House of Representatives

(Continuation of Proceedings of June 21)

1245

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4635, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. BARR of Nebraska). Is there objection to the request of the gentleman from New York?

There was no objection.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 525 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4635.

1245

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, January 20, 2000, the bill was open for amendment from page 57, line 22, to page 58, line 14.

Pursuant to the order of the House of that day, no further amendment shall be in order, except pro forma amendments offered by the chairman and the ranking minority member of the Committee on Appropriations or their designees and the following further amendments, which may be offered only by the Member designated in the order of the House or a designee, or the Member who caused it to be printed or a designee, shall be considered read, shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

The following additional amendments, debatable for 10 minutes:

An amendment by the gentleman from Ohio (Ms. KAPTUR) regarding VA mental illness research;

An amendment by the gentleman from New Jersey (Mr. SAXTON) regarding the VA Right To Know Act;

An amendment by the gentleman from New Jersey (Mr. AXTON) regarding EPA estuary funding;

An amendment by the gentleman from Indiana (Mr. ROEMER) regarding the space station;

The amendments printed in the CONGRESSIONAL RECORD numbered 7, 8, 13, 14, 15, 17, 33, 41 and 43.

The following additional amendments, debatable for 20 minutes:

An amendment by the gentleman from Texas (Mr. EDWARDS) regarding VA health and research;

The amendments printed in the CONGRESSIONAL RECORD numbered 23, 34, and 35; and,

The following additional amendments, debatable for 30 minutes:

An amendment by the gentleman from Wisconsin (Mr. OSEY) regarding NSF;

An amendment by the gentleman from Georgia (Mr. COLLINS) regarding clean air;

An amendment by the gentleman from Florida (Mr. BOYD) regarding FEMA;

An amendment by the gentleman from Massachusetts (Mr. OLVER) regarding the Kyoto Protocol; and the amendments printed in the CONGRESSIONAL RECORD numbered 3, 4, 24, 25 and 39.

The Clerk will read.

The Clerk read as follows:

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5370; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $1,900,000,000; which shall remain available until September 30, 2002; provided, That none of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementing or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol: Provided further, That none of the funds made available in this Act may be used to implement or administer the interim guidance issued on February 5, 1998, by the Environmental Protection Agency relating to title VI of the Civil Rights Act of 1964 and designated as the "Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits" with respect to complaints filed under such title after October 21, 1998, and until guidance is finalized.

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
Nothing in this proviso may be construed to restrict the Environmental Protection Agency from developing or issuing final guidance relating to title VI of the Civil Rights Act of 1964, however, that none of these funds made available in this or any prior Act may be used to make a final determination on or implement any new rule relative to the Proposed Revisions to the National Pollutant Discharge Elimination System Program and Federal Antidegradation Policy and the Proposed Revisions to the Water Quality Planning and Management Regulations Concerning Total Maximum Daily Loads, published in the Federal Register on August 23, 1996.

AMENDMENT OFFERED BY MR. SAXTON
Mr. SAXTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SAXTON:
Page 59, line 6, after the dollar amount insert "(increased by $33,900,000)"
Page 74, line 12, after the dollar amount insert "(reduced by $33,900,000)"

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

Mr. Chairman, I rise today to offer an amendment to increase the funding by $33.9 million under the Environmental Protection Agency's Environmental Programs and Management Account to fund the National Estuary Program.

Mr. Chairman, the National Estuary Program has been a tremendous success, but is drastically underfunded. This year's appropriation provides approximately $18 million for this purpose, and it is inadequate to fund the National Estuary Program for the 28 estuaries that are included in the program.

If anyone is from almost any coastal State where there is a high density population in a coastal area you will find that your estuaries are under stress. And the National Estuary Program, which came into being a number of years ago, was set up to provide for a partnership arrangement between the Federal Government and the State and local people who know well the problems involving their estuaries. I know well how to study and fashion solutions for various types of estuarine problems.

I first became aware of this program with the trip to Narragansett Bay, which was part of the National Estuary Program a number of years ago. Then Representative Claude Schneider introduced me to the problems of Narragansett Bay; and, now, 10 years later, because of the National Estuary Program, Narragansett Bay is well on its way to recovery. I wish I could say the same was true for all of the estuaries that are included in the National Estuary Program, but such is simply not the case.

We need to move forward with this program, and we need to fashion a financial program that will adequately take care of these needs. Congress recognized the importance of preserving and enhancing coastal environments. With the establishment of this program, the Clean Water Act of 1972, and the Clean Water Act amendments of 1987, this program was passed by the House on May 8, 2000, to reauthorize it. We also authorized an appropriation of $50 million for fiscal year 2001 for the purpose of facilitating the States and local governments preparation of the Comprehensive Conservation Management Plan, CCMPs, for threatened and impaired estuaries.

This is a simple, straightforward program that addresses a variety of unique needs of these stressed bodies of water. I rise to urge an aye vote on this amendment, as I think it is extremely important to coastal areas, coastal States, and the inhabitants thereof.

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

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

Mr. Chairman, I am reluctantly opposed to the Saxton amendment. The amendment, which emanated from proven leadership throughout his years in the Congress a dedication to, certainly the New Jersey shoreline and the estuaries all over the country, which as we know are the most productive areas of our waters in terms of wildlife and fish life. While I am sympathetic to the amendment of the gentleman from New Jersey (Mr. SAXTON), I would have to say that the estuary program is fully funded at the President's request level. In fact, we have taken great pains to fully fund this program every year. For fiscal year 2001, the program would receive almost $17 million, a slight decrease from last year's level of $18 million, an increase over the 1999 level of $16.5 million.

In addition to this general estuary program, we also fund through EPA's specific estuary-related programs for wetlands, including South Florida Everglades, Chesapeake Bay, Great Lakes, Long Island Sound, Pacific Northwest, and Lake Champlain. Together these programs total over $63 million for each of year 2000 and 2001.

The Saxton amendment would nearly triple what we now have provided for this program. The Saxton amendment would take funds, important funds from NASA and we have already taken $55 million out of NASA in the production of this bill through the amendments.

This cut would further reduce their ability to adequately operate programs, so I would urge a no vote on the Saxton amendment.

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. OLVER
Mr. OLVER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OLVER:
Page 59, line 3, after the dollar amount insert "(increased by $33,900,000)"

Mr. OLVER. Mr. Chairman, will the amendment be read?

Mr. Chairman, the amendment is short and clear. It simply affirms the agreement which has been in effect the last 2 years after painstaking negotiations by the House, the Senate, and the executive branch in passing the fiscal 1999 VA-HUD bill.

Mr. Chairman, the final fiscal VA-HUD conference committee bill contains no limitation language which is used again in this year's bill. The accompanying conference report language was only approved after extensive negotiation.

But the conferees specifically agreed, and I quote in part: "The conferees recognize that there are longstanding energy research programs which could have positive effects on energy use and the environment. The conferees do not intend to preclude these programs from receiving additional funding provided that they have been funded and approved by Congress."

For fiscal 2001 again we have the same bill language as fiscal 1999 and fiscal 2000, but the report language this year has been greatly changed and goes far beyond the carefully negotiated fiscal 1999 conference agreement.

Without my amendment, this report language can be construed to limit energy research programs, our renewable energy research and development programs to promote clean power, our program to develop new homes that are 50 percent more energy efficient and save families dollars, our program to reduce methane emissions because methane is one of the most powerful greenhouse gases, and even the Clean Air Act which became law with the initiative and strong support of President Nixon a generation ago.

All are geared towards reducing greenhouse gases and have been approved and funded by this Congress, but could be jeopardized.
Mr. Chairman, I think that this amendment is different than the amendment that we had previously. Now, the amendment that was given to me previously provided a little bit different picture than what I think this amendment does. We like the idea that we are now dealing with activities which have been the thing that we have been looking at for a long time.

If I am not mistaken, and I would like some clarification from the gentleman from Massachusetts (Mr. OLVER), the language that we were prepared to accept was a slightly different variation from what the gentleman has included here.

I will read the language, not to the gentleman needs to know; but this body needs to know exactly what was inserted in your previous language, and it said "provided further that any limitation imposed under this act on funds made available by this act for the Environmental Protection Agency shall not apply to activities related to the Kyoto Protocol, which are otherwise authorized by law."

I ask the gentleman to help me, if he will, but my understanding is that now the gentleman has changed this to saying in the third line "shall not apply to activities specified in the previous proviso related to the Kyoto Protocol." I ask the gentleman what exactly has the gentleman changed here from the previous wording?

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

Mr. KNOLLENBERG. I yield to the gentleman from Massachusetts.

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

Mr. Chairman, we were apprised last night that the language as the gentleman has read it, in fact, left a question of interpretation as to what the words "activities related to the Kyoto Protocol" would mean. And the Clerks advised me and others who were interested in this that there would be no ambiguity if the word related was tied to the very provisions that are in the previous proviso, which is, of course, the provided further proviso that gives the bill language as it has stood, and that, therefore, it would be limited very carefully to those items.

Mr. KNOLLENBERG. Mr. Chairman, the gentleman suggested that we were concerned about the wording in the previous amendment? Who was concerned? Because we showed no such concern.

Mr. OLVER. Mr. Chairman, if the gentleman will yield further, the clerks were concerned it was ambiguous, the language with the word "related," and there would be some question to determine what was related to what. It is clearly tied to those items which are listed in the previous proviso, but are also authorized and funded by previous law.

Mr. KNOLLENBERG. Mr. Chairman, reclaiming my time, let me proceed with my comments, because I do want to resolve this in a fashion that is acceptable. My immediate view was, why was the language changed? No one presented that change to me. So let me proceed with my comments. I appreciate the gentleman's explanation of why the change, but it certainly was not one that came from our side.

Mr. Chairman, I do want to congratulate the gentleman from Massachusetts (Mr. OLVER), the gentleman from West Virginia (Mr. MOLLOHAN) and the others for the recognition of the original and enduring meaning of the law that has existed for years now, specifically that no funds be spent on unauthorized activities for the fatally flawed, in my judgment, Kyoto Protocol.

I am grateful for the acknowledgment of the administration's plea for clarification. The whole Nation I think needs to hear the plea of this administration in the words of the coordinator of all environmental policy for this administration, George Frampton. In his position as acting chairman of the Council on Environmental Quality, on March 1 of this year and on behalf of the administration, he stated this before the Committee on Appropriations subcommittee: "I just to finish our dialogue here, my point was that it is the very uncertainty about the scope of the language which gives rise to our wanting to not have the continuation of this uncertainty.

Mr. Chairman, I also agree with the gentleman from Wisconsin (Mr. OBEN) when he stated to the administration, "You're nuts," upon learning of the fatally flawed Kyoto Protocol that Vice President Gore negotiated.

Mr. Chairman, I thank the gentleman for his focus on the activities. I think that is important, of this administration, both authorized and unauthorized.

As I read this amendment, it appears to be now fully consistent with the provision that has been signed by President Clinton in current appropriations laws. First, no agency, including EPA, can proceed with activities that are not authorized or not funded; second, no new authority is granted to EPA; third, since neither the United Nations framework convention on climate change nor the Kyoto Protocol are self-executing, and I repeat that, they are self-executing; specific implementing legislation is required for any regulation, program or initiative; fourth, since the Kyoto Protocol has not been ratified and implementing legislation has not been approved by Congress, nothing contained exclusively in that treaty is funded.

Mr. Chairman, I have had numerous communications with key agencies about the propriety of some of their actions under the conditions that the President indicated that they would do not self-executing, specific implementing legislation is required for any regulation, program or initiative; fourth, since the Kyoto Protocol has not been ratified and implementing legislation has not been approved by Congress, nothing contained exclusively in that treaty is funded. Apparently, President Clinton agrees with us, since he has been clear in his statements that he does not favor of implementing the Kyoto Protocol before it is ratified by the U.S. Senate. I think we have to assure the American taxpayers that they will not pay the bill for activities that are not legal.

In my view, this amendment, after looking at it a second time, the second amendment prepared by the presenter, is consistent with the position that we have been taking since 1998, and we all know the EPA has been challenged by the courts on their abuse of the Clean Air Act, Safe Drinking Water Act, and an effort to use internal guidance in contravention of legal requirements. Because of the recent activities of the EPA, I just wanted to take this time to urge that we really care about this bill language and consider the content of report language that will be necessary to explain it.

Mr. Chairman, I want to again say to the gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from Massachusetts (Mr. OLVER), I do think you are focusing on the kernel here that we have to focus on; and in that regard, I do want to offer some time to my colleagues to comment as well, and I am sure the gentleman does as well.
Constitution of the United States. The Knollenberg provision is required to block any further implementation of the proposed treaty by the executive branch until Congress addresses this matter. We wish to be clear that this provision will not in any way inhibit the ability of the Administration to negotiate international treaties or conduct foreign affairs. Rather, this provision seeks to preserve the proper consultation and review process with regard to international agreements that has been traditionally reserved to the Congress by the Constitution of the United States. The chairman of the Senate Committee on Government Reform, in her letter to you, has indicated that the absence of CO2 from all CAA regulatory provisions would have required EPA to regulate CO2 as an "air pollution agent or combination of air pollutants" before implementing any mitigation program. EPA's assertion, that the absence of CO2 from all CAA regulatory provisions "by its terms only bars the regulation of CO2 under the Clean Air Act," is unconvincing. We agree that Congress did not expressly forbid EPA from regulating greenhouse gas emissions or addressing global warming under the Clean Air Act. Shortly after enactment of Public Law 101-549, the United States' national greenhouse gas emissions reduced by 7% below 1990 levels. As the Senate and House conferees, we rejected EPA's regulatory authority in the only CAA provisions (sections 821 and 824) dealing with CO2 and other greenhouse gases. The admonitory language of those provisions "does not directly or indirectly limit regulatory authority in the only CAA provisions (sections 821 and 824)", the Senate and House conferees, we rejected EPA's regulatory authority in the only CAA provisions (sections 821 and 824).

We note that Congress did not expressly forbid EPA from regulating carbon dioxide as a "pollutant," the Senate and House conferees, we rejected EPA's regulatory authority in the only CAA provisions (sections 821 and 824).

