported;

(B) the adoption and enactment of that amendment; or

the enactment of that bill or resolution in the form recommended in that conference report, would cause or increase an on-budget deficit for the fiscal year 1999 and succeeding fiscal years and shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would set forth an on-budget deficit for any fiscal year.

(2) SUBSEQUENT LEGISLATION.—It shall not be in order in the House of Representatives or the Senate to consider any legislation as defined by section 5(c) of the Social Security and Medicare Safe Deposit Box Act of 1999.

(3) EXCEPTION.—The point of order set forth in paragraph (2) shall not apply to Social Security reform legislation or Medicare reform legislation as defined by section 5(c) of the Social Security and Medicare Safe Deposit Box Act of 1999.

(4) DEFINITION.—For purposes of this section, the term "on-budget deficit" shall be applied to a fiscal year, means the deficit in the budget in the budget as set forth in the most recently agreed to concurrent resolution on the budget to section 301(a)(3) for that fiscal year.

(b) CONTENT OF CONCURRENT RESOLUTION ON THE BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by redesignating paragraphs (6) and (7) as paragraphs (7) and (8) respectively, and by inserting after paragraph (5) the following new paragraph:

(7) the receipts, outcomes, surplus or deficit in the Federal Old-Age and Survivors Insurance Trust Fund and Disability Insurance trust Fund, combined, established by title II of the Social Security Act;

(c) SUPER MAJORITY REQUIREMENT.—(1) Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting "312(g)," after "310(d)(2),".

(2) Section 904(c)(2) of the Congressional Budget Act of 1974 is amended by inserting "312(g)," after "310(d)(2),".

SEC. 4. REMOVING SOCIAL SECURITY FROM BUDGET PRONUNCIATIONS.

(a) IN GENERAL.—Any official statement issued by the Office of management and Budget, the Congressional Budget Office, or any other agency or instrumentality of the Federal Government of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surpluses or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices or any other such agency or instrumentality, shall exclude the outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act (including the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund), and the related provisions of the Internal Revenue Code of 1986.

(b) SEPARATE SOCIAL SECURITY BUDGET DOCUMENTS.—The excluded outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act shall be submitted in separate Social Security budget documents.

SEC. 5. EFFECTIVE DATES IN GENERAL.—This Act shall take effect upon the date of its enactment and the amendments made by this Act shall apply only to fiscal year 2000 and subsequent fiscal years.

(4) EXPIRATION.—Sections 301(a)(6) and 312(g) shall expire upon the enactment of the Social Security reform legislation and Medicare reform legislation.

(d) DEFINITION.—(1) SOCIAL SECURITY REFORM LEGISLATION.—The term "Social Security reform legislation" means a bill or a joint resolution that is enacted into law and includes a provision stating the following: "For purposes of the Social Security and Medicare Safe Deposit Box Act of 1999, this Act constitutes Social Security reform legislation."
(2) The term ‘Medicare reform legislation’ means a bill or a joint resolution that is enacted into law and includes a provision stating the following: ‘For purposes of the Social Security and Medicare Safe Deposit Box Act of 1999, this Act constitutes Medicare reform legislation.’

INHOFE AMENDMENT NO. 1816
Mr. INHOFE proposed an amendment to the bill, S. 1650, supra; as follows:
At the appropriate place, insert the following:
SEC. 6. SENSE OF THE SENATE REGARDING PAYMENTS UNDER THE PROSPECTIVE PAYMENT SYSTEM FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

(a) FINDINGS.—The Senate finds the following:

(1) The Balanced Budget Act of 1997, in order to achieve the objective of balancing the Federal budget, provided for the single largest change in the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) since the inception of such program in 1965.

(2) Reliable independent estimates now project that the changes to the Medicare program provided for in the Balanced Budget Act of 1997 will result in the reduction of payments to health care providers that greatly exceeds the level of estimated reductions when such Act was enacted.

(3) Congressional oversight has begun to reveal that these greater-than-anticipated reductions in payments are harming the ability of health care providers to maintain and deliver high-quality health care services to beneficiaries under the medicare program and to other individuals.

(4) One of the key factors that has caused these greater-than-anticipated reductions in payments in the inappropriate regulatory action taken by the Secretary in implementing the provisions of the Balanced Budget Act of 1997.

(5) The Secretary of Health and Human Services, contrary to the direction of 77 Members of the Senate and 283 Members of the House of Representatives (stated in letters to the Secretary dated June 18, 1999, and September 14, 1999, respectively), has permitted interpreting the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) in a manner that would impose an unintended 5.7 percent across the board reduction in payments under such system.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Health and Human Services—

(1) carry out congressional intent and cease its inappropriate interpretation of the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t));

DURBIN (AND DEWINE) AMENDMENT NO. 1817
(Ordered to lie on the table.)
Mr. DURBIN (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:
At the end of title II, add the following:

CHILDHOOD ASTHMA

SEC. 7. In addition to amounts otherwise appropriated for this title for the Centers for Disease Control and Prevention, $50,000,000 which shall become available on October 1, 2000 and shall remain available through September 30, 2001, and be utilized to provide grants to local communities for screening, treatment and education relating to childhood asthma.

HUTCHISON AMENDMENT NO. 1818
(Ordered to lie on the table.)
Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 1650, supra; as follows:

Insert at the appropriate place the following new section.

SEC. . The Secretary of Education shall recompute the fiscal year 1996 cohort default rate under section 465 of the Higher Education Act of 1965 (20 U.S.C. 1085) for purposes of determining the eligibility for program participation during academic year 1999–2000 under title IV of such Act of Jacksonville College of Jacksonville, Texas, on the basis of the most recent data provided to the Department of Education by such College.

KENNEDY (AND OTHERS) AMENDMENT NO. 1819
(Ordered to lie on the table.)
Mr. KENNEDY (for himself, Mr. REED, Mr. BINGAMAN, Mrs. MURRAY, Ms. MIKULSKI, Mr. DURBIN, Mr. LAUTENBERG, and Mr. KERRY) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:
On page 60, line 10, before the period, insert the following:'' Provided further, That in addition to any other amounts appropriated under this heading an additional $223,000,000 shall be available on September 1, 2000, and $475 million under this heading an additional $223,000,000 shall be available on September 1, 2000, and $475 million.

GRAHAM (AND OTHERS) AMENDMENT NO. 1821
Mr. GRAHAM (for himself, Mr. WELLSTONE, Mr. ROCKEFELLER, Mr. DODD, Mr. KENNEDY, and Mr. CLELAND) proposed an amendment to the bill, S. 1650, supra; as follows:

At the end of title II, add the following:

SOCIAL SERVICES BLOCK GRANT

SEC. 8. Notwithstanding any other provision of this title, the amount appropriated under this title for making grants pursuant to section 2002 of the Social Security Act (42 U.S.C. 1397a) shall be increased to $2,380,000,000: Provided, That (1) $1,330,000,000 of which shall become available on October 1, 2000, and (2) notwithstanding any other provision of this title, the amount specified for allocation under section 2002(c) of such Act for fiscal year 2000 shall be $2,380,000,000.

INOUYE AMENDMENT NO. 1822
(Ordered to lie on the table.)
Mr. INOUYE submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SEC. 9. DESIGNATION OF ARLEN SPECTER NATIONAL LIBRARY OF MEDICINE.

(a) IN GENERAL.—The Secretary of Health and Human Services is designated as the National Library of Medicine building (building 38) at 8600 Rockville Pike, in Bethesda, Maryland, shall be known and designated as the “Arlen Specter National Library of Medicine.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the Arlen Specter National Library of Medicine.

KENNEDY AMENDMENT NO. 1823
(Ordered to lie on the table.)
Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:
On page 59, line 25, strike '$1,404,631,000,' and insert `$1,404,631,000, of which $60,000,000 shall be available on October 1, 2000, and''.

On page 60, line 10, before the period, insert the following:'' Provided further, That from amounts appropriated under this heading $223,000,000 shall be made available to carry out the Gear up program under chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965''.

COLLINS (AND OTHERS) AMENDMENT NO. 1824
(Ordered to lie on the table.)
Ms. COLLINS (for herself, Mr. BREUX, and Mr. GRASSLEY) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:
At the appropriate place in title II, insert the following:

SEC. 10. EXPRESSING THE SENSE OF THE SENATE TO RAISE THE AWARENESS OF THE DEVASTATING IMPACT OF DIABETES AND TO SUPPORT INCREASED FUNDS FOR DIABETES RESEARCH.

(a) FINDINGS.—Congress makes the following findings:

(1) Diabetes is a devastating, lifelong condition that affects people of every age, race, income level, and nationality.

(2) Sixteen million Americans suffer from diabetes, and millions more are at risk of developing the disease.

(3) The number of Americans with diabetes has increased nearly 700 percent in the last 20 years, leading the Centers for Disease Control and Prevention to call it the “epidemic of our time”.

(4) In 1999, approximately 800,000 people will be diagnosed with diabetes, and diabetes will contribute to almost 200,000 deaths, making diabetes the sixth leading cause of death due to disease in the United States.

(5) Diabetes costs our nation an estimated $105,000,000,000 each year.

(6) More than 1 out of every 10 United States health care dollars, and about 1 out of every 4 Medicare dollars is spent on the care of people with diabetes.

(7) More than $40,000,000,000 a year in tax dollars are spent treating people with diabetes, through Medicare, Medicaid, veterans benefits, Federal employee health benefits, and other Federal health programs.

(8) Diabetes frequently goes undiagnosed, and an estimated 4,500,000 Americans have the disease but do not know it.

(9) Diabetes is the leading cause of kidney failure, blindness in adults, and amputations.

(10) Diabetes is a major risk factor for heart disease, stroke, and birth defects, and
shortens average life expectancy by up to 15 years.
(11) An estimated 1,000,000 Americans have Type 1 diabetes, formerly known as juvenile diabetes, and 152,500 Americans have Type 2 diabetes, formerly known as adult-onset diabetes.
(12) Of Americans aged 65 years or older, 18.4 percent have diabetes.
(13) Of Americans aged 20 years or older, 8.2 percent have diabetes.
(14) Hispanic, African, Asian, and Native Americans suffer from diabetes at rates much higher than the general population, including children as young as 8 years-old, who are now being diagnosed with Type 2 diabetes, formerly known as adult-onset diabetes.
(15) No specific gene has been identified that causes type 1 or type 2 diabetes, and available treatments have only limited success in controlling diabetes and its devastating consequences.
(16) Reducing the tremendous health and human burdens of diabetes and its enormous economic toll depends on identifying the factors responsible for the disease and developing new methods for treatment and prevention.
(17) Improvements in technology and the general growth in scientific knowledge have created unprecedented opportunities for advances that may lead to better treatments, prevention, and ultimately a cure.
(18) After extensive review and deliberations, the congressionally established and National Institutes of Health-selected Diabetes Research Working Group has found that “many scientific opportunities are not being pursued due to insufficient funding, lack of appropriate mechanisms, and a shortage of trained researchers”.
(19) The Diabetes Research Working Group has developed a comprehensive plan for National Institutes of Health-funded diabetes research, and has recommended a funding level of $287,000,000 for diabetes research at the National Institutes of Health in fiscal year 2000.
(20) The Senate as an institution, and Members of Congress as individuals, are in unique positions to support the fight against diabetes and to raise awareness about the need for funding for research and for early diagnosis and treatment.
(b) SENSE OF THE SENATE.—It is the sense of the Senate that—
(1) the Federal Government has a responsibility to—
(a) endeavor to raise awareness about the importance of the early detection, and proper treatment of, disease; and
(b) continue to consider ways to improve access to, and the quality of, health care services for screening and treating diabetes;
(2) the National Institutes of Health, within their existing funding levels, should increase research funding, as recommended by the congressionally established and National Institutes of Health-selected Diabetes Research Working Group, so that the causes of, and improved treatments and cure for, diabetes may be discovered;
(3) all Americans should take an active role to fight diabetes by using all the means available to them, including watching for the symptoms of diabetes, which include frequent urination, unusual thirst, extreme fatigue, and irritability; and
(4) health professionals, government agencies, community organizations, and health care providers should endeavor to promote awareness of diabetes and its complications, and should encourage early detection through regular screenings, and education, and by providing information, support, and access to services.

BOND AMENDMENT NO. 1825
(Ordered to lie on the table.)
Mr. BOND submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:
At the appropriate place, insert the following:
SEC. 6. CONSIDERATION OF AN APPLICATION BY A CERTAIN ENTITY FOR MEDICARE CERTIFICATION AS AN APPLICATION BY A NEW PROVIDER.
Notwithstanding any other provision of law, regulations, or any guidance, Human Services shall consider an application (or a reapplication) for certification of a long-term care facility under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) that is, or was, submitted after January 1, 1994, by a subsidiary of a municipally-owned, and medicare-certified hospital, where such long-term care facility has had a change of management from the previous owner prior to acquisition of the subsidiary, as an application by a prospective provider.

MURRAY AMENDMENT NO. 1827
(Ordered to lie on the table.)
Mr. MURRAY submitted an amendment intended to be proposed by her to the bill, S. 1650, supra; as follows:
At the appropriate place, insert the following:
SEC. 7. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.
(a) ERISA.—
(1) In general.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:
"SEC. 714. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.
"(a) In general.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant, beneficiary, or enrollee to designate a participating primary care health care professional, the plan or issuer shall—
"(1) may not require authorization or a referral by the individual's primary care health care professional or otherwise for covered obstetrical or gynecological care; and
"(2) shall treat the ordering of other obstetrical or gynecological care by such a participating professional as the authorization of the primary care health care professional with respect to such care under the plan or coverage.
"(b) Construction.—Nothing in subsection (a) shall be construed to—
"(1) waive any exclusions of coverage under the terms of the group health insurance coverage with respect to coverage of obstetrical or gynecological care; or
"(2) preclude the group health plan or health insurance issuer from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.
"(c) Clerical Amendment.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001) is amended by inserting after the item relating to section 713 the following new item:
"Sec. 714. Access to obstetrical and gynecological care.
"(b) PUBLIC HEALTH SERVICE ACT.—
(1) GROUP MARKET.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following new section:
"SEC. 2707. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.
"(a) In general.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant, beneficiary, or enrollee to designate a participating primary care health care professional, the plan or issuer shall—
"(b) Construction.—Nothing in subsection (a) shall be construed to—
"(1) waive any exclusions of coverage under the terms of the group health insurance coverage with respect to coverage of obstetrical or gynecological care; or
"(2) preclude the group health plan or health insurance issuer from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.
"(1) may not require authorization or a referral by the individual's primary care health care professional or otherwise for coverage of gynecological care (including pre-ventive women's health examinations) and pregnancy-related services provided by a participating health care professional, including a physician, who specializes in obstetrics and gynecology to the extent such care is otherwise covered; and

"(2) shall treat the ordering of other obstetrical or gynecological care by such a participating professional as the authorization of the primary care health care professional with respect to such care under the plan or coverage.

"CONSTRUCTION.—Nothing in subsection (a) shall be construed to—

"(1) waive any exclusions of coverage under the terms of the plan or health insurance coverage with respect to coverage of obstetrical or gynecological care; or

"(2) preclude the group health plan or health insurance issuer involved from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.

"(2) INDIVIDUAL MARKET.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 310(rr)–1 et seq.) is amended—

"(1) by redesignating the first subpart 3 (relating to other requirements) as subpart 2; and

"(2) by adding at the end of subpart 2 the following new section:

**SEC. 2753. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.**

"The provisions of section 2707 shall apply with respect to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer involved from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.

"(2) PROHIBITION REGARDING DAVIS-BACON ACT REQUIREMENTS.

None of the funds appropriated under this title for construction shall be expended in accordance with the Act of March 3, 1931 (40 U.S.C. 276a et seq.; commonly known as the Davis-Bacon Act), or any other law requiring the payment of wages in accordance with or based on determinations under such Act.

**Amendment No. 1829**

At the end of title III, insert the following:

**SEC. 1829. PROHIBITION.**

None of the funds made available under this Act may be used to enter into a contract with a person or entity that is the subject of a criminal, civil, or administrative proceeding commenced by the Federal Government alleging fraud.

**ABRAHAM AMENDMENT NO. 1831**

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

**Amendment No. 1830**

At the end, add the following:

**SEC. 1830. BASIS FOR CONSTRUCTION.**

None of the funds made available under this Act may be used to enter into a contract with a person or entity that is the subject of a criminal, civil, or administrative proceeding commenced by the Federal Government alleging fraud.

**ABRAHAM AMENDMENT NO. 1831**

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

**Amendment No. 1830**

At the end of title XV, insert the following:

**TITLE XX—SOCIAL SECURITY SURPLUS PRESERVATION AND DEBT REDUCTION ACT**

**SEC. XX01. SHORT TITLE.**

This title may be cited as the “Social Security Surplus Preservation and Debt Reduction Act.”

**SEC. XX02. FINDINGS.**

Congress finds that—

(1) the $59,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses of subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the social security trust funds will reduce the debt held by the public by a total of $1,859,500,000,000 by the end of fiscal year 2009; and

(4) social security surpluses should be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

**SEC. XX03. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.**

(a) PROTECTION BY CONGRESS.—

(1) REAFFIRMATION OF SUPPORT.—Congress reaffirms its support for the provisions of section 1301 of the Budget Enforcement Act of 1990 that provides that the receipts and disbursements of the social security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) PROTECTION OF SOCIAL SECURITY BENEFITS.—If there are sufficient balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, the Secretary of the Treasury shall give priority to the payment of social security benefits required to be paid by law.