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We were troubled by the apparent limitation on EPA's authority to regulate CO2 that this provision might imply. We asked the Administration to provide additional detail about the expected impact of this provision on EPA's ability to regulate CO2. EPA's letter to you, dated February 24, 2000, has explained this provision. The letter notes that EPA is not authorized to regulate CO2 under section 103(g) of the CAA and is not authorized to regulate CO2 because the CAA nowhere lists CO2 as a "pollutant." EPA's letter indicates that EPA does not have any authority to regulate CO2 under section 103(g) of the CAA.

We are troubled by the apparent limitation on EPA's authority to regulate CO2 that this provision might imply. We asked the Administration to provide additional detail about the expected impact of this provision on EPA's ability to regulate CO2. EPA's letter to you, dated February 24, 2000, has explained this provision. The letter notes that EPA is not authorized to regulate CO2 under section 103(g) of the CAA and is not authorized to regulate CO2 because the CAA nowhere lists CO2 as a "pollutant." EPA's letter indicates that EPA does not have any authority to regulate CO2 under section 103(g) of the CAA.

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added). If nothing in section 103(g) shall be construed to authorize the imposition of air pollution control requirements, then the reference therein to CO₂ as a “pollutant” should not be construed to be a basis for regulatory action. EPA’s case is further undermined by Congressman John Dingell’s commentary on the legislative history connected with the Clean Air Act in his October 5, 1969 letter to Chairman McIntosh. Rep. Dingell wrote: “While it [section 103(g)] refers, as noted by Chairman Interior and Insular Affairs, to CO₂ as a ‘pollutant,’ House and Senate conferees never agreed to designate carbon dioxide as a pollutant for regulatory purposes.

We find disturbing your response to Q3 of our December 10th letter. Citing the very passage of Chevron v. NRDC quoted by EPA in its December 10th letter, you stated: “there was not a vital, practical distinction between EPA’s filling a “gap left, implicitly or explicitly, by Congress” in a “congressionally created . . . program” and EPA’s creating new programs without express Congressional authorization. Your responses to Q3(a) and Q3(b) do not acknowledge that EPA is in any sense constrained by the 1963 Act, and there was no practical distinction between those criteria and a HAP. House and Senate conferees almost never agreed to designate carbon dioxide as a pollutant or as a HAP.

Your answer to Q4 of our December 10th letter cited the very passage of Chevron v. NRDC quoted by EPA in its December 10th letter, you stated: “there was not a vital, practical distinction between EPA’s filling a “gap left, implicitly or explicitly, by Congress” in a “congressionally created . . . program” and EPA’s creating new programs without express Congressional authorization. Your answers to Q3(a) and Q3(b) do not acknowledge that EPA is in any sense constrained by the 1963 Act, and there was no practical distinction between those criteria and a HAP. House and Senate conferees almost never agreed to designate carbon dioxide as a pollutant or as a HAP.

Your response to Q6 is nonsensically nonresponsive. We noted that, under CAA section 112(b)(2), EPA may not classify an ambient air pollutant like sulfur dioxide as a hazardous air pollutant (HAP) unless it “independently meets the listing criteria” of section 112. In Q6(a), we asked whether the criteria for listing under section 112 that SO₂ and the other ambient air pollutants do not independently meet? Your reply correctly formulates your answer by pointing out that an ambient air pollutant may be listed as a HAP only if it is an ambient air pollutant “precursor” and “meets the criteria for listing under section 112(b)(2).” We did not state whether those criteria are; you did not explain the specific difference between an ambient air pollutant and a HAP. In short, you did not answer our question. The reason, we believe, is that there is a clear statement of the criteria that a substance must meet in order to be classified as a HAP, and that does not make clear that CO₂ is not an ambient air pollutant “precursor” and “meets the criteria for listing under section 112(b).” We believe that you reply to Q6 is nonsensically nonresponsive. We pointed out that ambient air pollution control requirements, then the reference therein to CO₂ as a “pollutant” should not be construed to be a basis for regulatory action. EPA’s case is further undermined by Congressman John Dingell’s commentary on the legislative history connected with the Clean Air Act in his October 5, 1969 letter to Chairman McIntosh. Rep. Dingell wrote: “While it [section 103(g)] refers, as noted by Chairman Interior and Insular Affairs, to CO₂ as a ‘pollutant,’ House and Senate conferees never agreed to designate carbon dioxide as a pollutant for regulatory purposes.

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We regard your answer to Q6 as nonsensically nonresponsive. We pointed out that ambient air pollution control requirements, then the reference therein to CO₂ as a “pollutant” should not be construed to be a basis for regulatory action. EPA’s case is further undermined by Congressman John Dingell’s commentary on the legislative history connected with the Clean Air Act in his October 5, 1969 letter to Chairman McIntosh. Rep. Dingell wrote: “While it [section 103(g)] refers, as noted by Chairman Interior and Insular Affairs, to CO₂ as a ‘pollutant,’ House and Senate conferees never agreed to designate carbon dioxide as a pollutant for regulatory purposes.

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‘potentially applicable’ to CO.” We disagree. The mere fact that EPA has not evaluated whether CO2 meets section 108 criteria furnishes no evidence that section 108 is potentially applicable.

Before examining whether CO2 meets the criteria for regulation under section 108, EPA must first determine whether the CAA authorizes EPA to designate nonattainment areas where attainment cannot be achieved without international action. Also, before deciding whether CO2 meets section 108 criteria, EPA would have to resolve the basic conceptual issue of whether setting a NAAQS for CO2 is possible without putting the entire country outside the context of an international regulatory regime, such as the Kyoto Protocol, since CAA section 109(b) requires the Administrator to adopt NAAQS that are “requisite to protect” public health and welfare. You replied that EPA does not know whether section 108 could be found to be applicable to CO2.

In Q1, noting that unilateral CO2 emissions reductions by the United States would have no measurable effect on global climate change, we asked whether the NAAQS program can have any application to CO2 outside the context of an international regulatory regime, such as the Kyoto Protocol, since CAA section 109(b) requires the Administrator to adopt NAAQS that are “requisite to protect” public health and welfare. You replied that EPA does not know whether section 108 could be found to be applicable to CO2.

As we have stated in previous letters, it is inconceivable that Congress would delegate to EPA the power to launch a CO2 emissions control program—arguably the most expansive and expensive regulatory program in history—without ever once saying so in the text of the statute. We also think it is obvious that the basic structure of the NAAQS program, with its designation of local attainment and nonattainment and its call for State implementation plans, has no application to a global phenomenon like the greenhouse effect. Furthermore, in view of the uncertainties known today regarding the substance and the foundation of the planetary food chain, we are appalled by the Administration’s insistence that EPA might be able to regulate CO2 as a “toxic” or “hazardous” air pollutant.

The CAA is not a regulatory blank check. The Administration’s assertion that the CAA authorizes regulation of greenhouse gas emissions can only serve to undermine Congressional and public support for legitimate EPA endeavors.

Sincerely,
DAVID M. MCDINTOSH, KEN CALVERT.

CO2: A POLLUTANT?
The Legal Affairs Committee Report to the National Mining Association Board of Directors on The Authority of EPA to Regulate Carbon Dioxide Under the Clean Air Act.

The Legal Affairs Committee, Peter Glaser, Barbara Van Zomeren, Doherty, Rumble & Butler, PA (Fredrick D. Palmer, Chairman, Legal Affairs Committee)

(Peter Glaser, Barbara Van Zomeren, Doherty, Rumble & Butler, PA)

Harold P. Quinn, Jr., Sr. Vice President & General Counsel, Bradford V. Frisby Assistant General Counsel, National Mining Association

PREFACE
Fear of apocalyptic global warming centers on an increasing atmospheric concentration of carbon dioxide (CO2) due to human activity. The United Nations' voluntary Framework Convention on Climate Change, adopted in Rio de Janeiro in 1992, seeks to prevent “dangerous human interference” with climate. A successor treaty negotiated at the meeting in Kyoto, Japan in December 1997 (the Kyoto Protocol) would place the responsibility on developed nations to substantially cut their greenhouse gas emissions. What is really at issue in this debate is human reliance on carbon-based fuels as our primary source of energy. Of course, the economic consequences are enormous for those countries who truly purport to commit the sacrifices established in Kyoto. The reductions required by Kyoto mean substantial constraints on economic prosperity—including, perhaps, reducing income, employment and output. These dire eco-

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called upon to make in order to fulfill the commitments made by U.S. negotiators in Kyoto. No less daunting is the task of explaining to Americans why they must accept such a course of action, when the evidence does not show that the increase in CO$_2$ levels attributed to human activity is responsible for a measured rise in global temperatures. For that matter, a warmer climate, if it did occur, poses the threat of an environmental catastrophe. The overtly limited EPA’s endeavors in this area to non-regulatory activities.

NMA’s legal analysis probes the fundamental question of whether Congress intended to delegate to EPA the power to regulate CO$_2$ emissions. The analysis first demonstrates that the plain text of the statute fails to delegate authority to EPA. Second, it examines each of the sections of the CAA cited by EPA in its legal opinion, and shows that EPA’s attempt to regulate CO$_2$ is inconsistent with the provisions of the CAA. Third, the legislative history of the CAA is examined and shown to contradict EPA’s position. Fourth, the analysis explains that other statutes and treaties support the inevitable conclusion that Congress did not want EPA to regulate CO$_2$ without additional legislation. Finally, the analysis cautions that even if Congress did want EPA to regulate CO$_2$, there is no evidence of Congress attempting to force CO$_2$ into a regulatory scheme established by Congress. Given the complexities and uncertain-
Carbon dioxide is also a naturally occurring "greenhouse gas." The earth has a natural "greenhouse effect" in which heat from the sun is trapped below the earth's atmosphere, preventing the earth's climate from dropping too cold back into space. The greenhouse gases that cause this effect appear in trace amounts in the atmosphere and include water vapor, carbon dioxide, methane, nitrous oxide, and stratospheric ozone. Without the naturally occurring greenhouse effect, the earth's average surface temperature would be far too cold to support life as we know it.

It is known that since the industrial revolution, levels of carbon dioxide in the atmosphere are increasing, and the greenhouse effect has grown to the extent that the world is facing a climatological Armageddon. These scientists believe that increasing atmospheric carbon dioxide levels have created warming trends of the earth resulting in a variety of climatological disasters running the gamut from more storms and flooding to more drought and desertification.

Some scientists believe that the increased levels of carbon dioxide in the atmosphere are evidence that greenhouse gases are increasing to the extent that the world is facing a climatological Armageddon. These scientists believe that increasing atmospheric carbon dioxide levels have created warming trends of the earth resulting in a variety of climatological disasters running the gamut from more storms and flooding to more drought and desertification. The alarm set off by the predictions of these scientists resulted in the United States entering into the 1992 Framework Convention on Climate Change, the so-called Rio Treaty. The United States and other developed nations agreed in the Rio Treaty to take voluntary action in an attempt to reduce emissions of carbon dioxide to 1990 levels by the year 2000.

Despite a variety of efforts by government and industry, the Clinton Administration's Climate Change Action Plan has not succeeded in reducing United States carbon dioxide emissions. There is now virtually no possibility that the Rio target will be met. Other countries similarly will fail to meet that target.

The Clinton Administration, nevertheless, wants the United States to lead the global climate change effort. The Clinton Administration's Climate Change Action Plan, which would require the country to meet binding targets and timelines for reducing carbon dioxide emissions significantly below 1990 levels before the end of the next decade.

As a treaty of the United States, the Kyoto Protocol cannot become legally binding on this country until ratified by a two-thirds vote of the U.S. Senate Prior to Kyoto, the Senate, by a 95-0 margin, adopted the Byrd-Hagel resolution in which the Senate commits to support the Kyoto Protocol, which would require the country to meet binding targets and timelines for reducing carbon dioxide emissions significantly below 1990 levels before the end of the next decade.

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scheme would be plainly expressed in the language of the statute. Congress is not in the habit of granting far-reaching authority to administrative agencies sub silentio. Yet nowhere in any of the statutes contained within the CAA is there an express delegation of authority to regulate carbon dioxide. Congressional silence on a matter of such significance is not unlike the "watch-dog" that did not bark in the night. Our conclusion that the language of the CAA does not support EPA's claim of authority to regulate carbon dioxide is buttressed by the absence of any congressional finding that the need to regulate carbon dioxide is so apparent as to require delegation to EPA, absent an express withholding of such delegation by Congress. EPA's position would not be sustainable if either the CAA, or the relevant sections of the CAAA, contained any statement which would rebut the presumption that the CAA was not intended to authorize EPA to regulate carbon dioxide.

The CAA expressly provides authority to regulate numerous substances specifically referenced in the statute. For example, Sections 107 and 108 of the CAA authorize EPA to designate areas as nonattainment areas, and to regulate substances according to those designations. Similarly, Title VI of the CAA authorizes EPA to list and regulate substances which deplete the stratospheric ozone layer, and designates 53 substances to be so regulated. But neither global warming generally, nor carbon dioxide specifically, are mentioned anywhere in this prolific regulatory scheme established by Congress.

To be sure, the CAA does contain references to carbon dioxide and global warming. However, the context in which these terms appear within the statutory scheme provides powerful guidance on congressional intent. The statute mentions carbon dioxide and global warming only in the context of provisions that authorize the identification and evaluation of non-regulatory strategies. For example, CAA Section 103(g) lists carbon dioxide as one of several items to be considered by EPA in its conduct of a "basic engineering research and technology program to develop, evaluate and demonstrate non-regulatory strategies and technologies."

Global warming is mentioned in CAA Section 602(e) which directs EPA to examine the global warming potential of certain listed substances that contribute to stratospheric ozone depletions. But these provisions are the only one in the statute that mentions global warming—is accompanied by an express admonishment that it "shall not be construed to authorize any additional regulation under the CAA." This examination of the statutory language in its context within the CAA scheme provides a more complete analysis than the EPA's general counsel's mechanistic approach whereby the agency simply bootstraps itself into carbon dioxide regulation through a broadly worded definition of "air pollutant." To accept the analysis, proffered by EPA's general counsel is to presume that power may be found, in the absence of an express withholding of such power—a view plainly out of step with the principles of administrative law. The fundamental requirement of a statutory delegation is that the statute do not permit one to read into the CAA's detailed regulatory provisions greenhouse gases such as carbon dioxide that Congress deliberately excluded from regulation. Congress, by legislative silence, has not re-authorized the CAA to regulate carbon dioxide on carbon dioxide in this part of the CAA is audible. The intentions of Congress by such silence in the CAA's regulatory scheme become clear. The absence of any express delegation to address global warming and carbon dioxide solely in the non-regulatory provisions of the statute. Indeed, the CAA's silence in evaluating the language within the overall statutory scheme leads us to conclude that, with respect to carbon dioxide, Congress has indicated that EPA's authority stops at the point of non-regulatory activities. Any claim that EPA currently possesses authority to regulate carbon dioxide is belied by the absence of any specific delegation to EPA beyond the scope intended by Congress.

II. THE REGULATION OF CARBON DIOXIDE AS A POLLUTANT DOES NOT FIT WITHIN THE REGULATORY SCHEME CREATED BY THE CAA.

A. Introduction

The EPA general counsel identifies several CAA regulatory provisions that are, in his words, "potentially applicable" to carbon dioxide. But an analysis of these provisions discloses that they do not provide appropriate tools for the regulation of carbon dioxide emissions' purported effects on global warming. The fact that the regulation of carbon dioxide emissions is not fit into the regulatory scheme established in the statute confirms the conclusion that its regulation by EPA under the CAA is not intended by Congress.

B. There is No Authority in the CAA to Regulate Carbon Dioxide as a Criteria Pollutant.

EPA's Authority to Designate Substances as Criteria Pollutants. The EPA's general counsel states that one potential source of EPA authority to regulate carbon dioxide emissions is CAA Sections 108, 109 and 110. These sections authorize EPA to establish, implement and enforce National Ambient Air Quality Standards (NAAQS) for what are known as "criteria pollutants," as defined in Section 108(a)(1). Criteria pollutants are those substances which, in the judgment of the EPA Administrator, "cause or contribute to air pollution which may reasonably be anticipated to cause or contribute to adverse effects on public health, welfare or the environment." Once a substance is identified as a criteria pollutant, the Administrator is required under CAA Section 109 to publish primary and secondary NAAQS for each such substance. The EPA's interpretation of NAAQS are "ambient air quality standards the attainment and maintenance of which is essential to protect the public health and welfare." Secondary NAAQS are standards "essential to protect the public welfare." Once NAAQS are established, a complete regulatory structure is triggered that mandates reductions of criteria pollutants in the ambient air to levels which protect the public health and welfare. Under CAA Section 107(d)(1)(B), within a defined period EPA is required to designate nonattainment, attainable, and primary ozone nonattainment areas. Under CAA Section 110(a)(1), within three years after promulgation of a NAAQS, every state must "adopt and submit to the Administrator" a state implementation plan for reducing air pollution within the state as required by the NAAQS. Under CAA Section 110(a)(2) provides a long list of SIP requirements designed to ensure that states will achieve the air quality required by the NAAQS. Simi- larly, Section 172 provides EPA with an extensive authority to ensure that nonattainment areas are brought into attainment as expeditiously as practicable.

EPA's interpretation of the CAA's provisions is wholly unsuited to Preventing or Mitigating Potential Global Climate Change. The EPA's general counsel recognizes that the CAA, as it presently stands, does not permit one to read into the CAA's regulatory scheme provisions for regulating carbon dioxide emissions that may reasonably be anticipated to cause or contribute to adverse effects on public health, welfare or the environment. For this reason, we leave aside the question of whether the Administrator would be able to make the health, welfare or environmental effects determination the general statutory language is designed to authorize, because his analysis is incomplete. For the purposes of this step of our analysis, our examination of those "potentially applicable" provisions do not provide appropriate tools for the regulation of carbon dioxide emissions' purported effects on global warming. The fact that the regulation of carbon dioxide emissions is not fit into the regulatory scheme established in the statute confirms the conclusion that its regulation by EPA under the CAA is not intended by Congress.

C. There is No Authority in the CAA to Regulate Carbon Dioxide as an Air Toxin.

EPA's Authority to Regulate Air Toxins. In 1979, Congress established a regulatory regime for regulating criteria pollutants. In 1980, Congress added a new subtitle to the CAA which created a new regulatory regime for regulating air toxics. The EPA has issued regulations under this new regulatory regime which identify substances as air toxics and designate areas in which these substances may be present. These regulations are intended to ensure that states will achieve the air quality required by the NAAQS. The EPA's general counsel identifies Section 110(a)(2) as authorizing the Administrator to take such action as is necessary to ensure that states will achieve the air quality required by the NAAQS. Section 110(a)(2) is designed to ensure that nonattainment areas are brought into attainment as expeditiously as practicable. The EPA's interpretation of the CAA is claimed to be the basis of any additional regulatory authority for regulating air toxics.

D. There is No Authority in the CAA to Regulate Carbon Dioxide as a Criteria Pollutant or Air Toxin.

The EPA's general counsel claims that the EPA has authority to regulate carbon dioxide emissions through its regulatory regime for regulating criteria pollutants and air toxics. The EPA's claim of authority under the CAA is not supported by the statutory language. The CAA expressly provides authority to regulate numerous substances specifically referenced in the statute. For example, Sections 107 and 108 authorize EPA to designate areas as nonattainment areas, and to regulate substances according to those designations. Similarly, Title VI of the CAA authorizes EPA to list and regulate substances which deplete the stratospheric ozone layer, and designates 53 substances to be so regulated. But neither global warming generally, nor carbon dioxide specifically, are mentioned anywhere in this prolific regulatory scheme established by Congress.

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in any one part of the world are roughly the same as in any other part of the world. As a result, one ton of carbon dioxide emitted in Washington, D.C., has the same effect on ambient dioxide concentrations as another emitted in Bangladesh.

Carbon dioxide with anthropogenic (human) origins compromise only a small part of the greenhouse gases appearing in the atmosphere. In the first place, as stated, carbon dioxide is no more a pollutant than any anthropogenically emitted greenhouse gas. Other greenhouse gases emitted by man include methane, nitrogen oxides and chlorofluorocarbons, none of which have a far greater heat trapping capacity per molecule than carbon dioxide.

Similarly, anthropogenically emitted greenhouse gases contribute only a minute amount of the greenhouse gases occurring in the troposphere. Water vapor occurring naturally in the atmosphere is the main greenhouse gas, contributing about 98% of the greenhouse effect. Similarly, naturally occurring sources of carbon dioxide far outweigh anthropogenic sources of carbon dioxide.

The United States itself is a leading source worldwide of anthropogenic carbon dioxide emissions. United States contributions account for about 22% of all anthropogenic emissions of greenhouse gases, and that number is projected to decline dramatically as the United States industrializes. Anthropogenic emissions of carbon dioxide thus are, and will continue to be, only a tiny fraction of the total sources—both anthropogenic and natural—of greenhouse gases in the atmosphere.

For these reasons, it is not even theoretically possible to affect ambient concentrations of carbon dioxide in the troposphere through a program of designating nonattainment areas and requiring the submission of state-by-state SIPs. It is not known what level of ambient concentration of carbon dioxide that EPA might deem necessary to protect the public health and welfare. If EPA were to set the level below current concentrations (for instance, at preindustrial levels), every square inch of the United States would immediately become a nonattainment area, a result that would be unprece dented in nearly three decades of CAA administration. Every state would become responsible to submit SIPs within three years containing emissions restrictions "as necessary to protect the public health and welfare." EPA has authority to establish "source performance standards," or "NSPS," for categories of sources which emit air pollutants. Unlike the NAAQS, NSPS requirements are direct emissions limitations that any plant to which such controls apply must meet as a condition of operation. NSPS are sometimes referred to as "standards of performance," because they require installation of equipment that limits emissions from emitting sources and are not directly tied to the level of pollutants in the ambient air.

Under CAA Section 111(b)(1)(A), the Administrator must designate a category of sources as subject to NSPS requirements if he finds that such a category "cause . . . or contribute . . . significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare." Under CAA Section 111(b)(1)(A), the Administrator must set the level below current concentrations (for instance, at preindustrial levels), every square inch of the United States would immediately become a nonattainment area, a result that would be unprecedented.

In sum, it is obvious that the statutory scheme established by Congress for the regulation of criteria pollutants was never intended, and cannot rationally be applied, to regulate carbon dioxide emissions. Under elementary principles of statutory construction, therefore, that statutory structure cannot be interpreted as providing the regulatory authority EPA claims. It is axiomatic, for instance, that Congress should not be presumed to provide regulatory authority to an agency "to impose restrictions that [are] to be made effective as a whole." "An adequately demonstrated system is one which has been shown to be reasonably reliable, reasonably efficient, and which can reasonably be expected to serve the interests of pollution control without being exorbitantly costly in an economic or environmental way."
presumably most obvious and important HAPs in CAA Section 112 while omitting carbon dioxide, which is by many orders of magnitude more ubiquitous in the environment than most of the substances expressly listed.

In addition, the language of CAA Section 112 excludes regulation of carbon dioxide because carbon dioxide does not present a threat of adverse human health effects or adverse environmental effects” within the meaning of the section. With respect to health, the use of the phrase “through inhalation or other routes of exposure” in CAA Section 112(b) demonstrates that a substance may be a HAP only if it causes adverse health effects through inhalation or otherwise. It is the direct inhalation of the substance or other direct exposure to it that must cause the health effect. The fact that health effects must be experienced from direct exposure is shown by the examples of such effects given in CAA Section 112(b): carcinogenic, mutagenic, teratogenic, neurotoxic, which cause reproductive dysfunction, or which are acute or chronic toxicity. Each of these is a health effect caused by direct exposure to a hazardous substance, whether that exposure is by inhalation, ingestion or contact with the skin or sensory organs. It is also borne out by the list of substances which Congress predesignated as HAPs in CAA Section 112(a), each of which causes a health effect through a direct exposure.

Carbon dioxide in the amounts present and likely to be present in the atmosphere in the future do not cause health effects through inhalation or other direct exposure. The health effect typically postulated to occur as a result of global warming is the potential for an increase in tropical diseases. Such effect (even if true) would be, at best, highly indirect, caused by the reaction carbon dioxide has with the atmosphere, which might warm the climate, which might make areas of the United States conducive to insects carrying tropical diseases, which might lead to an increase in such diseases. Such effect is completely unlike the health effects referred to in CAA Section 112.

Similarly, the effect carbon dioxide is argued to have on the environment is not caused by the direct interaction of carbon dioxide with living but by the potential indirect effect of carbon dioxide on the climate. The use of the terms “bioaccumulation” and “deposition” to describe the causes of environmental effects postulated to occur by CAA Section 112(b) demonstrates that Congress did not intend to regulate through CAA Section 112 effects not directly caused by the HAP itself. And, again, the effect greenhouse gases are asserted to have on the environment is something like the effect of the various chemicals included on Congress’ pre-designated list of HAPs in CAA Section 112(b), each of which causes a harm through direct exposure.

The legislative history of CAA Section 112 makes it abundantly clear that carbon dioxide cannot be considered to be a HAP. In distinguishing between the types of substances that are HAPs and the types that are criteria pollutants, the House report states that criteria pollutants are “more pervasive, but less potent, than hazardous air pollutants.” Hazardous air pollutants are pollutants that cause serious health effects. They may reasonably be anticipated to cause cancer, neurological disorders, reproductive dysfunctions, other chronic health effects, or adverse environmental effects.

Similarly, “adverse environmental effect” is defined in the legislative history as follows:

“Adverse environmental effects—The chemical is known to cause or can reason-ably be anticipated to cause, because of: (i) its toxicity, (ii) its toxicity and persistence in the environment, or (iii) its toxicity and tendency to bioaccumulate in the environment, adverse environmental effects of the environment of sufficient seriousness, in the judgment of the Administrator, to warrant reporting under this section.”

As seen, carbon dioxide does not fit any of these standards. It is not a HAP that can be regulated under CAA Section 112.

E. EPA Does Not Have Authority to Regulate Carbon Dioxide Emissions under CAA Section 115.

The EPA general counsel also suggests that EPA may regulate carbon dioxide under CAA Section 115 regarding control of international air pollution. CAA Section 115(a) provides:

“Whenever the Administrator, upon receipt of reports, surveys, or studies from any duly constituted international agency has reason to believe that any air pollutant or pollutants emitted in the United States cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare in a foreign country or whenever the Secretary of State requests him to do so with respect to such pollution and the Administrator is of such a nature, the Administrator shall give formal notification thereof to the Governor of the State in which such emissions originate.”

Under CAA Section 115(b), the giving of notice to a governor under CAA Section 115(a) constitutes a “SIP call.” The applicable SIP regulation then requires the state to amend the portion of its SIP “as is inadequate to prevent or eliminate the endangerment referred to in subsection (a) of this section.”

CAA Section 115 does not apply to carbon dioxide emissions because the provision is self-evidently designed to apply only to situations where wind-borne pollution from the United States is being deposited in a near-by country. It stretches the provision beyond its intended scope to say that it applies to a phenomenon such as the greenhouse effect, where emissions anywhere on the globe contribute equally to tropospheric levels of carbon dioxide that are roughly the same anywhere on the planet.

The limited intent of CAA Section 115 is demonstrated by its use of the “SIP call” mechanism as the means of enforcing emission reductions. As noted above, it would be entirely unprecedented to use the SIP process to mandate emissions reductions from the entire country, particularly where reductions on the scale of those called for in Section 115 would be entirely unprecedented to use the SIP layer but prevention of possible global warming as well:

“The objectives of this title are to restore and maintain the chemical and physical integrity of the Earth’s atmosphere, to protect human health and the global environment from all known and potential dangers due to atmospheric or climatic modifications, including stratospheric ozone depletion, to provide for a smooth transition from the use of ozone depleting chemicals to the use of safe substitutes, to protect the ozone layer and reduce the generation of greenhouse gases in order to protect the Earth’s ozone layer and to limit anthropogenically induced global climate change.” Title VII found that “stratospheric ozone depletion and global climate change from continued emissions of chlorofluorocarbons and other halogenated carbon compounds, with ozone depleting potential, and emissions of other gases, such as methane and carbon dioxide, both of which can cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare in a foreign country or whenever the Secretary of State requests him to do so with respect to such pollution and the Administrator is of such a nature, the Administrator shall give formal notification thereof to the Governor of the State in which such emissions originate.”