(b) POINTS OF ORDER.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(i) SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report that would—

(1) increase the limit on the debt held by the public in section 253(a) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

(2) provide additional borrowing authority that would result in the limit on the debt held by the public in section 253(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 being exceeded.

"(ii) SOCIAL SECURITY SURPLUS PROTECTION POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report that sets forth a deficit in any fiscal year.

(2) EXCEPTION.—Paragraph (1) shall not apply if—

(A) the limit on the debt held by the public in section 253(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is suspended; or

(B) the deficit for a fiscal year results solely from the enactment of—

(i) social security reform legislation, as defined in section 253(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(ii) provisions of legislation that are designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(c) SUPERMAJORITY WAIVER AND APPEAL.—Subsections (c)(1) and (d)(2) of section 904 of the Balanced Budget Act of 1997 are amended by striking "305(b)(2)," and inserting "305(k), 301(l), 305(b)(2),".
SEC. 253A. DEBT HELD BY THE PUBLIC LIMIT.

(a) AMENDMENTS TO THE CONGRESSIONAL BUDGET ACT OF 1974.—The Congressional Budget Act of 1974 is amended—

(1) in section 3, by adding at the end the following:

"(11)(A) The term 'debt held by the public' means the outstanding face amount of all debt obligations issued by the United States Government, including obligations held by outside investors, including individuals, corporations, State or local governments, foreign governments, and the Federal Reserve System.

(B) For the purposes of this paragraph, the term 'face amount', for any month, of any debt obligation issued on a discount basis that has not reached maturity at the option of the holder of the obligation is an amount equal to the sum of—

(i) the original issue price of the obligation; plus

(ii) the portion of the discount on the obligation attributable to periods before the beginning of such month."

(2) in section 301(a) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(B) inserting after paragraph (5) the following:

"(6) the debt held by the public; and

(3) in section 310(a), by—

(A) striking "or" at the end of paragraph (3);

(B) by redesigning paragraph (4) as paragraph (5); and

(C) inserting the following new paragraph:

"(4) specify the amounts by which the statutory limit on the debt held by the public is to be changed and direct the committee having jurisdiction to recommend such change; or"

(b) AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 250, by striking subsection (b) and inserting the following:

"(b) GENERAL STATEMENT OF PURPOSE: This part provides for the enforcement of—

(I) the balanced budget excluding the receipts and disbursements of the social security trust funds; and

(II) the limit on the debt held by the public to ensure that social security surpluses are used for social security reform or to reduce debt held by the public and are not spent on other programs.

(2) in section 250(c)(1), by inserting ‘‘debt held by the public,’ social security surplus’ after ‘‘outlays’’; and

(3) by inserting after section 253 the following:

**SEC. 253A. DEBT HELD BY THE PUBLIC LIMIT.

(a) LIMIT.—The debt held by the public shall be limited to—

(1) for the period beginning May 1, 2000 through April 30, 2001, $3,618,000,000,000;

(2) for the period beginning May 1, 2001 through April 30, 2002, $3,808,000,000,000;

(3) for the period beginning May 1, 2002 through April 30, 2003, $3,349,000,000,000;

(4) for the period beginning May 1, 2003 through April 30, 2004, $3,349,000,000,000;

(5) for the period beginning May 1, 2004 through April 30, 2005, $2,598,000,000,000;

(6) for the period beginning May 1, 2005 through April 30, 2006, $2,301,000,000,000;

(7) for the period beginning May 1, 2006 through April 30, 2007, $2,255,000,000,000; and

(b) ADJUSTMENTS FOR ACTUAL SOCIAL SECURITY SURPLUS LEVELS.—

(1) IN GENERAL.—The estimated level of social security surpluses for the purposes of this section is—

(A) for fiscal year 1999, $125,000,000,000; (B) for fiscal year 2000, $147,000,000,000; (C) for fiscal year 2001, $155,000,000,000; (D) for fiscal year 2002, $153,000,000,000; (E) for fiscal year 2003, $181,000,000,000; (F) for fiscal year 2004, $181,000,000,000; (G) for fiscal year 2005, $195,000,000,000; (H) for fiscal year 2006, $205,000,000,000; (I) for fiscal year 2007, $217,000,000,000; (J) for fiscal year 2008, $228,000,000,000, and (K) for fiscal year 2009, $235,000,000,000.

(2) INCLUSION.—For purposes of this section, the term ‘social security surplus’ means the amount for a fiscal year that receipts exceed outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

(3) REGISTRATION.—The Secretary shall make the following calculations and adjustments:

(A) FOR ACTUAL SOCIAL SECURITY SURPLUSES.—After October 1 and no later than December 31 of each year, the Secretary shall make the following calculations and adjustments:

(i) the limit set forth in subsection (a) for the period of years that begins on May 1st of the following calendar year; and

(ii) each subsequent limit.

(B) FOR ACTUAL SOCIAL SECURITY SURPLUSES.—(C) ESTIMATE.—OMB shall estimate the amount the debt held by the public shall be limited to under paragraph (1) and subtract that actual amount from the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year.

(2) ADJUSTMENT.—After January 1 and no later than January 31 of each year, the Secretary shall adjust the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year and subtract that actual amount from the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year.

(3) ESTIMATE.—OMB shall add the amount calculated under subparagraph (A) to—

(i) the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year; and

(ii) each subsequent limit.

(4) ADJUSTMENT TO THE LIMIT FOR EMERGENCIES.—

(i) ESTIMATE OF LEGISLATION.—(A) CALCULATION.—If legislation is enacted into law that contains a provision that is designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e), OMB shall estimate the amount the debt held by the public will change as a result of the provision's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

(C) ESTIMATE.—OMB shall add the estimated amount the debt held by the public, the limit on the debt held by the public, and the estimated change in the limit from the enactment of legislation to each of the limits established under subsection (a) that includes the date referenced in subparagraph (A).

(5) ADJUSTMENT.—The Secretary shall add the amount calculated under clause (1)—

(i) the limit in subsection (a) for the period of years that includes May 1st of the following calendar year; and

(ii) each subsequent limit.

(6) ADJUSTMENT TO THE LIMIT FOR SOCIAL SECURITY REFORM PROVISIONS THAT AFFECT ON-BUDGET LEVELS.—

(I) ESTIMATE OF LEGISLATION.—(A) CALCULATION.—If social security reform legislation is enacted, OMB shall estimate the amount the debt held by the public will change as a result of the legislation's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

(C) ESTIMATE.—OMB shall add the estimated amount the debt held by the public, the limit on the debt held by the public, and the estimated change in the limit from the enactment of legislation to each of the limits established under subsection (a) that includes the date referenced in subparagraph (A).

(7) DEFINITIONS.—In this section—

(A) the term ‘Securities and Exchange Commission’ means the Secretary of the Treasury.

(B) SOCIAL SECURITY REFORM LEGISLATION.—The term ‘social security reform legislation’ means legislation that—

(i) implements structural social security reform and significantly extends the solvency of the Social Security Trust Fund; and

(ii) includes a provision stating the following: ‘‘For purposes of the Social Security Act...’’.
Mr. BROWNBACK proposed an amendment to the bill, S. 1650, supra; as follows:

At the end of the bill insert the following:

**TITLE — TASK FORCE ON THE STATE OF AMERICAN SOCIETY**

**SEC. 01. ESTABLISHMENT OF THE TASK FORCE.**

(a) ESTABLISHMENT.—There is established a task force of the Senate to be known as the Task Force on the State of American Society, particularly in regard to children, youth, and families; to study the causes and consequences of youth violence.

(b) PURPOSE.—The purpose of the task force shall be—

(1) to study the societal condition of America, particularly in regard to children, youth, and families;

(2) to make such findings as are warranted and appropriate, including the impact that trends and developments have on the broader society, particularly in regards to child well-being; and

(3) to study the causes and consequences of youth violence.

(c) TASK FORCE PROCEDURE.—

(1) IN GENERAL.—Paragraphs 1, 2, 7(a) (2), and 10(a) of rule XXVI of the Standing Rules of the Senate, and section 202 (i) of the Legislative Reorganization Act of 1946, shall apply to the task force except as the provisos relating to the taking of depositions and the subpoena power.

(2) EQUAL FUNDING.—The majority and the minority staff of the task force shall receive equal funding.

(3) QUORUMS.—The task force is authorized to fix the number of its members (but not less than one-third of the entire membership) who shall constitute a quorum for the transaction of such business as may be considered necessary to carry out the provisions of this Act, amounts made available for salaries, expenses, and program management to agencies funded under this Act shall be ratably reduced in an amount equal to the amount necessary to carry out the amendments made by this section.
by the task force. A majority of the task force will be required to issue a report to the relevant committees, with a minority of the task force afforded an opportunity to record its views of the report.

SEC. 02. MEMBERSHIP AND ORGANIZATION OF THE TASK FORCE.

(a) MEMBERSHIP.—The task force shall consist of 8 members of the Senate—

(A) 4 of whom shall be appointed by the President pro tempore of the Senate from the membership of the Senate upon the recommendation of the Majority Leader of the Senate; and

(B) 4 of whom shall be appointed by the President pro tempore of the Senate from the minority party of the Senate upon the recommendation of the Minority Leader of the Senate.

(b) VACANCIES.—Vacancies in the membership of the task force shall not affect the authority of the remaining members to execute the functions of the task force and shall be filled in the same manner as original appointments to it are made.

(b) CHAIRMAN.—The chairman of the task force shall be selected by the Majority Leader of the Senate or the vice chairman of the task force shall be selected by the Minority Leader of the Senate. The vice chairman shall discharge such responsibilities as the task force or the chairman may assign.

SEC. 03. AUTHORITY OF TASK FORCE.

(a) IN GENERAL.—For the purposes of this title, the task force is authorized, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel;

(3) to hold hearings;

(4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate;

(5) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946; and

(6) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a nonreimbursable basis the services of personnel of any such department or agency.

(b) OTHER COMMITTEE STAFF.—At the joint request of the chairman and vice-chairman of the task force, the chairman and the ranking member of any other Senate committee or subcommittee may jointly permit the task force to use, on a nonreimbursable basis, the facilities or services of any members of the staff of such other Senate committee or subcommittee whenever the task force or its chairman, following consultation with the vice chairman, considers that such action is necessary or appropriate to enable the task force to make the investigation and study provided for in this title.

SEC. 04. REPORT AND TERMINATION.

The task force shall report its findings, together with such recommendations as it deems advisable, to the relevant committees and the Senate prior to July 7, 2000.

SEC. 05. FUNDING.

(a) IN GENERAL.—From the date this title is enacted into law on July 17, 2000, the expenses of the task force incurred under this title—

(1) shall be paid out of the miscellaneous items account of the contingent fund of the Senate;

(2) shall not exceed $500,000, of which amount not to exceed $150,000 shall be available to pay the fees of the staff of the Senate, the Senate Appropriations Committees, or the minority party of the Senate, for the services of individual consultants, organizations thereof, as authorized by section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(1)); and

(3) shall include sums in addition to expenses described under paragraph (2), as may be necessary for agency contributions related to compensation of employees of the task force.

(b) PAYMENT OF EXPENSES.—Payment of expenses of the task force shall be disbursed upon vouchers approved by the chairman, except that vouchers shall not be required for disbursements of salaries (and related agency contributions) paid at an annual rate.

HUTCHISON AMENDMENT NO. 1834

Mr. HUTCHISON proposed an amendment to amendment No. 1812 proposed by him to the bill, S. 1650, supra; as follows:

Strike all after the first word and insert the following:

"OF FUNDS FOR THE CONSOLIDATED HEALTH CENTERS"

HUTCHISON AMENDMENT NO. 1835

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 1650, supra; as follows:

At the end, add the following:

SEC. 05. SINGLE SEX EDUCATION.

Subsection (b) of section 6301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301) is amended—

(1) in paragraph (8), by striking "and after the semicolon;

(2) in paragraph (9), by striking the period and inserting ";"; and

(3) by adding at the end the following:

"(10) education reform projects that provide same gender schools and classrooms, as long as comparable educational opportunities are offered for students of both sexes.".

BOND (AND OTHERS) AMENDMENT NO. 1836

(Ordered to lie on the table.)

Mr. BOND (for himself, Mr. HARKIN, Mr. ASHcroft, Mr. GRASSLEY, Mr. CHAFEE, Mr. BIDEN, Mr. WELLSTONE, and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the end of title II, add the following:

"WITHOLDING OF SUBSTANCE ABUSE FUNDS"

"Sec. (a) IN GENERAL.—None of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x-26) if such State certifies to the Secretary of Health and Human Services that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) AMOUNT OF STATE FUNDS.—The amount of funds to be credited by a State under subsection (a) shall be equal to one percent of such State's substance abuse block grant allocation for each percentage point by which the State exceeds the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of the Public Health Service Act (42 U.S.C. 300x-26). The credit under such subsection (a) shall be equal to one percent of such State's substance abuse block grant allocation for each percentage point by which the State exceeds the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of the Public Health Service Act (42 U.S.C. 300x-26).".

COVERDELL AMENDMENT NO. 1837

(Ordered to lie on the table.)

Mr. COVERDELL submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

On page 54, line 19, strike "$1,151,550,000" and insert "$1,126,550,000".

On page 55, line 8, strike "$65,000,000" and insert "$90,000,000".

At the end, insert the following:

SEC. 06. FUNDING.

Notwithstanding any other provision of law—

(1) the total amount made available under this Act to carry out part A of title X of the Elementary and Secondary Education Act of 1965 shall be $39,500,000; and

(2) the total amount made available under this Act to carry out part C of title X of the Elementary and Secondary Education Act of 1965 shall be $150,000,000; and

(3) the total amount made available under this Act to carry out subpart I of part A of title IV of the Elementary and Secondary Education Act of 1965 shall be $451,000,000, of which $111,275,000 shall be available on July 1, 2000.

WELLSTONE AMENDMENTS NOS. 1838–1842

(Ordered to lie on the table.)

Mr. WELLSTONE submitted five amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1838

At the appropriate place, insert the following:

SEC. 07. EVALUATION OF OUTCOME OF WELFARE REFORM AND FORMULA FOR BONUSES TO HIGH PERFORMANCE STATES.

(a) ADDITIONAL MEASURES OF STATE PERFORMANCE.—Section 403(a)(4)(C) of the Social Security Act (42 U.S.C. 603(a)(4)(C)) is amended—

(1) by striking "Not later" and inserting the following:

"(1) In General.—Not later;"

(2) by inserting "The formula shall provide for the awarding of grants under this paragraph based on criteria contained in clause (ii) and in accordance with clauses (iii) and (iv)." after the period; and

(3) by adding at the end the following:

"(ii) FORMULA CRITERIA.—The grants awarded under this paragraph shall be based on the following:

"(1) EMPLOYMENT-RELATED MEASURES.—Employment-related measures, including work force entries, job creation, and increases in earnings of recipients of assistance under the State program funded under this title,
and measures of utilization of resources available under welfare-to-work grants under paragraph (5) and title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including measures of the type of assistance (as defined in subclause (VII)(bb)) to increase the number of individuals training for, and placed in, nontraditional employment.

"(II) EFFECTS OF CHANGES IN INCOME OR NUMBER OF CHILDREN BELOW HALF OF POVERTY.—For a sample of recipients of assistance under the State program funded during this fiscal year, including longitudinal measures assessing changes in income (or measures of changes in the proportion of children in families with income below ½ of the poverty line), including earnings and the value of benefits received under that State program and food stamps.

"(III) FOOD STAMPS MEASURES.—The change since 1985 in the proportion of children in working poor families that receive food stamps to the total number of children in the State (or, if possible, to the estimated number of children in working families with incomes low enough to be eligible for food stamps).

"(IV) MEDICAID AND SCHIP MEASURES.—The proportion of members of families who are former recipients of assistance in the State program funded under this title (who have ceased to receive such assistance for approximately 6 months) who currently receive medical assistance under the State plan approved under title XIX or child health assistance under title XXI.

"(V) CHILD CARE MEASURES.—In the case of a State that pays child care rates that are equal to at least the 75th percentile of market rates, based on a market rate survey that is not more than 2 years old, measures of the State’s success in providing child care, as measured by the percentage of children in families with incomes below 85 percent of the State’s median income who receive subsidized child care in the State, and by the amount of the State’s expenditures on child care subsidies divided by the estimated number of children younger than 13 in families with incomes below 85 percent of the State’s median income.

"(VI) MEASURES OF ADDRESSING DOMESTIC VIOLENCE.—In the case of a State that adopted the option under the State plan relating to domestic violence set forth in section 402(a)(7) and that reports the proportion of eligible recipients of assistance under this title who disclose their status as domestic violence victims or survivors, measures of the State’s success in addressing domestic violence, as measured by the economic well-being of such recipients, as measured by the proportion of such recipients who are referred to and receive services under a service plan developed by an individual trained in domestic violence pursuant to section 260.55(c) of title 45 of the Code of Federal Regulations.

"(VII) DEFINITIONS.—In this clause:

'(a) ADMINISTRATION.—The term ‘domestic violence’ has the meaning given the term ‘battered or subjected to extreme cruelty’ in section 402(a)(7)(C)(ii).