In order to achieve the objectives of this title, it is the national goal to eliminate atmospheric or climatic modifications, including stratospheric ozone depletion, to provide for a smooth transition from the use of ozone depleting chemicals to the use of safe substitutes, to prevent emissions of gases that do not threaten the ozone layer, and to reduce the generation of greenhouse gases in order to protect the Earth’s ozone layer and to limit anthropogenically induced global climate change.

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alternative, safe chemicals, products, and technologies. (Emphasis supplied.)"

In order to accomplish these goals, the Administrator would be required to publish priority lists of all manufacturing substances "which are known or may reasonably be anticipated to cause or contribute significantly to the global climate change or any other climatic modification, including stratospheric ozone depletion." The Administrator would also be required to promulgate regulations providing for the phase-out of substances on the lists. The legislation as reported also contained a modified version of the carbon dioxide title as contained in S. 1630, the legislation as introduced in the Senate Committee. The Senate Committee Report on S. 1630 contains a great deal of discussion on the need for the country to deal with global warming—"a threat to mankind. Both bills would contain detailed findings and purposes language describing global warming as an imminent threat. The Senate bill, as well as the authority to impose carbon dioxide tailpipe standards which had been considered but not enacted. Instead, only the non-regulatory provisions on global warming discussed above were enacted. No conclusion is possible other than that Congress has explicitly determined, through the Senate Committee, the bill contained no terms dealing with stratospheric ozone depletion or global warming. On the floor of the House, a comprehensive stratospheric ozone title was adopted as an amendment introduced by Rep. Dingell. The House amendment was closer to the final legislation in the Senate than the Senate bill. As in the final legislation, there were no findings or purposes stated in the House bill regarding the need to deal with global warming or referring to carbon dioxide in the non-regulatory provisions. Significant, the definition of the substances that could be regulated, set forth in Section 151(a) of Rep. Dingell's bill, did not even arguably include greenhouse gases that were not ozone depleting substances.

The Senate adopted Title VII of S. 1630 as reported from committee almost without change. C. House of Representatives Consideration.

The House CAA Amendment bill was H.R. 3030, introduced in the 101st Congress, the so-called Cooper-Synar bill. Chairman of the House Energy and Commerce Committee to which the bill was referred. As introduced and as reported from Committee, the bill included no terms dealing with stratospheric ozone depletion or global warming. On the floor of the House, a comprehensive stratospheric ozone title was adopted as an amendment introduced by Rep. Dingell. The House amendment was closer to the final legislation in the Senate than the Senate bill. As in the final legislation, there were no findings or purposes stated in the House bill regarding the need to deal with global warming or referring to carbon dioxide in the non-regulatory provisions. Significant, the definition of the substances that could be regulated, set forth in Section 151(a) of Rep. Dingell's bill, did not even arguably include greenhouse gases that were not ozone depleting substances.

The final legislation that emerged from the conference committee and became law contained a comprehensive stratospheric ozone title as a compromise between the Senate and House versions. However, the House version prevailed in eliminating terms authorizing regulation of non-ozone depleting greenhouse gases such as carbon dioxide. Title VI, as enacted did not include the Senate's language authorizing EPA to regulate "manufactured substances" in terms broad enough to cover both substances that deplete the ozone layer and substances that do not deplete the ozone layer but which affect global climate. Instead, CAA Section 602(a) as enacted requires the Administrator to list "class I" substances that would be phased out pursuant to CAA Sections 605 and 606. These substances are defined as those which could affect the stratospheric ozone layer.
adopted non-binding provisions as to greenhouse gases, consistent with the description of U.S. policy towards potential global warming enunciated in the House Report on H.R. 383, the bill that became law.

"The greenhouse warming title, together with the numerous provisions in the rest of the comprehensive energy bill, embodies the following: We should pursue cost-effective actions that will reduce greenhouse gas emissions (such as improving energy efficiency, facilitating coalbed methane recovery, and reducing energy use through resources); we should analyze the important technical and policy issues that will enable us to make wiser decisions on more dramatic and costly actions, and we should take only in the context of concerted international action."

As with the 1962 amendments, the view of global climate change issue that prevailed in the debate over EPAAct did not include, and specifically rejected, mandatory restrictions on greenhouse gas emissions.

C. The Rio Treaty

As reflected in the 1992 Report of the House Committee on Energy and Commerce on the legislation that became EPAAct, Congress has consistently resisted adopting mandatory restrictions on greenhouse gas emissions in part because Congress wished to address what was essentially an international issue in an international forum. Indeed, for all of the efforts such restrictions were being proposed in Congress, and particularly during debate of the CAA Amendments of 1987 and the 1990 EPAAct, the issue of potential greenhouse gas restrictions was the subject of intense international negotiation. However, as the following discussion shows, those negotiations have never resulted in Congress approving, in a treaty or otherwise, binding restrictions on greenhouse gas emissions.

The U.S. Government has been extensively involved in international discussions concerning human impacts on the global climate at least since 1979, when the first conference of the World Meteorological Organization (WMO), the United Nations Environment Program (UNEP) and the International Council of Scientific Unions (ICSU) was held. After a number of additional international conferences during the 1980s, the Intergovernmental Panel on Climate Change (IPCC) was created to address the issue of climate change. The first of its IPCC meetings was held in Geneva, Switzerland in November, 1988 and was attended by thirty-five nations, including the United States. The IPCC became global warming science, potential environmental and economic impacts and potential response strategies. It also advises the International Negotiating Committee (INC). The INC was established by the United Nations General Assembly on December 21, 1990 to coordinate negotiation of an international treaty to limit potential climate change. These negotiations led to adoption, on May 9, 1992, of the Framework Convention on Climate Change, or Rio Treaty, by the re-summated fifth session of the INC. The Framework Convention was signed on behalf of the United States on June 9, 1992. The U.S. Senate ratified the Framework Convention on October 7, 1992 by the required two-thirds vote.

The Framework Convention calls for the U.S., on a non-binding basis, to reduce greenhouse gas emissions to 1990 levels by the year 2000. It was ratified by the Senate with the clear understanding that the reductions called for in the treaty are purely voluntary. As a part of the hearings of the Senate Committee on Foreign Relations on the Framework Convention, the Committee submitted written questions to the Administration on various aspects of the Treaty. These questions and the Administration responses were included as an Appendix to the transcript of the Hearings of the Committee. In responding to these questions, the Administration represented that its responses could be considered to be "authoritative statements for the Executive Branch, to sub- paragraphs 2(a) and (b) of Article 4, which are the provisions containing the operative U.S. commitments as to targets and time-tables for emissions reductions, the Administra- tion stated:

"Neither subparagraph 2(a) nor subpara- graph 2(b), whether taken individually or in combination, is a joint target or a timetable for limiting greenhouse gas emis- sions."

Similarly, the Report of the Senate Committee on Foreign Relations favorably reporting the Framework Convention states that:

"Article 4.2b establishes an additional re- porting requirement for developed-country parties, including those with economies in transition, requiring them to report on national policies and measures adopted pursuant to Article 4.2a, and on the projected impact of these measures on net emissions up to the end of the decade, with the aim of re- ducing greenhouse gas emissions to 1990 levels. This aim is in the reporting section of article 4.2 and is not legally binding." The Frame- work Convention was ratified by the Senate with the understanding that the Administration could not agree to amendments or protocols to the treaty creating binding agreements. The further consent of the Senate.

The Committee notes that a decision by the Congress to adopt target and timetables for emissions reductions would be sub- mitted to the Senate for its advice and con- sent before the United States could deposit its instruments of ratification for such an agreement.

The committee notes further that a deci- sion by the executive branch to reinterpret the Convention to apply legally binding tar- gets and timetables for reducing emissions of greenhouse gases to the United States would alter the 'shared understanding' of the Con-vention by the United States and, therefore, the further consent of the Senate. The Interna- tional Relations Committee Report states:

"The committee notes that a decision by the Congress to adopt target and timetables for greenhouse gas emissions would be responsible for developing and proposing to Congress a coordinated national policy on global climate change."

Second, on November 16, 1990, Congress adopted the Global Change Research Act, providing for the President to establish a Committee on Earth and Environmental Sciences to coordinate a ten year research effort.

Finally, on November 28, 1990, as Title XXIV of the Food and Agriculture Act of 1990, Congress directed the Agricultural Research Service to establish a Global Climate Change Program to research global climate agricul- tural issues and to provide liaison with for- eign countries on such issues.

These enactments are consistent with the approach taken by Congress in the 1990 CAA Amendments, in EPAAct and at Rio study the issue and participate in international nego- tiations. However, no agency of the execu- tive branch possesses authority to regulate on such matters.

E. The Kyoto Protocol.

The international community has continued negotiations on the global warming issue culminating in the Kyoto Protocol. The Kyoto Protocol would mandates on certain countries, including the United States, to restrict greenhouse gas emissions by certain amounts as of certain dates. As stated, prior to the negotiation of the Kyoto Protocol, the Senate, by a vote of 95-0 passed a resolution stating that the Senate would not ratify any treaty absent meaningful participation from Third World coun- tries and if the treaty would damage the U.S. economy. The Administration has not yet submitted the proposed protocol to the Sen- ate for ratification, awaiting international negotiations. The Kyoto Protocol has no legal standing unless ratified by the Senate.

F. Sum as to Congressional Climate Change Legislation.

Through nearly two decades of debate on what may be the most important environ- mental issue of our time, Congress has con- ceded rejected efforts to regulate carbon dioxide emissions. Its intent could not be more plain: unless Congress acts, neither EPA nor any other agency has authority to regulate such emissions.

V. CARBON DIOXIDE EMISSIONS DO NOT ENDANGER THE PUBLIC HEALTH or WELFARE.

Our analysis above has examined whether the CAA is intended to regulate the changes to global climate that are assertedly result- ing from a human-induced enhancement of the natural greenhouse effect. We stated that at the outset that such analysis is not depend- ent on whether or not carbon dioxide emissions are, in fact, leading to dangerous cli- mate change. We have shown that, even if, arguable it could be reasonably reliable that carbon dioxide emissions are leading to dangerous climate change, EPA nevertheless may not regulate such emissions under the CAA.

The available evidence, however, would not support a finding that carbon dioxide emissions are leading to the public health and welfare or environment. The Greening Earth Society report that accompanies this legal analysis demonstrates that, objectively viewed, the global climate change standards that apply when EPA is
Committee.

Subject: EPA's Authority to Regulate Pollutants Emitted by Electric Power Generation Sources.

I. Introduction and Background
This opinion was prepared in response to a request from Congressman DeLay to you on March 11, 1998, made in the course of a Fiscal Year 1999 House Appropriations Committee Hearing. The Hearing, Congressman DeLay referred to an EPA document entitled "Electricity Restructuring and the Environment: What Authority Does EPA Have and What Does It Need." Congressman DeLay read several sentences from the document stating that EPA currently has authority under the Clean Air Act (Act) to establish pollution control requirements for four pollutants of concern from electric power generation: nitrogen oxides (NOx), sulfur dioxide (SO2), carbon dioxide (CO2), and mercury. He also asked whether you agreed with the statement, and in particular, whether you thought that the Clean Air Act allows EPA to regulate carbon dioxide. You agreed with the statement that the Clean Air Act grants EPA broad authority to address certain pollutants, including those listed, and agreed that DeLay is correct in requesting a legal opinion on this point. This opinion discusses EPA's authority to address all four of the pollutants at issue in the coalition's request Plan, which states that the subject of Congressman DeLay's specific question.

The question before EPA's legal authority arises in the context of potential legislation addressing the restructuring of the utility industry. Electric power generation is a significant source of air pollution, including the four pollutants addressed here. On March 25, 1998, the Administration announced a comprehensive Electricity Competition Plan (Plan) to produce lower prices, a cleaner environment, increased innovation and government savings. This Plan includes a proposal to clarify EPA's authority regarding the establishment of a cost-effective interstate cap and trade system for NOx reductions addressing the regional transport contributions needed to attain and maintain the primary National Ambient Air Quality Standards (NAAQS). The Plan does not ask Congress for authority to establish a cap and trading system for emissions of carbon dioxide from utilities as part of the Administration's electricity restructuring proposal. The President has called for cap-and-trade authority for greenhouse gases to be in place by 2008, and the Plan states that the Administration will work with the Congress and with the legislative vehicle most appropriate for that purpose.

As this opinion discusses, the Clean Air Act provides EPA authority to address air pollution, and a number of specific provisions of the Act are potentially applicable to control these pollutants from electric power generation. However, as was made clear in the document from which Congressman DeLay quoted, these potentially applicable provisions do not require the establishment of a national or regional cap-and-trade programs, which the Administration favors for addressing these kinds of pollution problems.

II. Clean Air Act

The Clean Air Act provides that EPA may regulate a substance if it is (a) an "air pollutant," and (b) the Administrator makes certain findings regarding such pollutant (usually related to danger to public health, welfare, or the environment) under one or more of the Act's regulatory provisions.

A. Definition of Air Pollutant

The Clean Air Act defines the substances of concern as emitted from electric power generating units falls within the definition of "air pollutant" under section 302(g). Section 302(g) defines "air pollutant" as "any air pollution agent combination of such agents, including any physical, chemical, biological, or radioactivity to which is emitted into or otherwise enters the ambient air." This term includes any precursors to the formation of any air pollutant, to the extent that the Administrator identifies such precursor or precursors for the particular purpose for which the term "air pollutant" is being used.