'(b) IMPLEMENTATION OF PROGRAMS.—The term ‘implementation of programs’ means activities conducted pursuant to section 134(a)(3)(A)(vi)(II) of the Workforce Investment Act of 1998 (29 U.S.C. 2869(a)(3)(A)(vi)(II)), placement of recipients in nontraditional employment, as reported to the Department of Labor pursuant to section 134(d)(1)(C) of that Act, and the performance of the State on other measures such as the provision of education, training, and career development, nontraditional employment, pursuant to section 136(b)(2) of such Act (29 U.S.C. 2871(b)(2)).

'(c) NONTRADITIONAL EMPLOYMENT.—The term ‘nontraditional employment’ means occupations or fields of work, including careers in computer science, technology, and other industries, for which individuals from 1 gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

'(d) WORKING POOR FAMILIES.—For the term ‘working poor families’ means families that receive earnings at least equal to a comparable amount that would be received by an individual engaging in a half-time position for minimum wage.

'(III) EMPLOYMENT, EARNING, AND INCOME RELATED MEASURES.—$100,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on the measures of employment, earnings, and income described in subclauses (I), (II), and (V) of clause (ii), including scores for the criteria described in those items.

'(IV) MEASURES OF SUPPORT FOR WORKING FAMILIES.—$100,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on measures of support for working families, including scores for the criteria described in subclauses (III), (IV) and (VI) of clause (ii).

'(V) LIMITATION ON APPLYING FOR ONLY 1 BONUS.—To qualify under any one of the employment, earnings, food stamp, or health coverage criteria described in subclauses (I), (III), or (IV) of clause (i), a State must submit the data required to compute for all of the criteria described in those subclauses.

'(C) a sample of food stamp recipients.

'(B) a sample of current recipients; and

'(VIII) REPORT ON OUTCOME OF WELFARE REFORM FOR STATES NOT PARTICIPATING IN BONUS GRANTS UNDER SECTION 403(a)(4).—

'(A) IN GENERAL.—In the case of a State which does not participate in the procedure for awarding grants under section 403(a)(4) pursuant to regulations prescribed by the Secretary, the report required by paragraph (1) for fiscal year 2001 shall include an evaluation of the extent to which the State has adopted the option under the State plan relating to domestic violence set forth in section 402(a)(7) and that reports the proportion of eligible recipients of assistance under this title who disclose their status as domestic violence victims or survivors, measures of the State’s success in addressing domestic violence, as measured by the economic well-being of such recipients, as measured by the proportion of such recipients who are referred to and receive services under a service plan developed by an individual trained in domestic violence pursuant to section 260.55(c) of title 45 of the Code of Federal Regulations.

'(B) CONTENTS.—The data required under subparagraph (A) shall consist of information required, including—

'(i) employment status;

'(ii) job retention;

'(iii) changes in income or resources;

'(iv) poverty status, including the number of children in families of such former recipients with income below ½ of the poverty line;

'(V) receipt of food stamps, medical assistance under the State plan approved under title XIX or child health assistance under title XXI, or subsidized child care;

'(VI) accessibility of child care and child care cost;

'(vii) the percentage of families in poverty receiving child care subsidies;

'(viii) receipt of benefits; and

'(ix) effectiveness of activities carried out pursuant to section 134(a)(3)(A)(vi)(II) of the Workforce Investment Act of 1998 (29 U.S.C. 2869(a)(3)(A)(vi)(II)), placement of recipients in nontraditional employment, as reported to the Department of Labor pursuant to section 134(d)(1)(C) of that Act, and the performance of the State on other measures such as the provision of education, training, and career development, nontraditional employment, pursuant to section 136(b)(2) of such Act (29 U.S.C. 2871(b)(2)).

'(D) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this paragraph.

(i) data reported under this paragraph is in such form as to promote comparison of data among States;

(ii) a State, for each measure, changes in data over time and comparisons to comparable data for each State and comparable groups of current recipients and

(iii) a State that is currently collecting data required under subparagraph (A) may use the results of such study to satisfy the requirements of this paragraph.

'(E) REPORT OF CURRENTLY COLLECTED DATA.—

(1) IN GENERAL.—Not later than July 1, 2000, and annually thereafter, the Secretary of Health and Human Services shall transmit to Congress a report regarding characteristics of former and current recipients of assistance under the State program funded under this paragraph, based on information currently being received from States.

(2) CHARACTERISTICS.—For purposes of paragraph (1), the characteristics shall include—

(a) a sample of former recipients;

(b) a sample of current recipients; and

(c) a sample of food stamp recipients.

(3) BASIS OF REPORT.—The report under paragraph (1) shall be based on longitudinal data of employer reported earnings for a sample of States, which represents at least 10 percent of the population of the United States, including all States, for each of fiscal years 1997 through 2000.

(4) EFFECTIVE DATES.—(A) ADDITIONAL MEASURES OF STATE PERFORMANCE.—The amendments made by subsection (b) shall apply to each of fiscal years 2001 through 2003, except that the income change (or extreme child poverty) criteria described in section 403(a)(4)(C)(ii)(I) of the Social Security Act (42 U.S.C. 603(a)(4)(C)(ii)(I)) shall not apply to grants awarded under section 403(a)(4) of that Act (42 U.S.C. 603(a)(4)) for fiscal year 2001.

(2) DATA COLLECTION AND REPORTING.—The amendment made by subsection (b) shall apply to reports submitted in fiscal years beginning with fiscal year 2001.

AMENDMENT NO. 1839

In the matter under the heading “CHILDREN AND FAMILIES SERVICES PROGRAMS” under the heading “ADMINISTRATION FOR CHILDREN AND FAMILIES” in title II, strike "$6,682,635,000," of which $5,900,000,000 shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act, and $782,635,000 shall be for making payments under the Community Services Block Grant Act; and of which
$5,267,000,000 shall be for making payments under the Head Start Act," and insert "$9,682,635,000, of which $20,000,000, to remain available until September 30, 2001, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act; of which $500,000,000 shall be for making payments under the Community Services Block Grant Act; and of which $8,267,000,000 shall be for making payments under the Head Start Act.

**AMENDMENT NO. 1840**

At the end of title III, insert the following:

**SEC. 5. SENSE OF THE SENATE REGARDING SCHOOL INFRASTRUCTURE.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The General Accounting Office has performed a comprehensive survey of the Nation's public and secondary school facilities, and has found severe levels of disrepair in all areas of the United States.

(2) The General Accounting Office has concluded that more than 14,000,000 children attend schools in need of extensive repair or replacement, 7,000,000 children attend schools with life threatening safety code violations, and 12,000,000 children attend schools with leaky roofs.

(3) The General Accounting Office has found that schools across the country face the problems that transcend demographic and geographic boundaries. At 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools, at least one building is in need of extensive repair or should be completely replaced.

(4) The condition of school facilities has a direct effect on the ability of students and teachers and on the ability of students to learn. Academic research has provided a direct correlation between the condition of school facilities and student achievement. At Georgetown University, researchers have found the test scores of students assigned to schools in poor condition are expected to fall 10.9 percentage points below the test scores of students in buildings in excellent condition. Similar studies have demonstrated up to a 20 percent improvement in test scores when students were moved from a poor facility to a new facility.

(5) The General Accounting Office has found most schools are unprepared to incorporate modern technology in the classroom. Forty-six percent of schools lack adequate electrical wiring to support the full scale use of technology. More than a third of schools lack the requisite electrical power. Fifty-six percent of schools have insufficient phone lines for modems.

(6) The Department of Education has reported that elementary and secondary school enrollment, already at a record high level, will continue to grow over the next 10 years, and that in order to accommodate this growth, the United States will need to build an additional 6,000 schools.

(7) The General Accounting Office has determined the cost of bringing schools up to good, overall condition to be $112,000,000,000, not including the cost of modernizing schools to accommodate technology, or the cost of building additional facilities needed to meet record enrollment levels.

(8) Schools run by the Bureau of Indian Affairs (BIA) for Native American children are also in dire need of repair and renovation. The General Accounting Office has reported that the cost of total inventory repairs needed for BIA facilities is $754,000,000. The December 1997 report by the Comptroller General of the United States states that, "Compared with other nationally, BIA schools are generally in poorer physical condition, have more unsatisfactory environmental factors, more often lack key facilities requirements for education reform, and are less able to support computer and communications technology. State and federal financing mechanisms have proven inadequate to meet the challenges facing today's aging school facilities. Large numbers of local educational agencies have difficulty obtaining financing for school facility improvement."

(9) The Federal Government has provided resources for school construction in the past. For example, in 1990, the Federal Government assisted in 70 percent of all new school construction.

(10) The Federal Government can support elementary and secondary school facilities without interfering in issues of local control, and should help communities leverage additional funds for the improvement of elementary and secondary school facilities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should provide not less than $700,000,000 in Federal resources to help communities leverage funds to modernize public school facilities.

**ENZI AMENDMENT NO. 1846**

Mr. ENZI proposed an amendment to the bill, S. 1650, supra; as follows:

On page 13, line 14, after "1970:"

"Provided, That of the amount appropriated under this heading that is in excess of the amount appropriated for such purposes for fiscal year 1999, $16,883,500 shall be used to carry out the activities described in paragraph (1) and $16,883,500 shall be used to carry out paragraphs (2) through (6);".

**DEWINE AMENDMENT NO. 1847**

(Orders of lie on the table.)

Mr. DEWINE submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the end, insert the following:

**SEC. 6. FUNDING.**

Notwithstanding any other provision of law—

(1) the total amount made available under this Act to carry out part C of title VIII of the Higher Education Amendments of 1998 shall be $2,000,000;

(2) the total amount made available under this Act to carry out section 423K of the Higher Education Act of 1965 shall be $2,000,000;

(3) the total amount made available under the heading "SALARIES AND EXPENSES", under the heading "OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION", under title I, for salaries and expenses for the Occupational Safety and Health Administration shall be $96,755,000; and

(4) the total amount made available under the heading "SALARIES" (under the heading "DEPARTMENTAL MANAGEMENT") under title I, for salaries and expenses at the Department of Labor shall be $245,001,000.

**GREGG AMENDMENTS NOS. 1848—1849**

(Orders of lie on the table.)

Mr. GREGG submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

In the matter under the heading "COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS", in the matter under the heading "EMPLOYMENT AND TRAINING ADMINISTRATION", in title I, insert before the period at the end of the first sentence the following: ": Provided, That funds appropriated for activities carried out under title V of such Act if allocated to private nonprofit organizations, shall only be allocated to such private nonprofit organizations (for use by such organizations, affiliates of such organizations, or successors in interest of such organizations), if such organizations administer not more than 10 percent of the projects carried out by such organizations with such funds through subcontracts with entities that are not directly associated or affiliated with such organizations."
AMENDMENT NO. 1849

In the matter under the heading “COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS”, in the matter under the heading “EMPLOYMENT AND TRAINING ADMINISTRATION”, in title I, inserted before the end of the first sentence the following: “: Provided, That funds appropriated to carry out title V of such Act shall not be allocated to a public agency or a public or private nonprofit organization, affiliate of such an agency or organization, or successors in interest of such an agency or organization, if it has been determined that there has been fraud or criminal activity within such agency or organization, or that there are substantial and persistent administrative inefficiencies involving such agency or organization, or that such agency or organization, for the period of 1993 through 1996, had disallowed costs in excess of 3 percent of funds that were awarded over such period to carry out title V of such Act, as found in independent audits conducted by the Office of Inspector General or by final determinations by the Secretary’.

NICKLES AMENDMENTS NOS. 1850–1851

(Ordered to lie on the table.)

Mr. NICKLES submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1850

At the appropriate place, insert the following:

SEC. 6. PROTECTION OF THE SOCIAL SECURITY TRUST FUND.

“(a) Section 253(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

“(b) EXCESS DEFICIT.—The excess deficit is, if greater than zero, the estimated on-budget deficit for the budget year, excluding any surplus in the old-age, survivors, and disability insurance program established under title II of the Social Security Act.

“(c) Section 239(g) of the Balanced Budget and Emergency Deficit Control Act of 1985 is repealed.”.

AMENDMENT NO. 1851

At the appropriate place, insert the following:

SEC. 6. PROTECTING SOCIAL SECURITY SURPLUSES.

“(a) FINDINGS.—Congress finds that—

(1) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds; and

(2) social security surpluses should only be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that conferees on the fiscal year 2000 appropriations measures should ensure that total discretionary spending does not result in an on-budget deficit (excluding the surpluses generated by the Social Security trust funds) by adopting an across-the-board reduction in all discretionary appropriations sufficient to eliminate such deficit.

REID AMENDMENT NO. 1852

(Ordered to lie on the table.)

Mr. REID submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

SENSE OF THE SENATE ON PREVENTION OF NEEDLESTICK INJURIES

SEC. 201. (a) FINDINGS.—The Senate finds that—

(1) the Centers for Disease Control and Prevention reports that American health care workers report more than 800,000 needlestick and sharps injuries each year;

(2) the occurrence of needlestick injuries is believed to be widely under-reported;

(3) needlestick and sharps injuries result in at least 1,000 new cases of health care workers with HIV; hepatitis C or hepatitis B every year; and

(4) more than 80 percent of needlestick injuries can be prevented through the use of safer devices.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should pass the bill, S. 1650, supra; as follows:

At the appropriate place, add the following:

SEC. 4. PROTECTION OF THE SOCIAL SECURITY TRUST FUND.

“(a) Section 253(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) by striking “(1)” after “(8);” and

(2) by adding at the end the following:

“(ii) for purposes of clause (1), a child is not considered to qualify for medical assistance under the State plan if the child qualified for such assistance only under a demonstration that—

(I) was approved under section 1115(a);

(II) was implemented on or before March 31, 1997; and

(III) did not include hospital services as a covered benefit.”.

(3) by inserting “ii) during the period in which the State program funded under this title, longitudinal measures of annual changes in income (or measures of changes in the proportion of children in families with income below 150 percent of the poverty line), including earnings and the value of benefits received under that State program and food stamps.”.

(4) by inserting “the percentage of members of families who are former recipients of assistance under the State program funded under this title,”.

(5) by inserting “or nontraditional employment.”.

(6) by inserting “unemployment-related measures, including work force entries, job retention, increases in earnings of recipients of assistance under the State program funded under this title, and measures of utilization of resources available under welfare-to-work grants under paragraph (5) and title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including the implementation of programs (as defined in subclause (VII)(bb)) to increase the number of individuals training for, and placed in, nontraditional employment.”.

SEC. 5. EQUITY AND JOINT RESPONSIBILITY.

“(2) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds.”.

SARBANES AMENDMENT NO. 1853

(Ordered to lie on the table.)

Mr. SARBANES submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1854

At the end of title III, insert the following:

SEC. 8. ADDITIONAL FUNDING.

In addition to any other funds appropriated under this Act to carry out title I of the Elementary and Secondary Education Act of 1965, there are appropriated additional $3,000,000,000 to carry out such title.

AMENDMENT NO. 1855

In the matter under the heading “CHILDREN AND FAMILIES” in title II, strike “$5,682,635,000, of which $20,000,000, to remain available until September 30, 2001, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act; of which $500,000,000 shall be for making payments under the Community Services Block Grant Act; and of which $2,627,000,000 shall be for making payments under the Head Start Act,” and insert “$7,062,635,000, of which $20,000,000, to remain available until September 30, 2001, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act; of which $5,000,000,000 shall be for making payments under the Community Services Block Grant Act; and of which $2,000,000,000 shall be for making payments under the Head Start Act,”.

AMENDMENT NO. 1856

At the appropriate place in the following:

SEC. 2. EVALUATION OF OUTCOME OF WELFARE REFORM AND FORMULA FOR BONUSES TO HIGH PERFORMANCE STATES.

(a) ADDITIONAL MEASURES OF STATE PERFORMANCE.—Section 403(a)(4)(C) of the Social Security Act (42 U.S.C. 603(a)(4)(C)) is amended—

(1) by striking “Not later” and inserting the following:

“(i) In general.—Not later”;

(2) by inserting “The formula shall provide for the awarding of grants under this paragraph based on criteria contained in clause (ii) and in accordance with clauses (iii) and (iv).” after the period; and

(3) by adding at the end the following:

“(ii) FORMULA CRITERIA.—The grants awarded under this paragraph shall be based on the following:

(I) MEASURES OF CHANGES IN INCOME OR NUMBER OF CHILDREN BELOW HALF OF POVERTY.—For a sample of recipients of assistance under the State program funded under this title, and measures of utilization of resources available under welfare-to-work grants under paragraph (5) and title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including the implementation of programs (as defined in subclause (VII)(bb)) to increase the number of individuals training for, and placed in, nontraditional employment.

(II) MEASURES OF CHANGES IN INCOME OR NUMBER OF CHILDREN BELOW HALF OF POVERTY.—For a sample of recipients of assistance under the State program funded under this title, longitudinal measures of annual changes in income (or measures of changes in the proportion of children in families with income below 150 percent of the poverty line), including earnings and the value of benefits received under that State program and food stamps.

(III) FOOD STAMPS MEASURES.—The change since 1995 in the proportion of children in working poor families that receive food stamps to the total number of children in that state (or, if possible, to the estimated number of children in working families with incomes low enough to be eligible for food stamps).

(IV) MEDICAID AND SCHIP MEASURES.—The percentage of members of families who are former recipients of assistance under the State program funded under this title (who have ceased to receive such assistance for approximately 6 months) who currently receive medical assistance under the State plan approved under title XIX or the child health assistance under title V of the Social Security Act.

(V) CHILD CARE MEASURES.—In the case of a State that pays child care rates that are equal to or below the 75th percentile of market rates based on the survey that is not more than 2 years old, measures of the State’s success in providing child care,
as measured by the percentage of children in families with incomes below 85 percent of the State's median income who receive subsidized child care in the State, and by the amount of funds expended for child care subsidies divided by the estimated number of children younger than 13 in families with incomes below 85 percent of the State's median income.

(4) Measures addressing domestic violence.—In the case of a State that has adopted the option under the State plan relating to the provision set forth in section 402(a)(7) and that reports the proportion of eligible recipients of assistance under this title who disclose their status as domestic violence survivors, measures of the State's success in addressing domestic violence as a barrier to economic self-sufficiency, as measured by the proportion of such recipients who are referred to and receive services under a service plan developed by an individual trained in domestic violence pursuant to section 236.55(c) of title 45 of the Code of Federal Regulations.

(5) Definitions.—In this clause:

(aa) Domestic violence.—The term 'domestic violence' has the meaning given the term 'domestic violence' in section 134(a)(3)(A)(vi)(II) of the Workforce Investment Act of 1998 (29 U.S.C. 286(a)(3)(A)(vi)(II)), placement of recipients in nontraditional employment, as reported in the Department of Labor pursuant to section 185(d)(1)(C) of such Act (29 U.S.C. 2906(d)(1)(C)), and the performance of the State under such a plan as the provision of education, training, and career development assistance for nontraditional employment pursuant to section 196(h)(2)(B) of such Act (29 U.S.C. 2916(h)(2)(B)).

(bb) Nontraditional employment.—The term 'nontraditional employment' means occupations or fields of work, including careers in computer science, technology, and other emerging high skill occupations, for which individuals from 1 gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

(cc) Working poor families.—The term 'working poor families' means families that received Social Security, and who received an amount comparable to that received by an individual working a half-time position for minimum wage.

(dd) Employment, earning, and income related measures.—$100,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on the measures of employment, earnings, and income described in subsections (I), (II), and (V) of clause (ii), including scores for the criteria described in those items.

(iv) Measures of support for working families.—$100,000,000 of the amount appropriated for a fiscal year under paragraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on measures of support for working families including scores for the criteria described in subsections (III), (IV) and (VI) of clause (ii).

(v) Limitation on applying for only 1 bonus.—(1) NOTwithstanding any other provision of this title, the amount appropriated under this title for making grants pursuant to section 2002 of the Social Security Act (42 U.S.C. 1397a) shall be increased to $2,380,000,000. Provided, That notwithstanding any other provision of this title, the amount specified for allocation under section 2003(c) of such Act for fiscal year 2000 shall be $2,380,000,000.

AMENDMENT NO. 1859
At the end of title II, add the following:

SEC. 2. Additional funding.
In addition to any other funds appropriated under this Act to carry out title I of the Elementary and Secondary Education Act of 1965, there are appropriated an additional $3,000,000,000 to carry out such title.

COCHRAN AMENDMENT NO. 1860
(Ordained to lie on the table.)
Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place in the bill, insert the following: "Provided further, That $2,000,000 shall be available from the Office on Women's Health to support biological, chemical and botanical studies to assist in the development of clinical evaluation of phytomedicines in women's health.

BINGHAMAN (AND OTHERS)
AMENDMENT NO. 1861
(Ordained to lie on the table.)
Mr. BINGHAMAN for himself, Mr. REED, Mr. KERRY, and Mr. KENNEDY submitted an amendment intended to be proposed by them to the bill, supra; as follows:

On page 52, line 8, after "section 1124A", insert the following: "Provided further, That $200 million of funds available under section 1124 and 1124A shall be available to carry out the purposes of section 1 of the Elementary and Secondary Education Act of 1965."
Mr. REED submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1862
In title I, under the heading “OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—SALARIES AND EXPENSES”, insert before the colon at the end of the second proviso the following: “; except that amounts appropriated to the Occupational Safety and Health Administration for fiscal year 2000 may be obligated or expended to conduct an investigation in response to an accident causing the death of an employee described in subsection (b) and to issue a report concerning the causes of such an accident, so long as the Occupational Safety and Health Administration does not impose a fine or take any other enforcement action as a result of such investigation or report.”

AMENDMENT NO. 1863
At the appropriate place, insert the following:

SEC. 6. INVESTIGATIONS AND REPORTS CONCERNING EMPLOYEE DEATHS.
(a) In general.—Notwithstanding any other provision of law, amounts appropriated to the Occupational Safety and Health Administration for fiscal year 2000 may be obligated or expended to conduct an investigation in response to an accident causing the death of an employee described in subsection (b) and to issue a report concerning the causes of such an accident, so long as the Occupational Safety and Health Administration does not impose a fine or take any other enforcement action as a result of such investigation or report.

(b) Employee.—An employee described in this section who is under 18 years of age and who is employed by a person engaged in a farming operation that does not maintain a temporary labor camp and that employs 10 or fewer employees.

REED (AND OTHERS) AMENDMENT NO. 1864
(Ordered to lie on the table.)
Mr. REED (for himself, Mr. SMITH of Oregon, Mr. LEVIN, and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill, supra; as follows:

At the end of title III, add the following: LENDING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM

Sec. 5. (a) In general.—Notwithstanding any other provision of this title, amounts appropriated in this title may be expended for expenses of the Office of Workers’ Compensation Programs until the day after there is enacted a law that states the following:

“(a) Notwithstanding any provision of section 8122 of title 5, United States Code, a claim for compensation for a disease or condition described in this section, if the individual—

(1) the individual who filed the claim is eligible to do so under subsection (b) or is a person who filed the claim on behalf of such an individual;

(2) the claim is for compensation for a disability or death resulting from a disease or condition described in subsection (c); and

(3) the claim—

(A) was filed under section 8121 of title 5, United States Code, on or before the date of the enactment of this Act; or

(B) is filed under section one within one year after that date.

(b) An individual is eligible under this section to file a claim for compensation under section 8121 of title 5, United States Code, if—

(A) if the individual—

(1) was a member of the Armed Forces of the United States in the performance of active duty during World War II, was exposed to a nitrogen or sulfur mustard agent in the performance of official duties as an employee; and

(B) is filed under such section within one year after that date.

(c) A claim for compensation under section 8121 of title 5, United States Code, that is filed under this section shall be granted if warranted under the provisions of that subsection for a disability or death resulting from any of the following diseases or conditions:

(1) in the case of an individual who was exposed to a nitrogen mustard agent:

(A) Chronic conjunctivitis.

(B) Chronic keratitis.

(C) Chronic corneal opacities.

(D) Formation of scars.

(E) Nasopharyngeal cancer.

(F) Laryngeal cancer.

(G) Lung cancer, other than mesothelioma.

(H) Squamous cell carcinoma of the skin.

(I) Chronic laryngitis.

(J) Chronic bronchitis.

(K) Chronic emphysema.

(L) Chronic asthma.

(M) Chronic obstructive pulmonary disease.

(2) in the case of an individual who was exposed to a nitrogen mustard agent:

(A) Any disease or condition specified in paragraph (1).

(B) Acute nonlymphocytic leukemia.

(3) in the case of an individual who was exposed to a sulfur mustard agent:

(A) Any disease or condition specified in paragraph (1).

(B) Acute nonlymphocytic leukemia.

(4) in the case of an individual who was exposed to a sulfur mustard agent:

(A) Any disease or condition specified in paragraph (1).

(B) Acute nonlymphocytic leukemia.

(C) Section 8119 of title 5, United States Code, does not apply with respect to a claim filed under this section.

(D) in this section, the term ‘World War II’ has the meaning given in the term in section 101(b) of title 38, United States Code.”

REED (AND OTHERS) AMENDMENT NO. 1865
(Ordered to lie on the table.)
Mr. REED (for himself, Mr. SMITH of Oregon, Mr. KENNEDY, Mrs. MURRAY, Mr. LEVIN, and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill, supra; as follows:

REED (AND OTHERS) AMENDMENT NO. 1866
In title I, under the heading “OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—SALARIES AND EXPENSES”, insert before the colon at the end of the second proviso the following: “; except that amounts appropriated to the Occupational Safety and Health Administration for fiscal year 2000 may be obligated or expended to conduct an investigation in response to an accident causing the death of an employee (who is under 18 years of age and who is employed by a person engaged in a farming operation that does not maintain a temporary labor camp and that employs 10 or fewer employees) and to issue a report concerning the causes of such an accident, so long as the Occupational Safety and Health Administration does not impose a fine or take any other enforcement action as a result of such investigation or report.”

AMENDMENT NO. 1867
At the end of the title I, add the following:

Sec. 7. None of the funds appropriated in this title may be expended for expenses of the Office of Workers’ Compensation Programs until the day after there is enacted a law that states the following:

“(a) Notwithstanding any provision of section 8122 of title 5, United States Code, a claim for compensation under subchapter I of chapter 81 of such title shall be treated as timely filed for the purposes of that subchapter if—

(1) the individual who filed the claim was eligible to do so under subsection (b) or was a person who filed the claim on behalf of such an individual;

(2) the claim is for compensation for a disability or death resulting from a disease or condition described in subsection (c); and

(3) the claim was filed under section 8121 of title 5, United States Code, not later than March 10, 1999.

(b) An individual is eligible under this section to file a claim for compensation under section 8121 of title 5, United States Code, if—

(1) was a member of the Armed Forces of the United States in the performance of official duties as an employee; and

(2) developed a disease specified in subsection (c) after the exposure.

(c) A claim for compensation under subchapter I of chapter 81 of title 5, United States Code, that is filed under this section shall be granted if warranted under the provisions of that subchapter for a disability or death resulting from any of the following diseases or conditions:

(1) in the case of an individual who was exposed to a sulfur mustard agent:

(A) Chronic conjunctivitis.

(B) Chronic keratitis.

(C) Chronic corneal opacities.

(D) Formation of scars.

(E) Nasopharyngeal cancer.

(F) Laryngeal cancer.

(G) Lung cancer, other than mesothelioma.

(H) Squamous cell carcinoma of the skin.

(I) Chronic laryngitis.

(J) Chronic bronchitis.

(K) Chronic emphysema.

(L) Chronic asthma.

(M) Chronic obstructive pulmonary disease.

(2) in the case of an individual who was exposed to a nitrogen mustard agent:

(A) Any disease or condition specified in paragraph (1).

(B) Acute nonlymphocytic leukemia.

(C) Section 8119 of title 5, United States Code, does not apply with respect to a claim filed under this section.

(D) in this section, the term ‘World War II’ has the meaning given in the term in section 101(b) of title 38, United States Code.”

REED (AND OTHERS) AMENDMENT NO. 1868
(Ordered to lie on the table.)
Mr. REED (for himself, Mr. SMITH of Oregon, Mr. KENNEDY, Mrs. MURRAY, Mr. LEVIN, and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill, supra; as follows:

REED (AND OTHERS) AMENDMENT NO. 1869
(Ordered to lie on the table.)
Mr. REED (for himself, Mr. SMITH of Oregon, Mr. KENNEDY, Mrs. MURRAY, Mr. LEVIN, and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill, supra; as follows:

REED (AND OTHERS) AMENDMENT NO. 1870
(Ordered to lie on the table.)
Mr. REED (for himself, Mr. SMITH of Oregon, Mr. KENNEDY, Mrs. MURRAY, Mr. LEVIN, and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill, supra; as follows:

OFFICE OF POSTSECONDARY EDUCATION STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, paragraph 1 of title IV of the Higher Education Act of 1965, as amended, $9,548,000, which shall remain available through September 30, 2001.

REED AMENDMENTS NOS. 1866–1868
(Ordered to lie on the table.)
Mr. REED submitted three amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:
AT THE END OF TITLE III, ADD THE FOLLOWING:

SEC. . STUDY OF CONFOUNDING BIOPHYSIOLOGICAL INFLUENCES ON POLYGRAPHY.

From within funds made available by this Act, the Director of the National Institutes of Health shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation into the scientific validity of polygraphy as a screening tool for federal and federal contractor personnel. Such study and investigation shall specifically address the scientific validity of polygraph tests being proposed for use in proposed rules published at 64 Fed. Reg. 45062 (August 18, 1999).

AMENDMENT NO. 1874
At the appropriate place in the bill add the following:

SEC. . STUDY OF CONFOUNDING BIOPHYSIOLOGICAL INFLUENCES ON POLYGRAPHY.

From within funds made available by this Act, the Director of the National Institutes of Health shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation into the scientific validity of polygraphy as a screening tool for federal and federal contractor personnel. Such study and investigation shall include the effect of prescription and non-prescription drugs on the validity of polygraph tests, the potential for other techniques of suppressing or altering conscious or autonomic physiological reflexes to compromise the validity of polygraph tests, and differential responses to polygraph tests according to biophysiological factors that may vary according to age, gender, ethnic or socioeconomic background, or other factors relating to natural variability in human populations. The study and investigation shall specifically address the scientific validity of polygraph tests being proposed for use in proposed rules published at 64 Fed. Reg. 45062 (August 18, 1999).

SEC. . STUDY OF CONFOUNDING BIOPHYSIOLOGICAL INFLUENCES ON POLYGRAPHY.

From within funds made available by this Act, the Director of the National Institutes of Health shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation into the scientific validity of polygraphy as a screening tool for federal and federal contractor personnel. Such study and investigation shall specifically address the scientific validity of polygraph tests being proposed for use in proposed rules published at 64 Fed. Reg. 45062 (August 18, 1999).

AMENDMENT NO. 1875
(Ordered to lie on the table.)
Mr. BINGAMAN (for himself, Mr. REED, Mr. KERRY, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1876
(Ordered to lie on the table.)
Mr. BINGAMAN submitted three amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1877
At the end of title II, add the following:

SEC. . STUDY OF CONFOUNDING BIOPHYSIOLOGICAL INFLUENCES ON POLYGRAPHY.

From within funds made available by this Act, the Director of the National Institutes of Health shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation into the scientific validity of polygraphy as a screening tool for federal and federal contractor personnel. Such study and investigation shall include the effect of prescription and non-prescription drugs on the validity of polygraph tests, the potential for other techniques of suppressing or altering conscious or autonomic physiological reflexes to compromise the validity of polygraph tests, and differential responses to polygraph tests according to biophysiological factors that may vary according to age, gender, ethnic or socioeconomic background, or other factors relating to natural variability in human populations. The study and investigation shall specifically address the scientific validity of polygraph tests being proposed for use in proposed rules published at 64 Fed. Reg. 45062 (August 18, 1999).

AMENDMENT NO. 1878
At the end of title II, add the following:

SEC. . ADVANCEMENT OF DENTAL MEDICAL SERVICES.

From amounts appropriated under this title for the Health Resources and Services Administration, $1,000,000 shall be made available to the Maternal Child Health Bureau of the Health Resources and Services Administration to conduct a comprehensive study and investigation into the scientific validity of polygraphy as a screening tool for federal and federal contractor personnel. Such study and investigation shall specifically address the scientific validity of polygraph tests being proposed for use in proposed rules published at 64 Fed. Reg. 45062 (August 18, 1999).

AMENDMENT NO. 1879
(Ordered to lie on the table.)
Mr. BINGAMAN (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT NO. 1880
At the end of title II, add the following:

SEC. . STUDY OF CONFOUNDING BIOPHYSIOLOGICAL INFLUENCES ON POLYGRAPHY.

From within funds made available by this Act, the Director of the National Institutes of Health shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation into the scientific validity of polygraphy as a screening tool for federal and federal contractor personnel. Such study and investigation shall include the effect of prescription and non-prescription drugs on the validity of polygraph tests, the potential for other techniques of suppressing or altering conscious or autonomic physiological reflexes to compromise the validity of polygraph tests, and differential responses to polygraph tests according to biophysiological factors that may vary according to age, gender, ethnic or socioeconomic background, or other factors relating to natural variability in human populations. The study and investigation shall specifically address the scientific validity of polygraph tests being proposed for use in proposed rules published at 64 Fed. Reg. 45062 (August 18, 1999).

AMENDMENT NO. 1881
At the end, add the following:

SEC. . MEDICARE ADVANCEMENT PROGRAM.

From amounts appropriated under this title for the Health Resources and Services Administration, $1,000,000 shall be made available to the Maternal Child Health Bureau of the Health Resources and Services Administration to conduct a comprehensive study and investigation into the scientific validity of polygraphy as a screening tool for federal and federal contractor personnel. Such study and investigation shall specifically address the scientific validity of polygraph tests being proposed for use in proposed rules published at 64 Fed. Reg. 45062 (August 18, 1999).

AMENDMENT NO. 1882
At the end of title II, add the following:

SEC. . STUDY OF CONFOUNDING BIOPHYSIOLOGICAL INFLUENCES ON POLYGRAPHY.