B. EPA Authority to Regulate Pollutants

EPA's regulatory authority extends to air pollutants, which, as discussed above, are defined broadly under the Act and include NOx, SO2, CO, and mercury as constituents of the ambient air. Such a general statement of authority is distinct from an EPA determination that a particular air pollutant meets the specific criteria for EPA action under a particular provision of the Act. A number of specific provisions of the Act are potentially applicable to these pollutants emitted from electric power generation. Many of these specific provisions for EPA action share a common feature in that the exercise of EPA's authority to regulate air pollutants is protected by a determination that the Administrator regarding the air pollutants' actual or potential harmful effects on public health, welfare, or the environment. See, e.g., sections 109, 110, 111, 112, and 115. The legislative history of the 1977 Clean Air Act Amendments provides extensive discussions of Congress' purposes in adopting the language used throughout the Act referencing a reasonable anticipation that a substance emission can cause serious harm to public health, welfare, or the environment. One of these purposes was "[t]o emphasize the preventive or precautionary nature of the act, i.e., to assure that regulatory action can be taken before harmful effects occur to emphasize the predominant value of protection of public health."
95th Cong., 1st Sess., at 40 (Report of the Committee on Interstate and Foreign Commerce). Another purpose was "[t]o assure that the health of susceptible individuals, as well as that of all, will be enhanced in the term 'public health,' . . . " Id. at 50. "Welfare" is defined in section 302(h) of the Act, which states: "[a]ll language referring to effects on welfare includes, but is not limited to, effects on soils, water, crops, vegetation, man-made materials, animals, wildlife, weather, visibility, human health, damage to and deterioration of property, and hazards to transportation, as well as effects on economic values and on personal comfort and well-being, whether natural or transformed by human action, or combination with other air pollutants."

EPA has already regulated SO\textsubscript{2}, NO\textsubscript{2}, and mercury based on determinations by EPA or Congress that these substances have negative effects on public health, welfare, or the environment. As an air pollutant, mercury is within EPA's scope of authority to regulate, the Administrator has not yet determined that CO\textsubscript{2} meets the criteria for regulation under one or more provisions of the Act. While CO\textsubscript{2} emissions are theoretically capable of being controlled through intersource, cap-and-trade approaches, EPA itself to impose such programs. Under the Clean Air Act, EPA has authority to take certain actions today the necessity for clarity and on personal comfort and well-being, whether natural or transformed by human action, or combination with other air pollutants.

EPA has already regulated SO\textsubscript{2}, NO\textsubscript{2}, and mercury based on determinations by EPA or Congress that these substances have negative effects on public health, welfare, or the environment. As an air pollutant, mercury is within EPA's scope of authority to regulate, the Administrator has not yet determined that CO\textsubscript{2} meets the criteria for regulation under one or more provisions of the Act. While EPA has in fact already regulated each of these substances under the Act, with the exception of CO\textsubscript{2}. While CO\textsubscript{2} emissions are within the scope of the Act to regulate, the Administrator has made no determinations to date to exercise authority under provisions of the Act. With the exception of the SO\textsubscript{2} provisions focused on acid rain, the authorities potentially available for controlling these pollutants from electric power generating sources do not easily lend themselves to establishing market-based national or regional cap-and-trade programs. However, such authority depends on the actions or inactions of the states. Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I yield 3 minutes to the distinguished ranking member, the gentleman from the State of West Virginia (Mr. MOLLOHAN).

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

Mr. Chairman, the gentleman from Michigan has spent a considerable amount of time on this issue during the last 3 years, beginning with the conference report on the 1999 VA-HUD appropriation bill. The gentleman mentions one or more agreements under the Kyoto Protocol, but I want to make it clear that there is a certain lack of clarity.

I would like to speak to that issue, because I respectfully disagree that there is anything unclear about the issue or about the agreement associated with the issue that was achieved in the context of the 1999 VA-HUD conference. In that conference it was made clear, to put it in simple terms, that the EPA or the United States Government could not, would not, under the terms of the conference report, and they acknowledged that they would not if there was nothing in the conference report, try to implement the Kyoto Protocol prior to its being ratified by the United States Senate, meaning that they would not engage in a rule-making proceeding to establish standards for American industry out of any requirement, any agreement, flowing out of the Kyoto Protocol.

I agree with the gentleman from Michigan was very much a part of that negotiation. Subsequent to that, he has worked in the report language to modify that original report understanding. His modification, unfortunately, would muddy the original agreement and would breach the ability of the Environmental Protection Agency, or any agency of the United States Government, to engage in international conferences and discuss this topic, this global warming topic, in a very general way or in a specific way.

Now, that does muddy the water, because that was never intended. We do not want to gag the Environmental Protection Agency, or any agency of the United States Government, to try to prevent it from engaging developing economies around the world and encouraging them to incorporate increasingly strict emissions standards in their countries as their economies develop. We want to encourage them to do that.

Under the gentleman's language, unfortunately, he challenges the ability of any government agency to engage in those agreements. That is why the language of the gentleman from Massa-
for the record, Mr. Chairman, that the Senate does stand on record with the unanimous bipartisan vote of 95 to 0 that called on the administration not to sign the Kyoto Protocol, for lots of reasons, because it is going to harm our economy. And there is no reason because it lets off the hook some of our largest trade competitors, like China, India, Mexico and many others who, quite frankly, will in the next few years be competing with us on somewhat of a level playing field, but yet they are not have to abide by any of the emissions restrictions that this protocol would have us do here in the United States.

I am also worried because it is projected to throw about 2.5 million Americans out of work. In my rural district, this is a huge problem, because we, unlike the cities, are not experiencing the economic prosperity that others are seeing today.

So, meanwhile, in continuing our efforts to find political justification for this dangerously flawed treaty, the administration has been issuing these climate assessments that even the EPA says are among more than 300 scientific studies invested or junk science. I want to make certain that we, in fact, do this the right way.

Mr. Chairman, I am willing, with the approval of the gentleman from Michigan (Mr. KNOLENBERG), to accept this amendment; and I sure look forward to continuing to work with colleagues on both sides of the aisle to continue our bipartisan efforts to ensure that the administration does not implement through the back door the very dangerous Kyoto Protocol before the constitutionally required advice and consent of the United States Senate.

I thank the gentleman from Michigan very much for all his work.

Mr. OLVER. Mr. Chairman, I am happy to yield 2½ minutes to the distinguished gentleman from Maryland (Mr. GILCHREST).

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

Mr. Chairman, I do not think the question here is whether or not we are going to implement the Kyoto Protocol, because we are not, because that has not been ratified by the Senate. In my mind, the question is do we exchange and do we have the opportunity and the ability to exchange information about these climate change research programs with the international community?

Let me just share some of the research that has come out by about 99 percent of the scientists involved in this. The atmosphere contains only a very tiny trace amount of carbon dioxide, CO2, and yet we know through drilling in ice cores around the planet, evaluating the landscape, looking at the seas, that in the last 10,000 years carbon dioxide has increased by about 1 degree centigrade every 1,000 years, with the exception of the last century. It has increased by about 1 degree centigrade in the last century.

If we put that in Fahrenheit degrees, just in this century, most of it since World War II, carbon dioxide has increased 4 degrees since World War II. Now, if we project that using models over the next century, you get anywhere from 5 more degrees increase to 15 degrees increase. If we look at the atmosphere, if we look at carbon dioxide, we understand that is the heat balance that protects the biological diversity, the very life on this planet, the heat balance we call not as a layman's scientist, but as a reasonable, competent individual. Here is what he says: “When we burn a lump of coal today, we are recovering the carbon dioxide and the solar heat of dinosaur times in fossil organic matter.”

While it took millions of years to make a coal deposit, we are releasing the CO2 and other embedded elements in the atmosphere in tens of years. The evidence shows that most of the warming was preindustrial age, not since we have been into fossil fuels in the last few decades. This CO2, this evil force that we are proclaiming, it is what is needed for plant life in this country. It is what makes vegetation grow. Vegetation makes the exchange from CO2 to oxygen. It is part of the life chain.

Many of those who are crying scare tactics in this and also against cutting foreign subsidized businesses, but young growing forests are the best exchange and absorb more CO2 and give us more oxygen back. This is a debate that unfortunately has not happened in this Congress. But we continually hear the threats that the seas are rising, the young growing trees are going to disappear, and that this country is going to be in a disaster state.

Mr. Chairman, I say to my colleagues, that is far from a fact, and we should not be raising fears about this. This is a legitimate discussion we should have, and no administration should be allowed to use funds to sell their theory. They can exchange ideas with other countries, there is no prohibition that we do not agree to the global warming scare concepts. Mr. OLVER. Mr. Chairman, I yield 1½ minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I yield the gentleman for yielding me time.

Mr. Chairman, I rise in strong support of the Olver amendment which will restore the 1998 agreement that allows the EPA to pursue common sense policies on greenhouse gas emissions. In 1992, President George Bush signed an international agreement that required the U.S. to reduce our carbon dioxide emissions. Eight years later, the U.S. has failed even to make those moderate reductions. Instead, our greenhouse gas emissions have increased by more than 10 percent, and there is no end in sight.

Some on the other side seem to favor a “don't ask, don't tell” policy on global warming. Unfortunately, silence will not make this problem go away. Even the fossil fuel industry recognizes the threat of global warming. Amoco, Sunoco and Shell International have all joined the Business Environmental Council, a group dedicated to reducing greenhouse gas emissions. These companies have publicly stated their belief that greenhouse emissions directly affect our climate.

Instead of fighting common sense solutions every step of the way, we going to be requiring American businesses under this agreement to be giving dollars to foreign-country developing businesses to compete with us. Horribly flawed concept.

Now, I do not have time to get into details, but we just heard from the last speaker about such agreement. More than half of the scientists in this country do not agree to the global warming concept. It is a debate that should continue. But there is not agreement out there. In fact, the evidence shows that most of the warming was preindustrial age, not since we have been into fossil fuels in the last few decades. This CO2, this evil force that we are proclaiming, it is what is needed for plant life in this country. It is what makes vegetation grow. Vegetation makes the exchange from CO2 to oxygen. It is part of the life chain.
should be improving our energy efficiency, encouraging voluntary reductions, and looking for the most cost-effective ways to cut greenhouse gas emissions. I believe this amendment is a step in the right direction, and I urge my colleagues to support it.

Mr. Chairman, in support of the Olver amendment, which will restore the 1998 agreement that allows the EPA to pursue common sense policies on greenhouse gas emissions.

Once again, the Republican leadership wants to handcuff the EPA from addressing the threat of global climate change.

Unfortunately, this rider is just one more sign that many in this House are in a state of denial when it comes to climate issues.

It wasn’t always this way.

In 1992, President George Bush signed an international agreement that required the U.S. to reduce our carbon dioxide emissions.

Eight years later, the U.S. has failed to make even those moderate reductions.

Instead our greenhouse gas emissions have increased by more than 10 percent, and there is no end in sight.

Despite increasing emissions, it seems that the Republican policy on greenhouse gases has regressed since 1992.

Language in this year’s VA-HUD appropriations prevents EPA from taking any action to stem the threat of climate change.

It’s questionable if EPA would even be allowed to discuss climate policy with other nations.

To make matters worse, this bill cuts funding for voluntary climate change programs by $124 million.

Some on the other side seem to favor a “don’t ask, don’t tell” policy on global warming.

Unfortunately, silence will not make this problem go away.

Each day, the scientific community becomes more united in the belief that greenhouse emissions have an effect on global temperature.

It now appears that the 1990s weren’t just the hottest decade of the last century, but perhaps of the last millennium.

Even the fossil fuel industry recognizes the threat of global warming.

BP-Amoco, Sunoco and Shell International have all joined the Business Environmental Council, a group dedicated to reducing greenhouse gas emissions.

These companies have publicly stated their belief that greenhouse emissions directly affect our climate.

They have even called for cuts in emissions that are more stringent than those required by the Kyoto protocol.

Mr. Chairman, with only 4 percent of the world’s population, the U.S. emits more than 20 percent of global greenhouse gases.

Any solution to global climate change must include U.S. participation.

Instead of fighting common sense solutions every step of the way, we should be improving our energy efficiency, encouraging voluntary reductions, and looking for the most cost-effective ways to cut greenhouse gas emissions.

This amendment is a step in the right direction, and I urge my colleagues to support it.

Mrs. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. ALLEN. I yield to the gentlewoman from Missouri.

Mrs. EMERSON. Mr. Chairman, just for an inquiry, can I take it from what the gentleman has just stated that he believes that we should regulate CO2 carbon dioxide? That the EPA has the authority to regulate it?

The CHAIRMAN. The time of the gentleman from Maine (Mr. ALLEN) has expired.

The gentleman from Michigan (Mr. KNOLENBERG) has 1½ minutes remaining, including the time to close; the gentleman from Massachusetts (Mr. OLVER) has ¾ minutes remaining.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. VISCLOSKY), the ranking member of the Subcommittee on Energy and Water.

Mr. VISCLOSKY. Mr. Chairman, I thank the gentleman for yielding me this time. I do think this debate is what is best about the House of Representatives. I think everyone who has spoken today is agreed on fundamental policy, and that is Kyoto has not been ratified, it is not the law of the land and it should not, therefore, be implemented.

We have had a continuing debate as far as the language that has been included in a number of bills, and I am very pleased that the gentleman from Michigan (Mr. KNOLENBERG) and the gentleman from Massachusetts (Mr. OLVER) have worked out a compromise.

In the limited time I have, I simply want to put this debate into perspective. Kyoto did not come from the vacuum of space; it did not come from Bill Clinton’s mind. The fact is, it is a point on a continuum that began under the George Bush administration pursuant to a treaty President Bush signed on May 9, 1992, that was ratified by the United States Senate on October 7 of 1992, and the instrument of ratification was signed on October 13. That is where Kyoto came from.

It is not implemented, but there are discussions, there are considerations taking place.

My concern about the language that has been included in a number of bills is that we would be placing qualitative and quantitative restrictions on thought, on judgment, on opinion, and on the preexchange of information which, in the end, is to all of our benefit to make sure that that is not imposed.

Mr. Chairman, I want to thank the gentleman from Massachusetts (Mr. OLVER) for offering his amendment. I want to thank the gentleman from Michigan (Mr. KNOLENBERG) for continuing to have an open mind on this issue. Hopefully, all of us will be able to reach an appropriate compromise that allows authorized, legal programs to deal with environmental problems we face today to continue unimpeded while we proceed to enhance the Kyoto protocol.

Mr. Chairman, I support the Olver amendment.

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

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

Mr. KUCINICH. Mr. Chairman, I rise in support of the Olver amendment. Mr. Chairman, this amendment protects the younger generation, whom otherwise would pay the bill and suffer the consequences of global warming.