From within funds made available by this Act, the Director of the National Institutes of Health shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation into the scientific validity of polygraphy as a screening tool for federal and federal contractor personnel. Such study and investigation shall include the effect of prescription and non-prescription drugs on the validity of polygraph tests, the potential for other techniques of suppressing or altering conscious or autonomic physiological reflexes to compromise the validity of polygraph tests, and differential responses to polygraph tests according to biophysiological factors that may vary according to age, gender, ethnic or socioeconomic background, or other factors relating to natural variability in human populations. The study and investigation shall specifically address the scientific validity of polygraph tests being proposed for use in proposed rules published at 64 Fed. Reg. 45062 (August 18, 1999).

AMENDMENT NO. 1883
At the end of title II, add the following:

SEC. . STUDY OF CONFOUNDING BIOPHYSIOLOGICAL INFLUENCES ON POLYGRAPHY.

From within funds made available by this Act, the Director of the National Institutes of Health shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation into the scientific validity of polygraphy as a screening tool for federal and federal contractor personnel. Such study and investigation shall include the effect of prescription and non-prescription drugs on the validity of polygraph tests, the potential for other techniques of suppressing or altering conscious or autonomic physiological reflexes to compromise the validity of polygraph tests, and differential responses to polygraph tests according to biophysiological factors that may vary according to age, gender, ethnic or socioeconomic background, or other factors relating to natural variability in human populations. The study and investigation shall specifically address the scientific validity of polygraph tests being proposed for use in proposed rules published at 64 Fed. Reg. 45062 (August 18, 1999).

AMENDMENT NO. 1884
At the end of title II, add the following:

SEC. . ADVANCEMENT OF DENTAL MEDICAL SERVICES.

From amounts appropriated under this title for the Health Resources and Services Administration, $1,000,000 shall be made available to the Maternal Child Health Bureau of the Health Resources and Services Administration to conduct a comprehensive study and investigation into the scientific validity of polygraphy as a screening tool for federal and federal contractor personnel. Such study and investigation shall specifically address the scientific validity of polygraph tests being proposed for use in proposed rules published at 64 Fed. Reg. 45062 (August 18, 1999).

AMENDMENT NO. 1885
At the end of title II, add the following:

SEC. . STUDY OF CONFOUNDING BIOPHYSIOLOGICAL INFLUENCES ON POLYGRAPHY.

From within funds made available by this Act, the Director of the National Institutes of Health shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation into the scientific validity of polygraphy as a screening tool for federal and federal contractor personnel. Such study and investigation shall include the effect of prescription and non-prescription drugs on the validity of polygraph tests, the potential for other techniques of suppressing or altering conscious or autonomic physiological reflexes to compromise the validity of polygraph tests, and differential responses to polygraph tests according to biophysiological factors that may vary according to age, gender, ethnic or socioeconomic background, or other factors relating to natural variability in human populations. The study and investigation shall specifically address the scientific validity of polygraph tests being proposed for use in proposed rules published at 64 Fed. Reg. 45062 (August 18, 1999).

AMENDMENT NO. 1886
At the end of title II, add the following:

SEC. . STUDY OF CONFOUNDING BIOPHYSIOLOGICAL INFLUENCES ON POLYGRAPHY.

From within funds made available by this Act, the Director of the National Institutes of Health shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation into the scientific validity of polygraphy as a screening tool for federal and federal contractor personnel. Such study and investigation shall include the effect of prescription and non-prescription drugs on the validity of polygraph tests, the potential for other techniques of suppressing or altering conscious or autonomic physiological reflexes to compromise the validity of polygraph tests, and differential responses to polygraph tests according to biophysiological factors that may vary according to age, gender, ethnic or socioeconomic background, or other factors relating to natural variability in human populations. The study and investigation shall specifically address the scientific validity of polygraph tests being proposed for use in proposed rules published at 64 Fed. Reg. 45062 (August 18, 1999).

AMENDMENT NO. 1887
At the end of title II, add the following:
place instruction without the assistance provided under this section.

WELLSTONE AMENDMENTS NOS. 1880–1881

(Ordered to lie on the table.)

Mr. WELLSTONE submitted two amendments intended to be proposed by him to the bill, S. 1650, supra; as follows:

AMENDMENT No. 1880

On page 31, line 9, strike “$2,750,700,000” and insert “$2,799,516,000, of which $70,000,000 shall be made available to carry out the mental health services block grant under subpart I of part B of title XIX of the Public Health Service Act, and”.

AMENDMENT No. 1881

On page 31, line 9, strike “$2,750,700,000” and insert “$2,799,516,000, of which $70,000,000 shall be made available to carry out the mental health services block grant under subpart I of part B of title XIX of the Public Health Service Act, and”.

KERRY (AND SMITH) AMENDMENT NO. 1882

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the appropriate place, insert:

SEC. 1. SENSE OF THE SENATE REGARDING COMPREHENSIVE PUBLIC EDUCATION REFORM.

(a) FINDINGS.—The Senate finds the following:

(1) Recent scientific evidence demonstrates that enhancing children’s physical, social, emotional, and intellectual development before the age of six results in tremendous benefits throughout life.

(2) Successful schools are led by well-trained, highly qualified principals, but many principals do not get the training that the principals need in management skills to ensure their school provides an excellent education for every child.

(3) Good teachers are a crucial catalyst to quality education, but one in four new teachers have had no teacher training at all.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the federal government should support state and local educational agencies engaged in comprehensive reform of their public education system and that any education reform should include at least the following principals:

(A) that every child should begin school ready to learn by providing the resources to expand existing programs, such as Even Start and Head Start;

(B) that hiring and development for principals and teachers should be a priority;

(C) that public school choice should be encouraged to increase options for students; and

(D) that support should be given to communities to develop additional counseling opportunities for at-risk students.

(B) by striking paragraph (3).

CAMPBELL, BROWNBACK AMENDMENT NO. 1884

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place insert the following:

It is the sense of the Senate that the Senate—

(1) Should consider legislation that would spend any of the Social Security surplus on providing tax relief; and

(2) Should continue to pursue efforts to continue to reduce the $3,618,000,000,000 in debt held by the public.

COVERDELL AMENDMENT No. 1885

Mr. COVERDELL proposed an amendment to amendment No. 1846 proposed by Mr. Enzi to the bill, S. 1650, supra; as follows:

Strike all after the first word and insert the following: “That of the amount appropriated for such purposes for fiscal year 1999, $16,883,000 shall be used to carry out the activities described in paragraph (1) and $16,883,000 shall be used to carry out paragraphs (2) through (6);”.

GRAHAM (AND OTHERS) AMENDMENT No. 1886

Mr. GRAHAM (for himself, Mr. WELLSTONE, Mr. ROCKEFELLER, Mr. DODD, Mr. KENNEDY) proposed an amendment to the bill, S. 1650, supra; as follows:

Strike all after the first word and insert the following: Notwithstanding any other provision of this title, the amount appropriated under this title for making grants pursuant to section 2002 of the Social Security Act (42 U.S.C. 1397a) shall be increased to $2,380,000,000.

Provided. That (1) $1,330,000,000 of which shall become available on October 1, 2000, and (2) notwithstanding any other provision of this title, the amount specified for allocation under section 3003(c) of this Act for fiscal year 2001 shall be $3,030,000,000.

CAMPAIGN FINANCE INTEGRITY ACT OF 1999

ALLARD AMENDMENT No. 1887

(Ordered referred to the Committee on Rules and Administration.)

Mr. ALLARD submitted an amendment intended to be proposed by him to the bill (S. 1671) to reform the financing of Federal elections; as follows:

At the end of the bill, add the following:

SEC. 222. POLITICAL CONTRIBUTIONS.

(a) In general.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 222 as section 222 and inserting after section 222 the following new section:

``Sec. 223. Cross reference.''

(2) that support should be given to communities to develop additional counseling opportunities for at-risk students.

(E) The amendments made by this section shall apply to taxable years beginning after the date of enactment of this Act.
GRASSLEY AMENDMENT NO. 1888
Mr. SESSIONS (for Mr. GRASSLEY) proposed an amendment to the bill (S. 882) to reenact chapter 12 of title 11, United States Code, and for other purposes; as follows:

SECTION 1. AMENDMENTS.
Section 2 of chapter 12 of title 11, United States Code, is amended—

(1) by striking "October 1, 1999" each place it appears and inserting "July 1, 2000"; and

(2) in subsection (a)—

(A) by striking "March 31, 1999" and inserting "September 30, 1999"; and

(B) by striking "April 1, 1999" and inserting "October 1, 1999".

SEC. 2. EFFECTIVE DATE.
The amendments made by section 1 shall take effect on October 1, 1999.

NOTICE OF HEARING
COMMITTEE ON ENERGY AND NATURAL RESOURCES
Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Energy and Natural Resources Committee.

The purpose of the hearing is to receive testimony on S. 882, a bill to reenact chapter 12 of title 11, United States Code, as follows:

SECTION 1. AMENDMENTS.
Section 2 of chapter 12 of title 11, United States Code, is amended—

(1) by striking "October 1, 1999" each place it appears and inserting "July 1, 2000"; and

(2) in subsection (a)—

(A) by striking "March 31, 1999" and inserting "September 30, 1999"; and

(B) by striking "April 1, 1999" and inserting "October 1, 1999".

SEC. 2. EFFECTIVE DATE.
The amendments made by section 1 shall take effect on October 1, 1999.

ADDITIONAL STATEMENTS
TRIBUTE TO ADMIRAL CHAMBERLIN
Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to pay tribute to Rear Admiral Bob Chamberlin, on his retirement from the United States Navy after 33 years of distinguished and dedicated service to the nation.

Rear Admiral Chamberlin is a native of Massachusetts. He graduated from high school in Westwood and went on to earn his bachelor's degree at the University of Wisconsin, where he distinguished himself as a first-tier ROTC graduate. Shortly after receiving his commission in 1966, he was assigned to the U.S.S. Halsey in Pearl Harbor. From there he went on to serve in Vietnam, gaining the respect of all who shared duty with him and earning numerous decorations, including the Navy Commendation Medal with Combat V, the Vietnamese Medal of Honor First Class, and the Combat Action Ribbon.

Following his Vietnam tour, he came home to Massachusetts and earned an MBA degree from Harvard. He went on to serve in a variety of supply and financial management assignments, ashore and afloat. He was soon regarded by his superiors as a tireless innovator and leader.

In 1987, after serving as director of stock control at the Aviation Supply Office in Philadelphia and as supply officer on the U.S.S. Nimetz, he was promoted to captain and was assigned to the Naval Supply Systems Command in Washington, D.C., where he served as the project officer on a major supply-systems modernization initiative. Later, he was appointed to be the Command's vice commander.

In July 1993, he was promoted to rear admiral, and for the past two years, he has served as the principal deputy director of the Defense Logistics Agency—America's combat support agency. His vision and leadership have been vital to the agency's award-winning business-process initiatives to ensure that the nation's armed forces receive the supplies and equipment they need, and in a way that offers the best possible return to the American taxpayer.

Admiral Chamberlin has been in the forefront of the ongoing advances in military logistics. His exemplary military career comes to a close this month, but his contributions and achievements will continue to be felt throughout the Navy and the Department of Defense.

Bob Chamberlin has served his country with great skill, valor, loyalty, and integrity. On the occasion of his retirement from the United States Navy, I commend him for his outstanding service. He is Massachusetts'
finest, and I wish him well in the years ahead.

VIRGINIA ANNE HOLSFORD

Mr. COCHRAN. Mr. President, tomorrow a good friend of mine is retiring after 24 years of faithful and exemplary service as primary assistant for two federal judges in my state. Virginia Anne Holsford served first as secretary and primary assistant to Judge Orma Smith, who was United States District Judge for the Northern District of Mississippi. Upon his death she became the secretary and primary assistant to United States Fifth Circuit Appeals Court Judge E. Grady Jolly of Jackson, Mississippi. She has been with Judge Jolly from his first day on the bench, more than seventeen years ago. She is retiring to move back to her hometown of Iuka, Mississippi, to be with her mother.

This is how Judge Jolly described Ms. Holsford to me: “Anne Holsford has a very special way of dealing with folks that has endeared her to hundreds of people who transact business with the federal courts in Mississippi and, indeed, throughout the Fifth Circuit. I believe there is no more popular and better-liked secretary in the Fifth Circuit.”

All of us who have had the good fortune to know Anne Holsford appreciate her dedicated, friendly and professional service. We will miss her very much, but certainly she deserves a wonderful retirement. I join all of her many friends in commending her for a job well done and wishing her much happiness in the years ahead.

AMBASSADOR VANDEN HEUVEL’S TRIBUTE TO SENATOR KENNEDY

Mr. FEINGOLD. Mr. President, I rise today to congratulate the Honorable EDWARD KENNEDY, who received the Franklin Delano Roosevelt Freedom Medal this year. I am proud that Ambassador William J. vanden Heuvel’s remarks honoring Senator Kennedy be printed in the RECORD following this statement.

The remarks follow.

THE FOUR FREEDOMS: A GATEWAY TO THE NEW MILLENNIUM

An Address by William J. vanden Heuvel, President of the Franklin & Eleanor Roosevelt Institute—Hyde Park, New York—May 7, 1999

Today, amidst the renewal of life that Spring represents, we come to the valley of the Hudson River that Franklin Delano Roosevelt loved so very much. The President of Franklin and Eleanor Roosevelt are buried in this country churchyard. We remember that three sovereigns of the Netherlands—Wilhelmina, Juliana and Beatrix—came to this church to worship accompanied by their Senior Warden, Wim van Gelder, and the delegations of their parents and four children of Franklin and Eleanor Roosevelt, whom he loved so very much. The President was buried in the presence of Franklin Delano Roosevelt’s keynote address at the 1941 Democratic National Convention, which stated, “...the two most precious things which all men desire are peace and liberty.”

Mr. President, today, the world faces a new kind of challenge. The echoes of the Second World War reverberate in our minds, but the worrisome global situation of our time is not limited to the threat from terrorism. In the twenty-first century, the fundamental freedoms outlined by Franklin Delano Roosevelt in his 1941 Four Freedoms Address—Freedom of Speech, Freedom of Worship, Freedom from Want, and Freedom from Fear—continue to be a touchstone for the world’s leaders. The challenges the world faces today are different, but our commitment to the principles outlined by Franklin Delano Roosevelt must remain strong.

As we commemorate Franklin Delano Roosevelt’s Four Freedoms Address, we remember his vision of a world where people are free to speak their minds, practice their religion, pursue their livelihoods, and live safely and securely. These freedoms are not just a vision of the United Nations, which Franklin Delano Roosevelt helped to create; they are the foundation of our democratic societies and the bedrock of our global order.

The Four Freedoms are essential to the preservation of liberty and the promotion of human rights. They are the foundation of our democratic societies and the bedrock of our global order. By remembering these freedoms, we honor Franklin Delano Roosevelt’s legacy and commit ourselves to the principles he outlined over seven decades ago.

In tribute to Senator Edward M. Kennedy, who was awarded the Franklin Delano Roosevelt Freedom Medal, I join with my colleagues in affirming our commitment to the principles of the Four Freedoms. In this, the twenty-first century, we must continue to work together to promote peace, democracy, and human rights around the world.

I am proud to join with Senator Edward M. Kennedy in reaffirming our commitment to the principles of the Four Freedoms. In this, the twenty-first century, we must continue to work together to promote peace, democracy, and human rights around the world.

AMENDMENT — MR. COCHRAN

Mr. President, I rise today to introduce an amendment to the joint resolution introduced by Senator Coats, Mr. Chairman, as an amendment today:

(Amendment and Debate, September 30, 1999)
family of wealth and influence, you created an independent career that has profoundly enriched the Kennedy saga and given voice and power precisely to those who, lacking wealth and influence, have been denied the opportunity of the American dream.

In the struggle for civil rights, your eloquence has been the trumpet of our leadership. You are the conscience of our nation. You have been a powerful voice for racial justice and minority rights, of better treatment of the environment, and for concern for the casualties of a market society—of those left out of America’s historic prosperity. No one has done more to provide healthcare for all Americans. You have built extraordinary coalitions necessary to become part of some of the chemical testing facilities, some of the training facilities, and training of teachers. They will be able to teach firemen and police how to respond if they are faced with a chemical or biological weapons attack in their town. They will have a small part of some of the chemical testing facilities, some of the training facilities, and training of teachers. They will be able to teach firemen and police how to respond if they are faced with a chemical or biological weapons attack in their town.

The people of Anniston, the people of Fort McClellan, and the people of Calhoun County are patriotic Americans. They gave the land that became Ft. McClellan, and now they will receive the land back. But they will lose a great deal of income and support.

The people of Anniston fought for their fort, but took the loss gracefully. They believed that chemical weapons would remain a major threat and that they ought not to close this base. I think they made a lot of good arguments. But the Commission decided otherwise, and with good grace, fortitude, and determination, they accepted it and made a determination to move to the future. I believe they will be successful in that.

I know time is late. We need to move on to other matters. But I did not want this day to pass before we had an opportunity to pause and recognize the extraordinary contribution of over 2,000 men and women soldiers and over 2,000 civilians who have served at that base.

STATE OF SOCIETY

Mr. SESSIONS. Mr. President, I thank the Senator from Kansas for the remarks he made earlier and his commitment to revitalizing the moral fiber of this country. We face the threat of an American people who think the threat of decline in values as the greatest threat facing our country are correct. If we lose our commitment to honesty, truth, discipline, hard work, and faith, if we lose those values, our Nation could be jeopardized. I thank the Senator from Kansas for raising those points because in many ways they transcend all the other issues we are facing.

I know Senator BROWNBACK, the Presiding Officer tonight, was watching closely Sunday night when we had the ‘Touched By An Angel’ show. They talked about a Senator who was given a challenge to go out to Sudan and see for themselves what it was like. The show could have been done about the Presiding Officer tonight because Senator BROWNBACK did that months ago. He personally went to Sudan and observed the terrible conditions there. He observed men being abused and killed. He observed women being taken into slavery and abused sexually—being bought and sold nearly into the 21st century. He was appalled by it. He has come back here and done something about that.

I know Dr. BILL FRIST, another Member of this body, had been there himself, to this poor, dangerous country, and helped serve with medical skills he possesses.

I just want to say congratulations to you, and thank you for that. I think that film could well have been written about either of you. You felt a calling to respond to the less fortunate and have done so. I believe something good is going to come out of that.

Thank you, Mr. President.
SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105–277, as amended by Public Law 106–5, is amended—

(1) by striking “October 1, 1999” each place it appears and inserting “July 1, 2000”; and

(2) in subsection (a)—

(A) by striking “March 31, 1999” and inserting “September 30, 1999”; and

(B) by striking “April 1, 1999” and inserting “October 1, 1999”.

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on October 1, 1999.

Amend the title so as to read: “To extend for 9 additional months the period for which chapter 12 of title II, United States Code, is reenacted.”

Mr. SESSIONS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1888) was agreed to.

The bill (S. 1606), as amended, was passed, as follows:

S. 1606

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

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105–277, as amended by Public Law 106–5, is amended—

(1) by striking “October 1, 1999” each place it appears and inserting “July 1, 2000”; and

(2) in subsection (a)—

(A) by striking “March 31, 1999” and inserting “September 30, 1999”; and

(B) by striking “April 1, 1999” and inserting “October 1, 1999”.

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on October 1, 1999.

The legislative clerk read as follows:

A resolution (S. Res. 180) reauthorizing the John Heinz Senate Fellowship Program.

The amendments made by section 1 shall take effect on October 1, 1999.

The resolution (S. Res. 180) was passed, as follows:

S. Res. 180

Resolved, that the amendment be agreed to.

The resolution (S. Res. 180) was agreed to.

The resolution is as follows:

S. Res. 180

Resolved, that the amendment be agreed to.

The resolution is as follows:

S. Res. 180

Resolved.

Reauthorization of the John Heinz Senate Fellowship Program.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 193 introduced earlier today by Senator Dodd.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 193) to reauthorize the John K. Javits Senate Fellowship Program.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, today I am introducing a Senate resolution to reauthorize the Jacob K. Javits Senate Fellowship Program. This program was created in 1985 to honor the life work of our former colleague, Senator Jacob K. Javits, who served the people of New York with distinction and legislative acumen for many years. The Senate expanded this program and reauthorized it for 5 years in 1988 and reauthorized the program again in 1993 for another 5 years. The resolution I am introducing today will reauthorize this outstanding program for another 5 years through September 30, 2004.

The Javits Fellowship Program authorizes up to 10 fellowship participants each year to be placed by the Secretary of the Senate, in consultation with the Majority Leader and Minority Leader, in positions in the Senate. To the extent practical, such positions should be supportive of the fellowship participants’ academic programs. My office has been the beneficiary of this program and found the Javits fellows to be talented, energetic, and of great assistance to the work of the Senate.

I thank my colleague, the chairman of the Rules Committee, Senator MCCONNELL, for his assistance in moving this resolution. I urge its adoption.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution and preamble be considered and agreed to, en bloc, the motion to reconsider be tabled, and any statement relating to the resolution by title be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 193) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 193

Resolved.

SEC. 2. FELLOWSHIP PROGRAM EXTENDED; ELIGIBLE PARTICIPANTS.

(a) Reauthorization.—In order to encourage increased participation by outstanding
students in a public service career, the Jacob K. Javits Senate Fellowship Program (in this resolution referred to as the “program”) is extended for 5 years.

(b) ELIGIBLE PARTICIPANTS.—The Jacob K. Javits Foundation, Incorporated, New York, New York (referred to in this resolution as the “Foundation”) shall select Senate fellowship participants in the program. Each such participant shall complete a program of graduate study in accordance with criteria agreed upon by the Foundation.

SEC. 2. SENATE COMPONENT OF FELLOWSHIP PROGRAM.

(a) IN GENERAL.—The Secretary of the Senate (in this resolution referred to as the “Secretary”) is authorized from funds made available under section 5, to appoint and fix the compensation of each eligible participant selected under section 2 for a period determined by the Secretary. The period of employment for each participant shall not exceed 1 year. Compensation paid to participants under this resolution shall not supplement stipends received from the Secretary of Education under the program.

(b) NUMBER OF FELLOWSHIPS.—For any fiscal year not more than 10 fellowship participants shall be employed.

(c) PLACEMENT.—The Secretary, after consultation with the Majority Leader and the Minority Leader, shall place eligible participants in positions in the Senate that are, within practical considerations, supportive of the fellowship participants’ academic programs.

SEC. 3. ADMINISTRATIVE SUPPORT.

The Secretary of Education may enter into an agreement with the Foundation for the purpose of providing administrative support services to the Foundation in conducting the program.

SEC. 4. FUNDS.

An amount not to exceed $250,000 shall be available to the Secretary from the contingency fund of the Senate for each of the 5 year periods beginning on October 1, 1999 to compensate participants in the program.

SEC. 5. PROGRAM EXTENSION.

This program shall terminate September 30, 2004. Not later than 3 months prior to September 30, 2004, the Secretary shall submit a report evaluating the program to the Majority Leader and the Senate along with recommendations concerning the program’s extension and continued funding level.

EXTENDING THE ENERGY POLICY AND CONSERVATION ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 2981, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:


There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2981) was read a third time and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SESSIONS. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations to the Executive Calendar: 169, 229, 230, and 234.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate’s action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF DEFENSE

Arthur L. Money, of Virginia, to be an Assistant Secretary of Defense, IN THE AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12230:

To be brigadier general

To be major general

The following named officer for appointment as Deputy Judge Advocate General of the United States Air Force and for appointment to the grade indicated under title 10, U.S.C., section 8037:

To be major general

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12230:

To be brigadier general
Col. Bernard J. Pieczynski, 0000.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR FRIDAY, OCTOBER 1, 1999

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m. on Friday, October 1. I further ask unanimous consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be restored for their use later in the day, and the Senate then resume consideration of the Labor-HHS appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. For the information of all Senators, the Senate will convene at 9 a.m. tomorrow and immediately begin 30 minutes of debate on the Collins amendment regarding diabetes. At the expiration of that debate, the Senate will proceed to a vote on the amendment. Therefore, Senators may expect the first vote at approximately 9:30 a.m. Further consideration of the Labor-HHS bill is expected during tomorrow’s session of the Senate, to be followed by a period of morning business.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. SESSIONS. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:31 p.m., adjourned until Friday, October 1, 1999, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 30, 1999:

DEPARTMENT OF DEFENSE

ARTHUR L. MONEY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE’S COMMITMENT TO RESPOND TO REQUSTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12230:

TO BE BRIGADIER GENERAL
COL. BERNARD J. PIECZYNSKI, 0000.

TO BE MAJOR GENERAL
BRIG. GEN. DANIEL JAMES III, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE UNITED STATES AIR FORCE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8037:

TO BE MAJOR GENERAL
BRIG. GEN. THOMAS J. PISCUS, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12230:

TO BE BRIGADIER GENERAL
COL. BERNARD J. PIECZYNSKI, 0000.
EXTENSIONS OF REMARKS

INTRODUCTION OF THE MEDICARE HOSPITAL OUTPATIENT PAYMENT EQUALITY “HOPE” ACT

HON. RICK LAZIO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 30, 1999

Mr. LAZIO. Mr. Speaker, I rise today to introduce legislation to provide needed relief for our Nation’s hospitals seeking redress from the Balanced Budget Act (BBA). My legislation, the Medicare Hospital Outpatient Payment Equality (HOPE) Act, addresses the Health Care Financing Administration’s (HCFA) proposal to implement the Medicare Outpatient Prospective Payment System (PPS). HCFA’s proposal will affect a hospital’s ability to deliver outpatient services through reimbursement reductions up to 30 to 40 percent.

Under the PPS, in my home State of New York, hospitals from every corner of the State would see major reductions in their outpatient payments. Hospitals in my district on Long Island would be harmed. Hospitals in northern New York rural areas, such as the Adirondack Medical Center in Lake Placid, will realize reductions totaling 16.9 percent in one year. Urban hospitals in New York’s major cities, like their rural counterparts, will witness similar reductions. Mt. Sinai Medical Center, one of America’s premier teaching hospitals, will see their outpatient payments cut by 37.6 percent in just one year. In fact, New York’s urban hospitals are among the most severely hurt by the proposed PPS in the Nation. According to HCFA’s own analysis, 19 of the top 100 hospitals in the Nation that are hurt by the proposed PPS are in New York State.

Most importantly, the HCFA proposal could harm seniors. For example, a Medicare beneficiary living in the most underserved parts of New York City receive routine, preventive health services from a local clinic. Clinics provide cost-efficient, low-cost, quality care. This patient’s health care needs, under my bill, would be preserved because the clinic would be able to stay open to serve seniors.

Another example of who my bill helps is the senior living in any small town in northern New York. Under the HCFA PPS, that senior’s care will be jeopardized because of inadequate reimbursement to the local emergency room and they may end up having to close their doors because of financial reasons. The closest ER, then, may be 100–150 miles away. Emergency rooms are not a profitable part of the hospital and require adequate reimbursement to care for seniors with emergency needs. If this patient needs immediate attention for a heart condition, requiring them to travel hours to the nearest emergency room is not a good way to provide care. The ERs need to be there. My bill would ensure that these ER services are available to seniors.

The outpatient reductions are due to go into effect in early 2000. I introduce this legislation today because we must take steps to ensure seniors’ access to care. We must address the inadequacies in the Medicare outpatient payment system by restoring funds to all hospitals so they can take care of our seniors. My legislation would do so through several changes. First, the Medicare HOPE Act would implement a three-year transition to limit losses as a result of HCFA’s PPS. Any new payment system must include a transition mechanism to enable hospitals to gradually adjust to the new PPS.

Second, the Medicare HOPE Act would increase payments for emergency room and clinic visits. One of the ways to help many of the essential city, suburban, and rural safety net hospitals with large losses due to the PPS is to increase payments for emergency room and clinic services. Emergency rooms provide life-saving care that is not available to Medicare beneficiaries in any other setting. These services are provided without consideration of one’s ability to pay and it is essential that Medicare adequately reimburse hospitals for their share of emergency room services. Also, clinics provide many preventative and inexpensive services and reinforce the health status of Medicare beneficiaries. This results in lower utilization of more expensive health care services. Hospitals that have the highest share of clinic visits also treat the highest percentage of poor patients. For this reason, my legislation addresses the specific, unique needs of these hospitals.

Finally, the Medicare HOPE Act would rescind the annual 1 percent reduction in the outpatient PPS “inflation” update factor. Without this restoration, payments for outpatient services would be reduced by an additional 3 percent.

By introducing this bill today, I join many of my colleagues that have introduced or co-sponsored legislation which recognizes that America’s hospitals are heavily burdened by the unintended consequences of the BBA. My legislation helps all types of hospitals across this country because HCFA’s outpatient PPS hurts many hospitals across the country. The legislation offers a solution for my colleagues seeking relief for hospitals. This legislation is endorsed by the American Hospital Association and several State hospital associations including the Healthcare Association of New York State.

I urge all of my colleagues to join me in co-sponsoring the Medicare HOPE Act.

RECOGNIZING THE 16TH ANNUAL CIRCLE CITY CLASSIC

HON. JULIA CARSON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 30, 1999

Ms. CARSON. Mr. Speaker, I rise today to bestow recognition on a wonderful event in my home town of Indianapolis. This weekend, the 16th annual Circle City Classic football game will be played in Indianapolis.

The Circle City Classic is the second largest college bowl game played between two historically black colleges. It features the Hampton Pirates and the Southern Jaguars this year.

Fans attending the game enjoy not only a competitive football game, but also a highly spirited and energetic battle of the school bands at half time.

Before the game, a parade through the streets of downtown Indianapolis further lights the thousands of people who line the parade route. With the sounds of music echoing throughout the community, the atmosphere in Indianapolis during the Classic weekend is truly exciting, memorable and a true classic.

The Circle City Classic is one of Indianapolis’ treasures, and is a testament to the spirit, vision, and commitment of The Indiana Sports Corporation and Indiana Black Expo.

Mr. Speaker, I invite all of my colleagues to come to Indianapolis to experience the wonderful Circle City Classic.

TRIBUTE TO FRANK G. LUMPKIN, JR.

HON. MAC COLLINS
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 30, 1999

Mr. COLLINS. Mr. Speaker, Fort Benning, in Columbus, GA, is an important Army base associated with many distinguished individuals over time. It has received innumerable citations for its outstanding achievements. It is the home of the U.S. Army Infantry School and the U.S. Army School of the Americas. Some call it the biggest military school in the world, because it trains over 60,000 soldiers each year. Every infantry officer, enlisted man, and non-commissioned officer in the U.S. Army trains there at least once in his career. With a military population of 21,000, Ft. Benning is the home of the 75th Ranger Regiment, 3rd Brigade—3rd Infantry Division, the 29th Infantry Regiment, as well as an Infantry Training Brigade and a Basic Combat Training Brigade.


However, one individual whose name has become part of the post’s heritage actually had a short career as a soldier. His name, Frank G. Lumpkin, Jr., is interwoven with Ft. Benning’s history. Mr. Lumpkin’s name was associated with many distinguished individuals over time. It has received innumerable citations for its outstanding achievements. It is the home of the U.S. Army Infantry School and the U.S. Army School of the Americas. Some call it the biggest military school in the world, because it trains over 60,000 soldiers each year. Every infantry officer, enlisted man, and non-commissioned officer in the U.S. Army trains there at least once in his career. With a military population of 21,000, Ft. Benning is the home of the 75th Ranger Regiment, 3rd Brigade—3rd Infantry Division, the 29th Infantry Regiment, as well as an Infantry Training Brigade and a Basic Combat Training Brigade.


However, one individual whose name has become part of the post’s heritage actually had a short career as a soldier. His name, Frank G. Lumpkin, Jr., is interwoven with Ft. Benning’s history. Mr. Lumpkin’s name was there at the Fort’s founding, and will be there into the future, for it graces the road that runs through the main post. Frank G. Lumpkin Jr. was only 10 years old when he accompanied his father to Washington in 1916. His father persuaded Congress to place a military base on the Chattahoochee. Two years later, Fort Benning was founded in connection with the Lumpkins, and that relationship remains until the present day.

Twenty-four years after that trip, Mr. Lumpkin himself served at Ft. Benning. It was

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
World War II, and he was a captain in Gen. Patton's 2nd Armored division. Cpt. Lumpkin served from 1940 to 1946, but although his service in the army ended, his service to Ft. Benning did not.

In 1993, at the age of 90, Mr. Lumpkin heard the fort needed money to restore seven WW II-era buildings. Otherwise, they were slated for destruction. Mr. Lumpkin wrote a personal check for $100,000 to save the buildings. He told the commanding general at the time, Maj. Gen. John Hendrix, that the check was bad—he didn't have the money to make it good. Yet, he made it good over time by helping to raise money and resources to restore the structures.

Mr. Lumpkin and his family have consistently dedicated themselves to the preservation and betterment of Ft. Benning. They are a true inspiration to the rest of us. By their faithful efforts, they have made a significant contribution to this county and to its history. I would like to enter into the record this commendation of an old soldier who may have stacked arms in 1946, but has never, in the following half century, stopped fighting to preserve Ft. Benning and its heritage.

I salute you, Mr. Lumpkin, and I thank you for your contributions.

RECOGNIZING ST. BRIDGE'S ELEMENTARY SCHOOL
REED ELEMENTARY SCHOOL
AND HENRY ELEMENTARY SCHOOLS

HON. JAMES M. TALENT
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 30, 1999

Mr. TALENT. Mr. Speaker, I rise today to recognize St. Bridge's Elementary School, Reed Elementary School, and Henry Elementary School for being selected as state champions, for their achievements in the President's Challenge Physical Fitness Award Program.

The State Championship Award is presented to schools with the highest number of students scoring at or above the 85th percentile on the President’s Challenge. The Presidential Physical Fitness Award is a prestigious accomplishment, and in the 1998–1999 school year more than two million children nationwide earn this award.

Mr. Speaker, physical activity is an important component of the health and development of our future generation, and I hope you will join me in commending these schools for their dedication to quality physical education.

EXPRESSION OF DESIRE: TOO LITTLE, TOO LATE

HON. MAX SANDLIN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 30, 1999

Mr. SANDLIN. Mr. Speaker, today the Republicans continue their budgetary charade in an attempt to fool the American people into believing that they intend to save the Social Security surplus when they have already begun spending it. Their latest tactic has manifested itself in the form of a resolution “Expressing the Desire of the House Not to Spend any of the Social Security Budget Surplus and to Continue to Retire the Debt of the Public.”