Global warming is the largest environmental issue for young adults, because the long-term impacts could be disastrous and today’s younger generation will be left to deal with the costly impacts.

The human race is engaged in the largest and most dangerous experiment in history—an experiment to see what will happen to our health and our planet when we change our atmosphere and our climate.

The buildup of carbon dioxide and other “greenhouse gases” in our atmosphere causes global warming. The main causes of carbon dioxide are burning ever increasing quantities of coal, oil, and gas. These harmful gases hold the sun’s energy in our atmosphere and are causing our world’s temperature to increase.

Like a parked car on a hot day, the sun’s heat is coming in through car windows, but cannot escape. Eventually, you have an unbearably hot car and this is now happening to our planet.

The United Nation’s Intergovernmental Panel on Climate Change, a panel of world’s best scientists, have concluded global warming is a very real concern. The temperature has already risen as much as five degrees in some regions. Today, we see glaciers melting, more heat-related deaths, and a shift and increase in infectious diseases.

The most important step we can take to curb global warming is to improve our nation’s energy efficiency. Our cars and light trucks, lighting, home appliances, and power plants could be made much more efficient by simply installing the best current technology. Using the best technology can also mean more jobs for more Americans.

But the language in this bill will hamper efforts to seek solutions to this serious problem. We can’t afford to play deaf and dumb to this issue.

Vote for the Olver amendment.

Mr. OLVER. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. WAXMAN).

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

I rise in support of this amendment. The amendment will ensure that nothing we do here will undermine our ability to address the threat of global warming to the extent authorized by current law.

In the last 2 years, we have had the Knollenberg amendment, which would prevent the administration from taking any action that is intended to implement the Kyoto protocol prior to ratification. What we fear now is that this amendment, while well-intentioned, will not be used to interfere with existing authorities and obligations under the U.N. Framework Convention on Climate
Change, the Clean Air Act, and the Constitution. The fear that I have is that we are going to implement the Kyoto Treaty, but that the Knollenberg language will act as a gag rule on people who are trying to implement other existing laws. That is something that this Congress should not accept. I would hope that we act sensibly on global warming. The American people want us to find solutions to climate change. This amendment will help end the harassment of staffers who are trying to find the smartest way to protect the environment. I urge all Members to support this amendment. It does not implement the Kyoto Treaty; it simply allows EPA to act under existing authorities, whether a domestic law or a ratified treaty.

Mr. KNOLLENBERG. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. WALSH), the chairman of the subcommittee.

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

As I read the proposed amendment, it strengthens the little that ensures the administration will not implement the Kyoto protocol without prior congressional consent. This was a key element in the Byrd-Hagel resolution passed by the Senate in July of 1997. This congressional consent involves the Senate in its constitutional role regarding treaties and involves both Houses in approving and implementing legislation, regulation, programs and initiatives. The amendment in mind that activities authorized under current law and funded by Congress will proceed.

Mr. OLVER. Mr. Chairman, I yield the remaining time on this side to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I rise in support of this amendment, because fundamentally, when it comes to climate change, the House should not adopt the position that the other House has not compelled to act by the Kyoto Treaty. We are compelled to act by common sense, common sense to make sure by this amendment that we can move forward and do what the law already authorizes people to do, which is to continue to talk across the waters.

The Earth is heating up, and we are a cause. The northern hemisphere is the hottest it has been in 1,000 years. The 1990s were the hottest decade. The 3 hottest years in human history were 1995, 1997 and 1998. Glaciers are rapidly receding. Bird populations are disappearing. Why? Why? The answer is clear. Carbon dioxide levels in the atmosphere have gone up 30 percent since the preindustrial age. They will go up, and there should be no doubt about this. They will double, in fact, in the next 100 years unless this House pulls its head out of the sand and deals with climate change issues. That is a simple fact, and there is nothing to debate about that subject.

Every 6th grader in this country understands that if we double CO₂ layers in the atmosphere, we will substantially increase the temperatures in Chicago and heat deaths will increase in Chicago. That is not alarmist. Human life will continue to persist, but Maple trees may not in New England.

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

Mr. Chairman, the administration has negotiated some time ago the Kyoto Protocol. They have yet to submit that treaty to the United States Senate for ratification.

The Constitution demands the Senate's consent, and they will not get it. This protocol places such severe restrictions on the United States while exempting most countries, including China, Brazil, Mexico and India, from taking any measures to reduce carbon dioxide equivalent emissions.

The administration took this course of action despite unanimous support in the U.S. Senate for the Senate's advice in the form of the Byrd-Hagel resolution calling for commitments by all nations, and on the conditions that the Protocol not adversely impact the economy of this country.

In closing, let me just say that I support the amendment and look forward to the report that clearly what activities are and are not authorized.

Mr. DINGELL. Mr. Chairman, as an active participant in the initial floor debate on the Kyoto Protocol funding limitation I want to clarify several issues I supported the effort of my good friend, Mr. Obey, to clarify EPA's role. At that time we were concerned that EPA might violate the laws against advocating a treaty that has not been ratified by the United States Senate.

We agreed that we should curtail lobbying and other activities, including implementing by the EPA regulations on carbon dioxide emissions from 'all affected sources subject to title V' of the CAA and specify that the emissions are to be regulated by the EPA to designate carbon dioxide as a 'pollutant' for any purpose.

Finally, Title IX of the Conference Report, entitled 'Clean Air Research,' was primarily negotiated at the time by the House and Senate Science Committees, which had no regulatory jurisdiction under House-Senate Rules. This title amended section 103 of the CAA by adding new subsections (c) through (k). New subsection (g), entitled 'Pollution Prevention and Control,' calls for regulations 'to encourage and require the adoption of environmental control and pollution prevention technologies for air pollution prevention.' While it refers, as noted in the EPA memorandum, to carbon dioxide as a 'pollutant,' House and Senate conferees did not designate carbon dioxide as a pollutant for regulatory or other purposes.
Based on my review of this history and my recollection of the discussions, I would have difficulty concluding that the House-Senate conference, who rejected the Senate regulatory provisions (with the exception of the above-referenced section 821), contemplated regulating greenhouse gas emissions or addressing global warming under the Clean Air Act. Shortly after enactment of Public Law 101-549, the United Nations General Assembly established in December 1990 the Intergovernmental Negotiating Committee that ultimately led to the Framework Convention on Climate Change, which was ratified by the United States after advice and consent by the Senate. That Convention is, of course, not self-executing, and the Congress has not enacted implementing legislation authorizing EPA or any other agency to regulate greenhouse gases.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. OLVER).

The amendment was taken; and the Chairman announced that the ayes appeared to have it.

Mr. OLVER. 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 Rule V, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. OLVER) will be postponed.

The point of no quorum is considered withdrawn.

The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $54,000,000, to remain available until September 30, 2002.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $23,931,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (c)(4) (42 U.S.C. 9601), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $1,270,000,000 (of which $100,000,000 shall not become available until September 1, 2003), to remain available until expended, consisting of $430,000,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended, Public Law 101-508, and $640,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, $11,500,000 shall be transferred to the “Office of Inspector General” appropriation to remain available until September 30, 2002, and $35,000,000 shall be transferred to the “Science and technology” appropriation to remain available until September 30, 2002.

AMENDMENT NO. 14 OFFERED BY MR. BILIRAKIS

Mr. BILIRAKIS. Mr. Chairman, I offer amendment No. 14.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. BILIRAKIS: Page 62, line 2, under the heading, “Hazardous Substance Superfund”, after “2002” insert “;”, provided further, that of amounts appropriated under this heading, $2,000,000 shall be available for purposes of the National Hazardous Waste and Superfund Ombudsman.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from Florida (Mr. BILIRAKIS) and a Member opposed each will control 5 minutes.

Mr. NORTWOOD. Mr. Chairman, I claim the time in opposition.

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

Mr. Chairman, my amendment No. 14 would create a specific line item of funding for the Office of the National Hazardous Waste and Superfund Ombudsman within the U.S. Environmental Protection Agency.

I am offering this amendment with the intent of asking for unanimous consent to withdraw it after Members who wish to do so have had an opportunity to do so. I appreciate the willingness of the gentleman from New York (Chairman WALSH) and members of the Committee to work with me as this legislation moves forward to ensure adequate funding within the EPA budget for the Office of the National Hazardous Waste and Superfund Ombudsman.

I have experienced, Mr. Chairman, firsthand the Ombudsman's important work in connection with the Stauffer Superfund site located in my congressional district and my hometown, I might add, in Tarpon Springs, Florida. I invited the Ombudsman to conduct an independent review of the Stauffer site when it became apparent to me that many of my constituents felt that they were shut out of the process by the EPA.

For example, EPA initially failed to address local residents’ concerns about the appropriate cleanup standard for arsenic. In addition, EPA has not cooperated to determine if the proposed remedy, which includes consolidating the waste on-site into a capped mound, will remain intact should sinkholes develop. Sinkholes are common in the area, and should the proposed remedy fail due to sinkhole development, the waste could contaminate the drinking water of the local community.

The Ombudsman highlighted these concerns in town meetings I sponsored to discuss the proposed clean-up plan for the Stauffer site. Because of his action, the EPA has amended the consent decree for the clean-up plan and has required additional studies.

Furthermore, something is clearly wrong at the EPA. While I have been assured publicly and privately by high-level EPA officials that they fully support the activities of the Ombudsman, their actions suggest a different attitude.

For instance, after I planned a June 5 public hearing with the Ombudsman, EPA officials threatened to withhold the necessary funding to continue his investigation in Tarpon Springs. With the help of the gentleman from Ohio (Mr. TAUZIN), I was able to exact a guarantee from Administrator Browner that adequate funds would be provided for the Ombudsman's important work.

During that June 5 meeting, however, it became clear that EPA did not intend to cooperate with the Ombudsman's investigation. EPA Region IV representatives stated at the outset that they would make a brief presentation and take no questions, and then they would leave, denying my constituents and the Ombudsman a chance to ask some very important questions about the revised consent decree.

In the middle of a question, Mr. Chairman, they stood and walked out without saying a word. I was outraged by the contempt displayed by these public servants toward the taxpaying public.

My amendment seeks to ensure that the Ombudsman has the adequate funding to continue his independent investigations. The amendment creates a specific line item of funding for the Office of the National Hazardous Waste and Superfund Ombudsman. Currently, funding for that office is not specifically designated within the VA-HUD appropriations act.

That line item will ensure sufficient resources are made available within the Superfund budget and allow the Ombudsman to continue on behalf of local communities afflicted with the Superfund sites.

The other amendment No. 13 that I intended to offer would establish a $2 million line item of funding while also expanding the statutory authorities of the Ombudsman to make them consistent with model standards for ombudsmen promulgated by the American Bar Association and other national organizations. These provisions are necessary to preserve the independence of their investigations and prevent interference by EPA officials for political purposes.
Because this amendment would be subject to a point of order as legis- 
ating on an appropriations bill, and 
because I do not want to waste the 
time of the assembly, I have decided 
not to offer it today. However, I want 
to reiterate how important it is that 
the EPA needs to be held accountable to 
for EPA. It is long overdue. I 
commend the gentlemen from Florida for bring-
ing this amendment forward.

Mr. BILIRAKIS. Mr. Chairman, I rise 
in strong support of the Bilirakis Amendment, 
which earmarks $2 million for the activities 
of the EPA's Ombudsman.

The Ombudsman performs a vital function that is essential to ensuring that 
the health and safety of communities living near hazardous waste sites are not com-
promised.

Most importantly, the Ombudsman is the 
only entity that is truly independent. Our con-
stituents can be assured that, if the Ombuds-
man discovers a violation of a particular site, 
that there will be a fair, thorough and objective 
analysis done.

This is an essential office that desperately needs funding. 
$2 million will not bust that bank. 
For a very, very modest investment, the tax-
payers are getting a huge return.

I think the country is lucky to have the serv-
ces of Bob Martin, the EPA Ombudsman.

He is highly competent, he is honest and he is 
effective.

I urge approval of the amendment, and I 
commend the gentlemen from Florida for 
bringing this amendment forward.

Ms. DEGETTE. Mr. Speaker, today I speak 
in support of providing additional funds to sup-
port the Environmental Protection Agency's 
National Hazardous Waste and Superfund 
Ombudsman. The Office of the Ombudsman 
has been instrumental in providing further in-
vestigation and access to information for the 
public on a number of complicated Superfund 
sites across the nation.

The Ombudsman represents a final 
mechanism for those who have been injured. 
They are accountable to taxpayers, and we need 
to make sure that they uphold that mis-

cion.

The Bilirakis amendment would give 
the Ombudsman the legal power to force EPA 
to participate in a grievance hearing. My word, the Chairman has a 
hearing in his hometown and the EPA 

cannot compel this particular site, 
the Ombudsman the ability to compel the 
agency to testify truthfully. For any 
citizen, business, or agency in this 
country to be held accountable for their 
actions, it is crucial that they be 
required by law to cooperate with the 
process of an independent investigation 
of a complaint.

This measure provides this critical 
oversight for EPA. It is long overdue. I thank 
the gentleman from Florida (Mr. 
BILIRAKIS) for bringing this to our 
attention. Support this amendment. 
Support the Ombudsman for the EPA.

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

Mr. NORWOOD. I yield to the gen-
tleman from New York.

Mr. WALSH. Mr. Chairman, I thank 
the gentleman from Florida for bring-
ing this to the attention of the sub-
committee. This is an important issue. He has 
been a leader in the course of removing toxic waste or re-
mediating toxic waste.

The Ombudsman is in an important 
position, and we will work with the 
gentleman through the conference to 
make sure this important position is 
adequately funded.

Mr. NORWOOD. I thank the gen-
tleman.

Mr. SAWYER, Mr. Chairman, ninety-eight 
reports from the EPA Administrative 
Ombudsman, Mr. Martin, 
gave Ombudsman Robert Martin clearance 
to conduct a preliminary review of the Industrial 
Excess Landfill (IEL) superfund site in my 
district.

I know that, in addition to being asked to 
look at the IEL site, Mr. Martin promised 
any updates in calls for his attention to similar 
sites across the country—in fact, he advised 
me in May that he is actively working on 
at least 25 sites.