The truth is, this “expression of desire” is too little, too late. If Republicans truly believed their empty promises; if they truly intended to practice what they preach; they wouldn’t be on the way to spending $27 billion of the Social Security surplus they desire to protect. The Congressional Budget Office reports that, by late summer, the Republican majority had already committed the entire $14.4 billion non-Social Security surplus, going so far as to end up with a budget deficit of $16 billion. As this deficit grows, the Social Security surplus shrinks.

There is an inverse relationship here, but my Republican friends on the other side of the aisle seem content with ignoring this fiscal reality and reverting to the dream world which brought us the $800 billion tax cut package. In light of these numbers, it would surprise any one that there would be any money left over for massive tax cuts; yet the Republicans decided to spend their entire political collateral on spending these fictional funds while the debt continues to grow and the Social Security surplus continues to shrink. They spent all their time and energy on trying to pass this reckless tax cut package while the business of the people was completely neglected. These irresponsible actions have left us in the unnecessary, otherwise-avoidable position of having to vote for a Continuing Resolution yet again to keep the government funded because the Republicans didn’t fulfill their fiscal duty to the American people.

Now that the tax cut has been rightfully vetoed by the President and the American people have voiced their opposition to spending money that doesn’t exist, the Republican leadership decides to “Express Their Desire . . . Not to Spend any of the Social Security Surplus.” They designate funding for a census that is mandated to occur every ten years as emergency spending, thusCommitting themselves to dipping into Social Security, and they continue their balance sheet gimmicks, thinking they’ll get away with these tactics under the guise of false fiscal responsibility by passing today’s resolution.

Mr. Speaker, I intend to vote for this resolution because I believe in it and because I believe my actions up to this point are a reflection of my commitment to saving Social Security and paying down the debt. I cannot, however, cast this vote on the resolution in question without identifying it as what it is: yet another Republican budget gimmick.

HONORING JAPANESE AMBASSADOR KUNIHIKO SAITO FOR HIS EXTRAORDINARY CONTRIBUTIONS TO UNITED STATES-JAPANESE RELATIONS

HON. DOUG BEREUTER
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 30, 1999

Mr. BEREUTER. Mr. Speaker, His Excellency Kunihiko Saito, the Honorable Ambassador of Japan, is returning soon to the Ministry of Foreign Affairs in Tokyo upon completion of his assignment here. Prior to his departure, this Member wishes to recognize Ambassador Saito’s extraordinary contributions to strengthening the friendship and alliance between the United States and Japan.

It is frequently remarked that there is no more important relationship in the world today than the relationship between the United States and Japan. Today, this relationship is stronger than ever and one of the reasons for that fact is the efforts of Ambassador Saito. During the three and a half years he so ably represented his nation here, Ambassador Saito helped our two countries navigate a series of milestones that updated the terms of our security relationship for the post-cold war era through the new U.S.-Japan Defense Guidelines and our agreement to cooperate on research on ballistic missile defense because of the threats from North Korea. Moreover, Japan’s contribution as host nation support for our armed forces stationed there remains the highest in the world.

We also have deepened our cooperation through the Common Agenda, including efforts to fight disease, control narcotics, protect endangered species, and preserve the environment. And while trade frictions will always exist even among the closest of friends, Ambassador Saito has made important contributions to bilateral negotiations and helped Japan further to U.S. products through deregulation and to facilitating the kind of foreign direct investment to Japan that supports our exports.

As Chairman of the Asia and the Pacific Subcommittee of the House International Relations Committee, this Member extends to Ambassador Saito and to the friendly, gracious and diplomatically astute Mrs. Saito, the recognition and appreciation of the United States Congress for an important job extremely well done. We wish these two good Japanese friends continued success in all future endeavors and hope for future contact.

IN HONOR OF GLORIA KARPINSKI BATTISTI

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 30, 1999

Mr. KUCINICH. Mr. Speaker, I rise today in tribute to Gloria Karpinski Battisti, Immediate Past President, Catholic Charities Corporation of Cleveland, and to the work she is doing promoting her Polish Heritage through her outstanding accomplishments by the Polonia Foundation of Ohio, Inc.

Gloria Karpinski Battisti has dedicated a substantial portion of her life to helping others through social service. As an active member of the Cleveland community, Gloria Karpinski Battisti has led a remarkable career of civic, church, and ethnic service. Gloria has been involved in the Polish-American community through her position as Director of the Polonia Foundation of Ohio. She is also a member of the Polish Women’s Alliance, the Alliance of Poles, and the Polish American Congress.

Through her resolute dedication and enthusiasm for helping others, Gloria Karpinski Battisti has participated and served with various groups and organizations. Notably, Gloria Battisti served as the past Chairman of Catholic Charities. She was the first women...
elected to office in the Corporation and she served as Treasurer, Vice Chair and two terms as Chair.

I ask that my distinguished colleagues join me in commending Gloria Karpinski Battisti for her dedication, service, and leadership in the Cleveland Community. Our community has certainly been rewarded by true service displayed by Gloria Karpinski Battisti.

THANKS FOR TWENTY-THREE YEARS, GARY LIEBER

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 30, 1999

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize Gary Lieber. He is a man who has given a lifetime of government service. After 23 years with the post office, he has decided to retire and in his words, “Do what he wants to do when he wants to do it.”

Many years ago, when Gary began his service at the Glenwood Springs, Colorado Post Office, one rural carrier and three city carriers delivered all the mail to the community. In his years of service, he has seen the city grow to three rural routes and seven city carriers.

Gary Lieber worked every position in the post office, from overnight sorter, to supervisor, to examination specialist at the front office. In working those many jobs, he has encountered many people and been a wonderful influence on all of them. One of those people, his daughter Kelly, decided five years ago to follow her father’s footsteps and join the post office.

It is with this, Mr. Speaker, that I say thank you to Gary Lieber, for years of dedicated service to our government. For many years to come Gary’s legacy of hard work and dedication will be remembered.

RECOGNIZING THE ACCOMPLISHMENTS OF PAUL MARTIN

HON. LYNN C. WOOLSEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 30, 1999

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to a dear friend and remarkable individual, Paul Martin, and to recognize him for his commitment to riparian restoration and education on his Stemple Creek ranch in the community of Two Rick in Sonoma County, California, the district I am privileged to represent. I truly wish I were able to join Paul, his family and their many friends at The Bay Institute’s “Partners Protecting the Bay” Celebration tonight as Paul accepts the Carla Bard Bay Education Award. Paul was the first rancher willing to work with the 4th grade students of the Shrimp Project of Brookside School. Today, because of his vision and enthusiasm, there are increasing numbers of students and teachers doing creek restoration on Sonoma and Marin ranches each year.

It was in the winter of 1993 when the fourth graders asked Paul if they could plant willows at Stemple Creek on his property. They had begun a project to help save an endangered species, the California Freshwater Shrimp. Paul allowed the students to come to his property and plant willows, blackberries and other native plants along the creek. He worked with them every step of the way, digging the holes with the posthole digger, and watering the new plants with a bucket. He fenced off this land to protect the new plantings, temporarily giving up the land for grazing. I have been to his ranch on Stemple Creek many times and have seen the students’ excitement as they plant the willow sprigs. Those sprigs are now full-grown trees, shading the creek and providing homes for Valley quail, yellow warbler, California freshwater shrimp, spiders, ducks and more.

We have learned so much from Paul. He is a marvelous teacher, and a great supporter of education. He is always thinking about how a particular experience will best benefit the children’s education. He has taught suburban students and teachers about a rancher’s life—the complex problems, the joys and the hard, hard work. He is wise and patient always taking time to explain things that are important.

Paul is modest about his gifts and his involvement, preferring to allow others to shine, but his influence is widespread. He has affected people’s ideas about what is possible in education, even at a national/international level. The collaborative work begun on Stemple Creek has received local, national and international media attention and awards. Paul made this possible. The Shrimp Project shows that people who might have differing views—environmentalists, ranchers, students, biologists, teachers, businesspeople—don’t have to agree on everything, but can still work together to achieve some common goals. These new relationships result in increased understanding, tolerance and appreciation of everyone involved.

Because of Paul’s generosity, his ranch is now a model of cooperation between a rancher and environmental project students and teachers. Because of his dedication to this community and to education, other ranchers and teachers are inspired to take part in this kind of cooperative effort. One class has become 90 classes. The Shrimp Project continues today as the STRAW (Students and Teachers Restoring A Watershed) Project, facilitated by The Bay Institute and the Center for Ecoliteracy. As the creek gets healthier, the community is enriched and enlightened. As the students plant at other ranchers in Marin and Sonoma counties, Paul continues to be an important voice for collaborative restoration and is a model for so many others.
Thursday, September 30, 1999

Daily Digest

HIGHLIGHTS

House Committee ordered reported 19 sundry measures, including the Labor, Health and Human Services, and Education appropriations for fiscal year 2000.

Senate

Chamber Action

Routine Proceedings, pages S11663-S11755

Measures Introduced: Nine bills and three resolutions were introduced, as follows: S. 1669-1677, S. Res. 192-193, and S. Con. Res. 58. Pages S11726

Measures Reported: Reports were made as follows:

Measures Passed:
Extending Birthday Greetings to Former President Carter: Senate agreed to S. Res. 192, extending birthday greetings and best wishes to Jimmy Carter in recognition of his 75th birthday. Pages S11669-70

U.S. Code Chapter 12: Senate passed S. 1606, to extend for 9 additional months the period for which chapter 12 of title 11, United States Code, is reenacted, after agreeing to the following amendment proposed thereto: Pages S11753-54

Sessions (for Grassley) Amendment No. 1888, in the nature of a substitute. Pages S11753-54

John Heinz Senate Fellowship Program: Committee on Rules and Administration was discharged from further consideration of S. Res. 180, reauthorizing the John Heinz Senate Fellowship Program, and the resolution was then agreed to. Pages S11754

Jacob K. Javits Fellowship Program: Senate agreed to S. Res. 193, to reauthorize the Jacob K. Javits Fellowship Program. Pages S11754-55


Labor/HHS/Education: Senate continued consideration of S. 1650, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, taking action on the following amendments proposed thereto:

Adopted:
Graham Amendment No. 1821, to restore funding for social services block grants. (By 39 yeas to 57 nays (Vote No. 302), Senate earlier failed to table the amendment.) Pages S11701-11, S11715-17

Graham Amendment No. 1886 (to Amendment No. 1821), to restore funding for social services block grants. Pages S11704-11, S11717

Dodd Amendment No. 1813, to increase funding for activities carried out under the Child Care and Development Block Grant Act of 1990. (By 41 yeas to 54 nays (Vote No. 303), Senate earlier failed to table the amendment.) Pages S11711-14, S11716-17

Coverdell Amendment No. 1885 (to Amendment No. 1846), to clarify provisions relating to expenditures by the Occupational Safety and Health Administration by authorizing 50 percent of the amount appropriated that is in excess of the amount appropriated for such purpose for fiscal year 1999 to be used for compliance assistance and 50 percent of such amount for enforcement and other purposes. (By 44 yeas to 51 nays (Vote No. 304), Senate earlier failed to table the amendment.) Pages S11695-S11701, S11717-18

Enzi Amendment No. 1846, to clarify provisions relating to expenditures by the Occupational Safety and Health Administration by authorizing 50 percent of the amount appropriated that is in excess of the amount appropriated for such purpose for fiscal year 1999 to be used for compliance assistance and
September 30, 1999

50 percent of such amount for enforcement and other purposes.

Inhofe Modified Amendment No. 1816, to express the sense of the Senate regarding payments under the prospective payment system for hospital outpatient department services under the Medicare program.

Rejected:

Boxer Amendment No. 1809, to increase funds for the 21st century community learning centers program. (By 54 yeas to 45 nays (Vote No. 299), Senate tabled the amendment.)

Hutchinson Amendment No. 1812, to provide for a transfer of funds for the consolidated health centers.

Hutchinson Amendment No. 1834 (to Amendment No. 1812), to provide funding for the consolidated health centers. (By 50 yeas to 49 nays (Vote No. 300), Senate tabled the amendment.)

Reid Amendment No. 1820, to increase the appropriation for the Corporation for Public Broadcasting. (By 51 yeas to 44 nays (Vote No. 301), Senate tabled the amendment.)

Withdrawn:

Gregg Amendment No. 1810 (to Amendment No. 1809), to require that certain appropriated funds be used to carry out part B of the Individuals with Disabilities Education Act.

Reid Amendment No. 1807, to require the Secretary of Labor to issue regulations to eliminate or minimize the significant risk of needlestick injury to health care workers.

Brownback Amendment No. 1833, to establish a task force of the Senate to address the societal crisis facing America.

A unanimous-consent time agreement was reached providing for further consideration of the bill, with an amendment to be proposed thereto, at 9 a.m., on Friday, October 1, 1999.

FAA Authorization—Agreement: A unanimous-consent agreement was reached providing for the consideration of S. 82, to authorize appropriations for Federal Aviation Administration, on Monday, October 4, 1999.

Nominations Confirmed: Senate confirmed the following nominations:

Arthur L. Money, of Virginia, to be an Assistant Secretary of Defense.

3 Air Force nominations in the rank of general.

Enrolled Bills Presented:

Communications:

Executive Reports of Committees:

Statements on Introduced Bills:

Additional Cosponsors:

Amendments Submitted:

Notices of Hearings:

Authority for Committees:

Additional Statements:

Record Votes: Six record votes were taken today. (Total—304)

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:51 p.m., on Friday, October 1, 1999. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S11755.)

Committee Meetings

(WTO AGRICULTURAL TRADE AGENDA

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings to review the Administration’s agriculture trade agenda for the upcoming World Trade Organization meeting in Seattle, after receiving testimony from Peter Scher, Special Trade Negotiator, Office of United States Trade Representative; August Schumacher, Jr., Under Secretary of Agriculture for Farm and Foreign Agricultural Services; Andrew Whisenhunt, Arkansas Farm Bureau Federation, Bradley, on behalf of the American Farm Bureau Federation; Leland Swenson, National Farmers Union, Nicholas D. Giordano, National Pork Producers Council, Janet A. Nuzum, International Dairy Foods Association, and Allen F. Johnson, National Oilseed Processors Association, all of Washington, D.C.; and Kyle Phillips, Knoxville, Iowa, on behalf of the National Corn Growers Association.

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the nominations of Thomas B. Leary, of the District of Columbia, to be a Federal Trade Commissioner, Stephen D. Van Beek, of the District of Columbia, to be Associate Deputy Secretary of Transportation, Michael J. Frazier, of Maryland, to be an Assistant Secretary of Transportation, Gregory Rohde, of North Dakota, to be Assistant Secretary of Commerce for Communications and Information, Linda Joan Morgan, of Maryland, to be a Member of the Surface Transportation...
Board, and lists for promotion in the National Oceanic and Atmospheric Administration, and the United States Coast Guard.

**MOTOR VEHICLE RENTAL FAIRNESS**

Committee on Commerce, Science, and Transportation: Subcommittee on Consumer Affairs, Foreign Commerce, and Tourism concluded hearings on S. 1130, to amend title 49, United States Code, with respect to liability of motor vehicle rental or leasing companies for the negligent operation of rented or leased motor vehicles, after receiving testimony from Sharon Faulkner, Premier Car Rental Company, Albany, New York; Ken Elder, Welcome Corporation, Alexandria, Virginia; Raymond T. Wagner, Jr., Enterprise Rent-A-Car Company, St. Louis, Missouri; and Larry S. Stewart, Stewart, Tilghman, Fox and Bianchi, Miami, Florida, on behalf of the Association of Trial Lawyers of America.

**FOREST RESOURCES FOR THE ENVIRONMENT AND ECONOMY**

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management concluded hearings on S. 1457, to amend the Energy Policy Act of 1992 to assess opportunities to increase carbon storage on national forests derived from the public domain and to facilitate voluntary and accurate reporting of forest projects that reduce atmospheric carbon dioxide concentrations, after receiving testimony from Robert Lewis, Jr., Deputy Chief, Research and Development, Forest Service, Department of Agriculture; Gerald J. Gray, American Forests, Washington, D.C.; James F. Cathcart, Oregon Department of Forestry, Salem; E. Austin Short, III, Delaware Department of Agriculture Forest Service, Dover, on behalf of the National Association of State Foresters; and William H. Banzhaf, Society of American Foresters, Bethesda, Maryland.

**CORRUPTION IN RUSSIA**

Committee on Foreign Relations: Committee concluded hearings to examine the extent of the corruption in the Russian political and economic system, and the future status of United States and Russian relations, after receiving testimony from Peter Reddaway, George Washington University Institute for European, Russian, and Eurasian Studies, Thomas E. Graham, Jr., Carnegie Endowment for International Peace, and James O. Finckenauer, Rutgers University School of Criminal Justice, all of Washington, D.C.

**BUSINESS MEETING**

Committee on the Judiciary: Committee ordered favorably reported the following business items:

- S.J. Res. 3, proposing an amendment to the Constitution of the United States to protect the rights of crime victims; and
- The nominations of Robert Raben, of Florida, to be an Assistant Attorney General, Office of Legislative Affairs, Robert S. Mueller, III, to be United States Attorney for the Northern District of California, and John Hollingsworth Sinclair, to be United States Marshal for the District of Vermont, all of the Department of Justice.

**BUSINESS MEETING**

Committee on Small Business: On Wednesday, September 29, Committee ordered favorably reported S. 791, to amend the Small Business Act with respect to the women's business center program, with an amendment in the nature of a substitute.

**INTELLIGENCE**

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

**GLOBAL TRANSPORTATION Y2K IMPACT**

Special Committee on the Year 2000 Technology Problem: Committee concluded hearings to examine how the Year 2000 problem may interfere with the global network of transportation systems and what steps Governments, industry, and trade associations are taking to minimize the potential impact, after receiving testimony from Mortimer L. Downey, Deputy Secretary, Kenneth M. Mead, Inspector General, Jane F. Garvey, Administrator, Federal Aviation Administration, and Rear Adm. George N. Naccara, Chief Information Officer, United States Coast Guard, all of the Department of Transportation; Peter Cooke, British Airways, Harmondsworth, England; David Z. Plavin, Airports Council International-North America, and Thomas Windmuller, International Air Transport Association, both of Washington, D.C.; Edward Smart, International Federation of Air Line Pilots' Associations, Montreal, Quebec; and Richard T. du Moulin, Marine Transport Corporation, Weehawken, New Jersey, on behalf of the International Association of Independent Tanker Owners.
House of Representatives

Chamber Action

Bills Introduced: 13 public bills, H.R. 2978–2990; and 1 resolution, H. Con. Res. 190, were introduced.

Reports Filed: Reports were filed today as follows:

- H.R. 354, to amend title 17, United States Code, to provide protection for certain collections of information, amended (H. Rept. 106–349, Pt. 1);
- H.R. 1858, to promote electronic commerce through improved access for consumers to electronic databases, including securities market information databases, amended (H. Rept. 106–350, Pt. 1);
- H.R. 1663, 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, amended (H. Rept. 106–351);
- H.J. Res. 65, commending the World War II veterans who fought in the Battle of the Bulge, amended (H. Rept. 106–352, Pt. 1);
- H.R. 1300, to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote brownfields redevelopment, to reauthorize and reform the Superfund program, amended (H. Rept. 106–353, Pt. 1);
- Conference report on H.R. 1906, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000 (H. Rept. 106–354);
- Conference report on H.R. 2084, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000 (H. Rept. 106–355);
- H.R. 317, waiving points of order against the conference report on H.R. 1906, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000 (H. Rept. 106–356); and
- H.R. 318, waiving points of order against the conference report on H.R. 2084, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000 (H. Rept. 106–357).

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Darrell Darling of Santa Cruz, California.

Journal: The House agreed to the Speaker's approval of the Journal of Sept. 29, 1999 by yea and nay vote of 362 yeas to 52 nays with 1 voting "present", Roll No. 461.

Social Security Advisory Board: Upon the recommendation of the Minority Leader, the Speaker appointed Ms. Martha Keys of Virginia to the Social Security Advisory Board.


Agreed to the committee amendment in the nature of a substitute made in order by the rule.

Agreed to the Weiner amendment that strikes section 10 dealing with doppler weather radar.

H. Res. 312, the rule that provided for consideration of the bill was agreed to by a yea and nay vote of 254 yeas with none voting "nay", Roll No. 460.


Agreed to the committee amendment in the nature of a substitute made in order by the rule.

Agreed to the Canady amendment that makes conforming changes to section 3 amending the Uniform Code of Military Justice, clarifies that the punishment is in lieu of that otherwise provided, and broadens the exemption for abortion-related conduct to include a surrogate decision maker who acts on behalf of the pregnant woman (agreed to by a recorded vote of 269 ayes to 158 noes, Roll No. 463).

Rejected the Lofgren amendment in the nature of a substitute that establishes a Federal crime for any violent or assaultive conduct against a pregnant woman that interrupts or terminates her pregnancy (rejected by a recorded vote of 201 ayes to 224 noes, Roll No. 464).

H. Res. 313, the rule that provided for consideration of the bill was agreed to by voice vote.

Pages H9025, H9031–32

Pages H9029

Pages H9032–40

Pages H9038–39

Pages H9029–31

Pages H9044–73

Pages H9072

Pages H9063–64, H9071–72

Pages H9064–72

Pages H9040–44

Recess: The House recessed at 9:02 p.m. and reconvened at 10:06 p.m.

Recess: The House recessed at 10:07 p.m. and reconvened at 11:36 p.m.

Senate Messages: Message received from the Senate appears on page H 9025.

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear in next issue.

Referrals: S. 1051 was referred to the Committee on Commerce.

Quorum Calls—Votes: Four yea and nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H 9030-31, H 9031-32, H 9039-40, H 9071-72, H 9072, and H 9073. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 11:38 p.m.

Committee Meetings

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS

Committee on Appropriations: Ordered reported the Labor, Health and Human Services, and Education appropriations for fiscal year 2000.

ANTHRAX VACCINE IMMUNIZATION PROGRAM

Committee on Armed Services, Subcommittee on Military Personnel held a hearing on the Department of Defense Anthrax Vaccine Immunization Program. Testimony was heard from the following officials of the Department of Defense: John Hamre, Deputy Secretary; Gen. Anthony Zinni, USMC Commander in Chief, U.S. Central Command; Gen. John Keane, USA, Vice Chief of Staff, Army; Dave Oliver, Principal Deputy Under Secretary, Acquisition and Technology; Lt. Gen. Ronald R. Blanck, USA, Surgeon General, Army; Lt. Col. Redmond Handy, USAF (ret.); Maj. Jeffrey Jeffords, USAF, 164th Airlift Wing, Tennessee Air National Guard; Master Sgt. William Colley, USAF, 137th Airlift Wing, Oklahoma Air National Guard; Col. Myron G. Ashcraft, USAF, Chief of Staff, Headquarters Ohio Air National Guard; Lt. (jg) Chris Rohrbach, USN, Assistant Officer in Charge, Bravo Platoon, Group 8, Little Creek, Virginia; and Gunnery Sgt. Larry Miyamoto, USMC, Chemical Biological Incident Response Force, Camp Lejeune, North Carolina.

MISCELLANEOUS MEASURES

Committee on Commerce: Subcommittee on Health and Environment approved for full Committee action the following bills: H.R. 2634, amended, Drug Addiction Treatment Act of 1999; H.Res. 278, expressing the sense of the House of Representatives regarding the importance of education, early detection and treatment, and other efforts in the fight against breast cancer; H.R. 1070, to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program; H.R. 2418, amended, Organ Procurement and Transplantation Network Amendments of 1999; and H.R. 11, amended, to amend the Clean Air Act to permit the exclusive application of California State regulations regarding reformulated gas in certain areas within the State.

SCHOOLS AND LIBRARIES INTERNET ACCESS ACT

Committee on Commerce: Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on H.R. 1746, Schools and Libraries Internet Access Act. Testimony was heard from Representatives Weller and Tancredo; Christopher J. Wright, General Counsel, FCC; Kelly Levy, Acting Associate Administrator, Office of Policy Analysis and Development, National Telecommunications and Information Administration, Department of Commerce; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Government Reform: Ordered reported the following bills: H.R. 1451, amended, to establish the Abraham Lincoln Bicentennial Commission; H.R. 279, amended, congratulating Henry “Hank” Aaron on the 25th anniversary of breaking the Major League Baseball career home run record established by Babe Ruth and recognizing him as one of the greatest baseball players of all time; H.R. 2904, amended, to amend the Ethics in Government Act of 1978 to reauthorize funding for the Office of Government Ethics; H.R. 915, amended, to authorize a cost of living adjustment in the pay of administrative law judges; H.R. 2885, amended, Statistical Efficiency Act of 1999; H.R. 1788, amended, Nazi Benefits Termination Act of 1999; H.R. 642, to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the “Mervyn Malcolm Dymally Post Office Building”; H.R. 643, to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California,
and known as the Watts Finance Office, as the “Augustus F. Hawkins Post Office Building”; H.R. 1666, to designate the facility of the United States Postal Service at 200 East Pinckney Street in Madison, Florida, as the “Captain Colin P. Kelly, Jr., Post Office”; H.R. 2307, to designate the building of the United States Postal Service located at 5 Cedar Street in Hopkinton, Massachusetts, as the “James J. Brown Post Office Building”; H.R. 2357, to designate the United States Post Office located at 3675 Warrenville Center Road in Shaker Heights, Ohio, as the “Louise Stokes Post Office”; H.R. 1374, amended, to designate the United States Post Office building located at 680 State Highway 130 in Hamilton, New Jersey, as the “John K. Rafferty Hamilton Post Office Building”; H.R. 2302, to designate the building of the United States Postal Service located at 307 Main Street in Johnson City, New York, as the “James W. McCabe, Sr. Post Office Building”; H.R. 2358, to designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the “Lance Corporal Harold Gomez Post Office”; H.R. 2460, to designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the “Jay Hanna ‘Dizzy’ Dean Post Office”; H.R. 2591, to designate the United States Post Office located at 713 Elm Street in Wakefield, Kansas, as the “William H. Avery Post Office”; and H.R. 2938, to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the “John Brademas Post Office”.

GRANT WAIVERS
Committee on Government Reform: Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs and the Subcommittee on Government Management, Information, and Technology held a joint hearing on Grant Waivers: H.R. 2376, to require executive agencies to establish expedited review procedures for granting a waiver to a State under a grant program administered by the agency if another State has already been granted a similar waiver by the agency under such program, and Streamlining the Process. Testimony was heard from the following officials of the Department of Health and Human Services: Harold Hongju Koh, Assistant Secretary, Bureau of Democracy, Human Rights, and Labor; and Julia Taft, Assistant Secretary, Bureau of Population, Refugees, and Migration; and public witnesses.

HONESTY IN SWEEPSTAKES ACT

EAST TIMOR—HUMANITARIAN CRISIS
Committee on International Relations: Subcommittee on International Operations and Human Rights held a hearing on the Humanitarian Crisis in East Timor. Testimony was heard from the following officials of the Department of State: Harold Hongju Koh, Assistant Secretary, Bureau of Democracy, Human Rights, and Labor; and Julia Taft, Assistant Secretary, Bureau of Population, Refugees, and Migration; and public witnesses.

ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT
Committee on the Judiciary: Subcommittee on Courts and Intellectual Property held a hearing on H.R. 1714, Electronic Signatures in Global and National Commerce Act. Testimony was heard from Andrew Pincus, General Counsel, Department of Commerce; Ivan K. Fong, Deputy Associate Attorney General, Department of Justice; Pamela Meade Sargent, U.S. Magistrate Judge, Western District of Virginia; and public witnesses.

MISCELLANEOUS MEASURES
Committee on the Judiciary: Subcommittee on Crime held a hearing on the following bills: H.R. 1349, Federal Prisoner Health Care Copayment Act of 1999; and H.R. 1887, to amend title 18, United States Code, to punish the depiction of animal cruelty. Testimony was heard from Representative Salmond; Philip S. Wise, Assistant Director, Federal Bureau of Prisons, Department of Justice; and public witnesses.

MISCELLANEOUS MEASURES
Committee on the Judiciary: Subcommittee on Immigration and Claims approved for full Committee action the following bills: H.R. 1520, Child Status Protection Act of 1999; H.R. 2886, to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act; H.R. 2961, International Patient Act.

The Subcommittee also passed on for full Committee action two private relief bills.

MISCELLANEOUS MEASURES
Committee on Resources: Subcommittee on National Parks and Public Lands held a hearing on the following bills: H.R. 1864, to standardize the process for conducting public hearings for Federal agencies within the Department of the Interior; H.R. 1866, to provide a process for the public to appeal certain decisions made by the National Park Service and by the United States Fish and Wildlife Service; and
H.R. 2541, to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi. Testimony was heard from Representatives Taylor of Mississippi and Underwood; the following officials of the Department of the Interior: William Shaddox, Acting Associate Director, Professional Services, National Park Service; and Juliette Falkner, Director, Office of Regulatory Affairs; and public witnesses.

Dakota Water Resources Act
Committee on Resources: Subcommittee on Water and Power held a hearing on H.R. 2918, Dakota Water Resources Act of 1999. Testimony was heard from Senators Conrad and Dorgan; Representative Pomroy; Eluid Martinez, Commissioner, Bureau of Reclamation, Department of the Interior; Edward P. Schafer, Governor, State of North Dakota; and public witnesses.

Conference Report—Agriculture, Rural Development, FDA, and Related Agencies
Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 1906, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act 2000, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Representative Skeen.

Conference Report—Transportation and Related Agencies
Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 2084, Department of Transportation and related agencies Appropriations Act 2000, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Representative Sabo.

Reformulated Gasoline
Committee on Science, Subcommittee on Energy and Environment concluded hearings on Reformulated Gasoline (Part II). Testimony was heard from public witnesses.

Computer Security Enhancement Act
Committee on Science Subcommittee on Technology held a hearing on H.R. 2413, Computer Security Enhancement Act of 1999. Testimony was heard from Raymond Kammer, Director, National Institutes of Standards and Technology, Department of Commerce; Keith Rhodes, Director, Office of Computer and Information Technology Assessment, GAO; and public witnesses.

Women's Business Centers Sustainability Act

Future—Woodrow Wilson Bridge
Committee on Transportation and Infrastructure Subcommittee on Ground Transportation held a hearing on the Future of the Woodrow Wilson Bridge. Testimony was heard from Senators Warner and Robb; Representatives Davis of Virginia, Moran of Virginia, Hoyer, Wynn, Pombo and Radanovich; the following officials of the Department of Transportation: Peter J. Basso, Assistant Secretary, Budget and Programs and Chief Financial Officer; Kenneth R. Wykle, Administrator, Federal Highway Administration; and Raymond J. DeCarli, Deputy Inspector General; John D. Porcari, Secretary, Department of Transportation, State of Maryland; the following officials of the District of Columbia: Carol Schwartz, member, Council; and Vanessa Burns, Director, Department of Public Works; and public witnesses.

Financial Data Quality
Committee on Transportation and Infrastructure Subcommittee on Oversight, Investigations, and Emergency Management held a hearing on Financial Data Quality. Testimony was heard from the following officials of the Department of Transportation: John L. Meche, Deputy Assistant Inspector General, Financial and Information Technology; and Jack Basso, Chief Financial Officer; the following officials of the GSA: Eugene L. Waszily, Assistant Inspector General, Auditing; and William B. Early, Jr., Chief Financial Officer; and the following officials of the EPA: James O. Rauch, Assistant Inspector General, Audit; and Sallyanne Harper, Chief Financial Officer.

Veterans' Matters
Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations held a hearing on the Department of Veterans Affairs Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication. Testimony was heard from Carlton Hadden, Acting Director, Office of Federal Operations, EEOC; Eugene A. Brickhouse, Assistant Secretary, Human Resources and Administration, Department of Veterans Affairs; and public witnesses.
LAND USE, CONSERVATION, AND PRESERVATION—IMPACT OF TAX LAWS

Committee on Ways and Means: Subcommittee on Oversight held a hearing on the Impact of Tax Laws on Land Use, Conservation, and Preservation. Testimony was heard from Representatives Johnson of Connecticut, Kanjorski, Gilchrest, Blumenauer, Pitts and Hoeffel; Leonard Burman, Deputy Assistant Secretary, Tax Analysis, Department of the Treasury; Dan W. Reicher, Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy; D. Reid Wilson, Chief of Staff, EPA; and public witnesses.

Joint Meetings

FINANCIAL SERVICES MODERNIZATION

Conferees continued to resolve the differences between the Senate and House passed versions of S. 900/H.R. 10, bills to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, but did not complete action thereon, and recessed subject to call.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D1050)


S. 1637, to extend through the end of the current fiscal year certain expiring Federal Aviation Administration authorizations. Signed September 29, 1999. (P.L. 106-59)

COMMITTEE MEETINGS FOR FRIDAY, OCTOBER 1, 1999

Senate

No meetings/hearings scheduled.

House

Committee on Ways and Means, Subcommittee on Health, hearing on Medicare Balanced Budget Act Refinements, 10 a.m., 1100 Longworth.
Next Meeting of the SENATE
9 a.m., Friday, October 1

Program for Friday: Senate will continue consideration of S. 1650, Labor/HHS/Education Appropriations. Also, Senate will consider any conference reports when available.

Next Meeting of the HOUSE OF REPRESENTATIVES
9 a.m., Friday, October 1

Program for Friday: Consideration of the conference report on H.R. 1906, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations 2000 (rule waiving points of order);
Consideration of the conference report on H.R. 2084, Department of Transportation and Related Agencies Appropriations Act Conference Report, 2000 (rule waiving points of order);
Consideration of the conference report on H.R. 2606, Foreign Operations, Export Financing, and Related Programs Appropriations Conference Report, 2000 (rule waiving points of order); and
Go to Conference on H.R. 2466, Department of Interior and Related Agencies Appropriations Act, 2000.

Extensions of Remarks, as inserted in this issue

House

Bereuter, Doug, Nebr., E1996
Carson, Julia, Ind., E1995
Collins, Mac, Ga., E1996
Kucinich, Dennis J., Ohio, E1996
Lazio, Rick, N.Y., E1995
McInnis, Scott, Colo., E1997
Sandlin, Max, Tex., E1996
Talent, James M., Mo., E1996
Woolsey, Lynn C., Calif., 1997

(House proceedings for today will be continued in the next issue of the Record.)

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