But the clock continues to tick by for the 
people of Lake Township in Ohio's Stark County. I can only assume that the delays in 
issuing the findings of his preliminary review 
are a result of budgetary constraints. If this is 
the case, then the solution offered by the gen-
tleman from Florida (Mr. BILIRAKIS) will be of 
great help to our community.

I remain hopeful that Mr. Martin will re-
solve this issue at long last. The substantial 
delays—the report was first promised to be 
ready in September of 1998—exacerbates any 
threat to public safety. I hope that the Omb-
udsmen will be effective in helping Township 
officials and the neighbors develop test-
ing protocols that will help them find peace of 

courts. They cannot force truthful tes-

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beaucratic inertia. The Office of the Ombudsman has been an ally of citizens to further insures public health and the environment remain at the forefront in clean up decisions at Superfund sites. The Ombudsman also plays an important role regarding oversight of the EPA, ensuring that harmful decisions are corrected and the pollution surrounding Superfund sites is available for the public.

In my district, the Office of the Ombudsman was useful in investigating the Shattuck Waste Disposal Site in Denver. The Ombudsman re-directed EPA's focus by fostering greater public participation in its decisions, to keep toxic waste to remain in an urban neighborhood. To better protect public health and the environment, I believe it is appropriate that the Office of the Ombudsman receive adequate funds to sustain their mission of advocating for substantive public involvement in EPA decisions.

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

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn. The clerk will read.

The Clerk read as follows:

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $55,000 per project, $70,000,000, to remain available until expended.

OIL SPILL RESPONSE (INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, and to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,176,957,000, to remain available until expended, of which $1,200,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended; $825,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, the limitation on the amounts in a State water pollution control revolving fund that may be used by the Administrator of the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2001, and prior years where such amounts represent costs of administering the fund, to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration of the fund: Provided further, That notwithstanding section 319(f) of the Federal Water Pollution Control Act, as amended, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to section 319(e) of that Act: Provided further, That notwithstanding any other provision of law, all claims for principal and interest registered through any current or grant dispute or any other such dispute hereafter filed by the Environmental Protection Agency relative to construction grants numbers C-180840-01, C-180840-03, and C-180840-04, are hereby resolved in favor of the grantee.

POINT OF ORDER

Mr. BILIRAKIS. Mr. Chairman, I make a point of order that the language beginning with the words "except that" appearing at page 63, line 4, and following through the words "drinking water contaminants" on line 9 violates clause 2 of rule XXI of the Rules of the House of Representatives prohibiting legislation on an appropriations bill.

The language in question counters the directive given to the Administrator of the Environmental Protection Agency in section 1452(n) of the Safe Drinking Water Act that she reserve $10 million of funds appropriated to the drinking water State revolving funds for health effects studies on drinking water contaminants.

As such, Mr. Chairman, it changes current law and constitutes a violation, as I have said earlier, of clause 2 of rule XXI. I must regretfully insist on my point of order.

The CHAIRMAN. Does any other Member desire to be heard on this point of order?

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

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

The CHAIRMAN. The gentleman from New York (Mr. WALSH) reserves a point of order.

The CHAIRMAN. The gentleman from Florida (Mr. BOYD) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Florida (Mr. BOYD).
Mr. BOYD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I represent a district in North Florida that has been hit by a hurricane or tropical storm almost every year in recent history. The Federal Emergency Management Agency is the 911 service that we all rely on when disaster strikes. In order to ensure that FEMA has the resources necessary to provide relief to disaster victims, the administration and the Congress are supposed to set aside the sufficient funding to cover the average yearly cost for disasters for the last 5 years.

This year, the administration did its job, and they requested $2.9 billion for FEMA to provide disaster relief. Now, this money is used to provide aid to families and individuals, clear debris, repair infrastructure damages to our communities, any damages that are caused by Presidentially declared natural disasters. Unfortunately, because of the completely unrealistic spending constraints placed on this bill, FEMA only received $300 million for disaster assistance in this bill. This is over $2.4 billion less than what was appropriated last year by this Congress and $2.6 billion less than the 5-year average that we should have placed in this account to ensure that FEMA has the resources that they need.

Now, many of the opponents of this amendment will argue that they can do it quickly, do it as an emergency supplemental when disaster assistance is needed. Well, let us just take a look at how quickly supplemental moves in this Congress. Five months ago, this House passed this year's emergency supplemental. We are still waiting on our colleagues in the Senate to act on this legislation.

Is that the answer that my colleagues want to give a family who just lost everything in a natural disaster or to the community who just lost its infrastructure to a disaster. What happens when this money is needed and Congress has recessed during the election year and is back home campaigning in October or November? How long will it take for Congress to come back into session and enact a supplemental?

Now, many of my fellow fiscally responsible colleagues will point out this is emergency spending and does not have offsets. That is true, it is. However, let us talk about the cost of supplemental. If we do not do this in the regular order and do it in emergency supplemental, we are likely to have a much larger price tag than the $2.6 billion that we are asking to refill this account. In other words, pay up now or pay a lot more later when we come back to do the emergency supplemental.

The question is very simple. Are we going to admit that this money will be spent in the regular order of the appropriations process and provide the funding needed to meet ongoing emergency situations that we know are going to occur, or are we going to continue to play the budgetary games and pretend that we are not going to spend this money? If we choose the latter, we are fooling ourselves.

I ask each of my colleagues, Mr. Chairman, will the gentleman from New York (Mr. Walsh) do what is right for the people of Florida? Do we want to tempt fate? We are going to have floods, fires, we have got fires in eight States going on right now, hurricanes and winter storms. Do my colleagues want to go home after a natural disaster hits and tell their people that they need to borrow this money and we want to do it when we have told them they decided to play budget games with our future and did not provide FEMA with adequate resources?

I urge my colleagues to do what is right for their constituencies. I urge the gentleman from New York (Mr. Walsh) to insist upon his point of order.

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

The CHAIRMAN. Does the gentleman from New York (Mr. Walsh) continue to reserve his point of order?

Mr. WALSH. Mr. Chairman, I continue to reserve my point of order.

Mr. COBURN. Mr. Chairman, I ask unanimous consent to claim the time tonight.

The CHAIRMAN. Does the gentleman from New York (Mr. Walsh) continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

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

Mr. Chairman, I do not have any additional speakers at this point in time, so by way of closing, I would just like to thank the gentleman from Oklahoma (Mr. Coburn) for his statement. He is right. He and I have worked together on budgetary honesty, fiscal responsibility, and I think that most of the people of this Nation want their government to perform certain functions. But they also want the government to be honest, such that we understand that those functions are going to be paid for so that we do not have to come back later with smoke and mirrors or we do not have to borrow money to fund those particular functions.

This is a function that this Federal Government will perform. When a disaster hits, whether it be a hurricane or a fire or a winter storm or a tornado, those natural disaster events occur all over this country every year. The Federal Government, through FEMA, will step up to assist those local communities and those families that have been affected.

The 5-year average cost of that assistance is $2.9 billion, $2.9 billion. Mr. Chairman, we have appropriated about 10 percent of that money in this bill. I think that it is not being honest with the public in terms of doing our budget. We all know that later on we will have to come back and do this through a supplemental emergency appropriation. At that point in time, it is likely to cost us a lot more money.

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

The CHAIRMAN. Does the gentleman from New York (Mr. Walsh) continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mr. COBURN. Mr. Chairman, I yield myself such time as he may consume to the gentleman from Oklahoma (Mr. Walsh).

Mr. WALSH. Mr. Chairman, I thank the gentleman from Oklahoma for yielding to me.

Mr. Chairman, I do reserve the point of order. I just wanted to explain that both of these gentlemen are right. We should appropriate these funds through the proper, through the normal appropriations process, and we do need to have funds in the pipeline available. The question that I do not appropriate additional emergency funds in this bill is because there are currently $2 billion in the pipeline. The money is there. It is available. If this year continues to
proceed as it has, those funds will be available through the fall into the spring. Will we do another emergency supplemental in the spring? I would suspect we will. We seem to do one every year. But the fact of the matter is we would appropriate additional funds because we have money in the pipeline to deal with an emergency.

So that basically is the reason that I would reserve the point of order.

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

Mr. Chairman, I would just make one final point. If in fact we need $2.9 billion and there is $2 billion in the pipeline, then $900 million out of this appropriation bill should have been set aside, appropriated for that purpose, and it was not. It was not because we know we can reach back. It is easier to spend your money, Mr. Taxpayer, than it is to not spend it.

That is why, in fact, it is not.

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

Mr. BOYD. Mr. Chairman, I ask unanimous consent to claim 30 seconds of my time.

That is why, in fact, it is not.

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

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

Mr. Chairman, I would just make one final point. If in fact we need $2.9 billion and there is $2 billion in the pipeline, then $900 million out of this appropriation bill should have been set aside, appropriated for that purpose, and it was not. It was not because we know we can reach back. It is easier to spend your money, Mr. Taxpayer, than it is to not spend it.

That is why, in fact, it is not.

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

The gentleman from Florida (Mr. Boyd) is recognized for 30 seconds.

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

Mr. Chairman, I want to thank the gentleman from New York (Mr. Walsh) who I think is one of the outstanding Members of this body and does a great job as chairman. I would like to say that that $1.7 billion that is in the pipeline now for FEMA, we have talked to FEMA about that. They expect that that will probably last through the end of the fiscal year and maybe through the end of the calendar year. But they expect soon after the end of this calendar year that they would be very nervous if we did not fill this pipeline again.

Mr. Etheridge. Mr. Chairman, I rise to highlight one of the most egregious problems in this severely deficient VA-HUD appropriations bill.

Earlier today, my good friend Mr. Boyd, offered an amendment to increase funding for the Federal Emergency Management Agency by $2.7 billion dollars, and match the President's budget request for this agency.

Incredibly, when our Nation is facing potentially one of the worst hurricane seasons ever to be recorded, the majority party instead proposes to cut funding for FEMA, the agency that responds to such disasters.

For those Members whose memories are short, let me remind them that in my state last year, nearly 60 people lost their lives and more than $6 billion dollars in damage occurred in the space of a month, due to hurricanes.

My state is still suffering from the after effects of Hurricanes Dennis, Floyd and Irene, and we are still working to get emergency assistance from Congress.

The other side says: let's not have money in the pipeline, ready to come to aid of any part of America that suffers a disaster.

Instead, they say, we'll just take care of it in a supplemental, even though it may mean a delay of months before the assistance can be delivered.

 Victims of Hurricane Floyd in North Carolina still reside in temporary housing, and it grieves me to think they could be hit by another hurricane before they have an opportunity to finally leave their homes.

The striking down of the Boyd amendment calls into question certain priorities being set by the other side.

Do we want to have the funds available when disaster strikes, or do we want to make sure we have enough money to give a $1 trillion dollar tax cut?

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

Mr. WALSH. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of Budget Totals for fiscal year 2001 on June 20, 2000 (House Report 106-683). This amendment would provide new budget authority in the subcommittee suballocation made under section 302(b) and is not permitted under section 302(f) of the Act.

I ask for a ruling from the Chair.

The CHAIRMAN. The Chair is authorized by an estimate of the Committee on the Budget, pursuant to section 312 of the Budget Act, that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allotment. The amendment offered by the gentleman from Florida (Mr. Boyd) would increase the level of new discretionary budget authority in the bill. Because of the attending emergency designation, the amendment automatically occasion an increase in the section 302(a) allocation to the Committee on Appropriations, but it does not occasion an automatic increase in the section 302(b) suballocation for the pending bill.

As such, the amendment violates section 302(f) of the Budget Act.

The point of order is, therefore, sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

Notwithstanding any other provision of law, the total of amounts designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, that is, the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that request includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the President by the Congress.

Mr. COBURN. Mr. Chairman, I make a point of order that on page 67, lines 4 through 6 constitute legislating on an appropriation bill in violation of clause 2 of rule XXI.

I ask for a ruling from the Chair in that regard.

The CHAIRMAN. If no other Member wishes to be heard, the Chair finds that this provision explicitly supersedes existing law in violation of clause 2 of rule XXI.

The point of order is sustained and the provision is stricken from the bill. The Clerk will read.

The Clerk read as follows:

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $1,296,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided, That such costs, in addition to the cost of modifying or refinancing direct loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $19,000,000.

In addition, for administrative expenses to carry out the direct loan program, $240,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of vehicles, $1,350,000, to remain available until expended, of which $1,343,000 is for administration of the Consumer Product Safety Act: Provided, That such costs, in addition to the cost of modifying or correcting products subject to recall or corrective action, or permitting or authorizing an investigation of such products, shall be as defined in section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $19,000,000.

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

Mr. Chair, I move to the gentleman from Illinois (Mr. Blagojevich).

Mr. BLAGOJEVICH. Mr. Chairman, on May 12, 1998, 17-month-old Daniel Keysar of Chicago, Illinois was strangled to death when a portable crib at a day-care center collapsed on his throat. Just 3 months after that, 10-month-old William Curan of Fair Haven, New Jersey suffered the same fate. At least 13 children have died in these types of portable cribs.

These are tragic deaths, Mr. Chairman, causing inexpressible sorrow to the parents. They did not have to happen. The portable cribs in which these infants died had been recalled 5 years earlier, but nobody knew. Despite efforts of the Consumer Product Safety Commission to notify the public of the dangers posed by these cribs, over 1.2 million may still be in use today.

Mr. Chairman, the Consumer Product Safety Commission handles recalls of defective products and would make information about these recalls more accessible to the public. Specifically, we are seeking to establish a comprehensive Consumer Product Safety Commission listing all of the children's products subject to recalls over the last 15 years. We would strengthen the Consumer Product Safety Commission's ability to notify consumers of truly dangerous products and
would enable the CPSC to monitor the effectiveness of product recalls.

Let us make sure that no other child dies as a result of a product that has been recalled and the public was not made aware.

Mr. WALSH. Reclaiming my time, Mr. Chairman, I share the gentleman's concerns; and I think it might be possible to find a solution in the conference, and I will certainly bring the gentleman's concern to the attention of the conferees.

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

Mr. WALSH. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. I appreciate the gentleman's yielding to me.

Mr. Chairman, I also share the gentleman's concerns. We can certainly try to address this issue in the conference with the other body, and I appreciate the gentleman raising the issue. It is particularly poignant, and it certainly does need to be addressed; and I hope we can address it in conference. I appreciate the gentleman bringing this to our attention.

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

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) designate the gentleman from California (Mr. DREIER) to strike the last word?

Mr. WALSH. I do, Mr. Chairman.

Mr. DREIER. Mr. Chairman, I would like to begin by extending congratulations to the distinguished chairman of the subcommittee, and the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), for their fine work under challenging circumstances. I would also like to extend congratulations to the gentleman from Indiana (Mr. PEASE), chairing this very, very important measure.

I rise, along with my colleague, the gentleman from California (Mr. ROGAN), who shares representing Pasadena, California, to bring to the attention of my friend, the gentleman from Syracuse, New York, some concerns I have about efforts in the other body to transfer away from Pasadena's JPL and Mission Operations Directorate of some of its important functions. I believe these efforts are unjustified and that they would hinder the ability of NASA to carry out its very important scientific mission.

As the gentleman knows, the JPL Propulsion Laboratory is the lead U.S. center for unmanned exploration of the solar system. JPL has led the world in exploring the solar system with robotics spacecraft by visiting all known planets except Pluto. Over the last several years, JPL has saved taxpayer money by turning to outside vendors, wherever appropriate, and reducing its workforce by almost 30 percent from its 1992 high.

In fiscal year 2000, for example, 41 percent of JPL's Telecommunication and Mission Operations Directorate is already contracted out to outside vendors for routine services. So they have demonstrated a very clear and strong commitment at JPL to contract out whenever possible.

While JPL contracts out routine services whenever possible, many functions are not routine and cannot be properly performed by outside vendors. Space communications, for example, Mr. Chairman, requires highly specialized capabilities. To accomplish this mission, JPL developed the Deep Space Network consisting of 14 dish-type antennas designed to communicate with our planetary missions. The DSN is more than just a communications device, however. It is an incredibly powerful scientific instrument used in many radio-astronomy experiments.

Last year, Congress asked NASA to study the idea of transferring all of JPL's Telecommunication and Mission Operations Directorate to a private contractor under the Consolidated Space Operations Contract, also known as CSOC. This would include the operations of the entire deep space network as well as the flight operations of current and future missions, including Galileo, Ulysses, and Voyager. NASA conducted the study and, in a letter to Congress, recommended against such a transfer because the speculative savings were based on erroneous assumptions and such an action would introduce an extreme amount of risk in the mission operations.

Now, Mr. Chairman, on behalf of my colleague who chairs the Subcommittee on Defense of the Committee on Appropriations, the gentleman from California (Mr. LEWIS), who is very supportive of this effort, I would like to say that we strongly agree, as I know my colleague, the gentleman from California (Mr. ROGAN), does, with this report that has come out. It has come to my attention that my friends in the other body may be seeking to direct NASA to transfer these functions to the CSOC contract despite the findings that came out in NASA's report. This action would be devastating to NASA's space exploration program as well as to the men and women who serve this Nation at the JPL Propulsion Laboratory.

Mr. Chairman, I would ask that the gentleman from New York (Mr. WALSH) and his fellow House colleagues strongly oppose any attempt to transfer any of JPL's critical functions to an outside contractor.

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

Mr. DREIER. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman for his distinguished service on the subcommittee, and I want to thank him for bringing this to our attention, as well as the other gentleman from California (Mr. ROGAN), who is a fighter and an advocate for JPL.

My goal has always been to invest the resources of the Nation wisely. While this means getting the most out of every dollar we spend, it does not mean being penny-wise and pound-foolish. There is no other organization in the world that possesses the knowledge and capabilities that JPL has for deep space exploration. We must fully utilize the talents of the men and women of JPL in order to succeed.

The recent difficulties in the Mars program have taught us all the dangers of trying to do important capabilities between lab and outside contractors. I wish to assure the gentleman that I will not accept any proposal to transfer these functions away from JPL.

Mr. DREIER. Reclaiming my time, Mr. Chairman, I wish to thank my friend for his very supportive comments and appreciate his commitment to this extremely important program and also his kind words not only about the JPL Propulsion Laboratory but about my friend from California (Mr. ROGAN).

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

Mr. DREIER. I yield to the gentleman from California.

Mr. ROGAN. Mr. Chairman, I want to thank my good friend and neighbor to the east, the distinguished chairman of our Committee on Rules, for yielding to me and also for his incredible leadership on this particular area.

I also want to express, on behalf of all of the employees and families at JPL, our deep appreciation to the gentleman from New York, our distinguished subcommittee chairman, for helping us in this particular area.

The CHAIRMAN. The time of the gentleman from California (Mr. DREIER) has expired.

(By unanimous consent, Mr. DREIER was allowed to proceed for 1 additional minute.)

Mr. DREIER. Mr. Chairman, I continue to yield to the gentleman from California (Mr. ROGAN).

Mr. ROGAN. Mr. Chairman, what I just wanted to share with my colleagues is that a visit to JPL is an incredible experience. When one goes there, one sees not only the incredible benefits they have made with respect to space exploration but what JPL has done for our national economy with the spin-off technology that has come out of there, from robotics surgery, to breast cancer research, data compression, laser technology, global communications, and the list goes on and on.

To contract this out now would have a devastating effect not just on JPL but upon our technology, because we cannot contract out the cumulative knowledge and experience of these people, these incredibly dedicated men and women.

Once again, I want to urge the subcommittee Chairman, in his dealings with the other body, to do as the Chairman of the Committee on Rules has suggested. Let us keep this where
the knowledge is founded, and in doing so we help not just our Nation but our economy, as well as continuing to get the incredible advancements we have had in space exploration.

Mr. DREIER. Reclaiming my time, Mr. Chairman, I think my friend for his contribution and his strong commitment to addressing this very, very important national need.

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

Mr. Chairman, I am going to ask my good friend and colleague, the gentleman from New York (Mr. SWEENEY), also a fellow New York Yankee fan, to engage in a colloquy with me.

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

Mr. WALSH. I yield to the gentleman from New York.

Mr. SWEENEY. Mr. Chairman, I want to thank my friend and my neighbor, and I just want to say that the chairman of the subcommittee, the gentleman from New York (Mr. WALSH), does great work for all of this Nation, and we New Yorkers are particularly proud of the work that he does.

I rise today, Mr. Chairman, with concerns I have regarding an important issue that affects my region of the country but, sadly, I think, a growing part of the Nation is being affected as well, and it is certainly the greatest environmental threat for the Adirondack Mountains of New York, and that is the issue of acid rain.

The Members of the New York congressional delegation, in particular, my Adirondack neighbor to the north, the gentleman from New York (Mr. MCHUGH), as well as the subcommittee chairman, the gentleman from New York (Mr. WALSH), have been very aggressive in combating the toxic rain that is falling on our region and killing our lakes and forests. Specifically, I would like to address these acid rain monitoring programs at the EPA that I fear are currently in danger of being dismantled.

First, earlier this year, EPA announced a decision to discontinue funding for the Mountain Acid Deposition Project, MADPRO, under its Office of Research and Development. This program is doing important work in monitoring cloud water chemistry and quantifying the debilitating effects of acid rain on our ecosystem.

Operating since 1994, the MADPRO cloud monitoring program has located one of its three monitoring sites at Whiteface Mountain, in the heart of the Adirondack Park, I know a place near and dear to the chairman’s heart. Thankfully, under pressure from many of us, EPA this month reversed its earlier decision to discontinue funding. However, I remain concerned about the long-term commitment of the EPA to this important initiative.

Secondly, I want to express continued concern for the Clean Air Status and Trends Network, CASTNet. In 1997, there was concern that CASTNet was at risk of being defunded; and since that time, Congress has set a floor for the funding of that program.

Lastly, I am concerned about important Temporally Integrated Monitoring of Ecosystems/Long-Term Monitoring of Acid Precipitation (TIME/LTM) network. This network measures water chemistry in lakes and streams throughout the Adirondacks and Appalachian Mountains. TIME/LTM is the only long-term network which helps us determine whether past emission controls are having their intended effect on the environment.

TIME/LTM was initially funded at $2.4 million in 1992, but was cut to $1.1 million in 1995 and received only $900,000 last year. Mr. Chairman, I believe that the dwindling budget for TIME/LTM and EPA’s attempts earlier this year to cut funding for cloud water monitoring stations raises serious concerns about EPA’s commitment to all three of these important long-term acid rain monitoring programs.

I would like to point out that without the data showing the ecological impact in the field, we cannot effectively seek solutions to curbing acid rain in the future. I believe that the EPA has clearly been willing to halt funding for CASTNet and MADPRO over the past 5 years, and it easily justifies a funding floor for all three of these programs.

As my colleague from New York knows, acid rain is a cancer that is eating at the ecosystem of the Adirondack region as well as other areas, stunting our forests and rendering many of our lakes and streams lifeless. So I ask the distinguished Chairman to affirm his commitment to the funding of these programs and ask his help in developing language to ensure the continuation of these critical acid rain monitoring programs.

Mr. WALSH. Reclaiming my time, Mr. Chairman, I thank the gentleman for his strong advocacy for this critical ecosystem in upstate New York. As a Member who has worked closely with him on a number of issues, I understand the importance of the acid rain programs not only to the Adirondacks but to the entire Eastern Seaboard.

As the gentleman knows, the Subcommittee on VA, HUD and Independent Agencies has consistently supported funding for acid rain monitoring programs and would agree that a funding floor may be appropriate to ensure they continue funding these networks in the long term. I would most certainly work with my colleague from New York to develop language that ensures the continued funding of these important environmental programs.

Mr. SWEENEY. Mr. Chairman, if the gentleman will continue to yield, I thank the Chairman again for his commitment to fighting acid rain.

It is important to note at this time, Mr. Chairman, a recent S&O report, which I requested, revealed that half of the lakes in the Adirondacks have shown increases in nitrogen levels since the Clean Air Act Amendments were signed into law in 1990. These deposits are at levels far higher than EPA’s own worst-case scenario estimates, and we are clearly not doing enough.

I believe that the current evidence of the worsening of the acid rain problem shows that it is time to be strengthening the Federal Government’s commitment to acid rain programs, not retracting it; and I once again thank the Chairman for his commitment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE (INCLUDING TRANSFER OF FUNDS)


RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2000, as authorized by Public Law 106-74, shall not be less than 100 percent of the amounts anticipated by the agency necessary for its radiological emergency preparedness activities for the fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and fees received pursuant to this section shall be deposited in the Fund as offsetting collections and available for authorized purposes on October 1, 2001, and remain available until expended.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title II of Public Law 107-77, as amended, $50,000,000 to remain available until expended: Provided, That total administrative costs shall not exceed 3% of the total appropriation.

FLOOD MAP MODERNIZATION FUND (INCLUDING TRANSFER OF FUNDS)

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968, $30,000,000 to be derived by transfer from the "Disaster relief" account, and such additional sums as may be received under section 1360(g) or provided by State or local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2), to remain available until expended.

NATIONAL FLOOD INSURANCE FUND (INCLUDING TRANSFER OF FUNDS)

amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2002. In fiscal year 2001, no funds in excess of: (1) $35,000,000 for operating expenses; (2) $50,000,000 for agents' commissions and taxes; and (3) $40,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

Section 190a(a)(2) of the National Flood Insurance Act of 1968, as amended by Public Law 104-208, is further amended by striking “2000” and inserting “2001.”

The first sentence of section 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4127(c)), is amended by striking “September 30, 2000” and inserting “September 30, 2001.”

NATIONAL FLOOD MITIGATION FUND (INCLUDING TRANSFER OF FUNDS)

Notwithstanding sections 1366(b)(3)(B)–(C) and 1366(f) of the National Flood Insurance Act of 1968, as amended, $20,000,000 to remain available until September 30, 2002, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $10,000,000 shall be derived from the National Flood Insurance Fund.

GENERAL SERVICES ADMINISTRATION
FEDERAL CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Federal Consumer Information Center, including services authorized by 5 U.S.C. 3109, $7,122,000, to be deposited into the Federal Consumer Information Center Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Consumer Information Center activities in the aggregate amount of $12,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2001 in excess of $12,000,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
HUMAN SPACE FLIGHT

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, construction, maintenance and operation of mission and services; and purchase, lease, charter, and acquisition of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative activities, $5,459,900,000, to remain available until September 30, 2002.

AMENDMENT NO. 33 OFFERED BY MR. CUMMINGS

Mr. CUMMINGS. Mr. Chairman, I offer an amendment that has been designated No. 33.

The CHAIRMAN. The amendment is before the House. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from Maryland (Mr. CUMMINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland (Mr. CUMMINGS).

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

Mr. Chairman, I first want to thank the chairman and the ranking member for their support. I have offered this amendment to increase funding for the University Research Centers, better known as URCs, at 14 minority institutions by $2.8 million. URCs are funded through NASA’s Science Aeronautics and Technology Division. The amendment is offset by deducting the same amount from the Human Space Flight account.

1415

The URC program has expanded the Nation’s base for aerospace research, increased participation by faculty and students at historically black colleges and universities and other minority universities in mainstream research, and increased the production of disadvantaged students with advanced degrees in NASA-related fields.

Furthermore, each research unit has developed a broad-based competitive research capability in areas related to NASA’s strategic enterprises while contributing to support the Agency’s scientific and technical human resource requirements.

Under this amendment, each URC would be eligible to receive up to $1.2 million, an increase of $1 million per center, to support activities and operations in the subaccounts from which they are funded. I hope the chair and the ranking member will work with me to ensure that this is stated in any report language.

This is a great investment in our students, and I urge support of this amendment.

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

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Maryland (Mr. CUMMINGS), and I yield myself such time as I may consume. However, I am not in opposition.

We have considered this and we have discussed this with the gentleman from West Virginia (Mr. MOLLOHAN) who was a part of this agreement would agree, we could provide the additional 10 minutes to this amendment.

Mr. ROEMER. Mr. Chairman, an additional 10 minutes per side to this amendment?

Mr. WALSH. Mr. Chairman, that is correct.

Mr. Chairman, I yield to the gentleman from West Virginia (Mr. MOLLOHAN) for clarification.

Mr. MOLLOHAN. Mr. Chairman, if the Chair would indulge, I do not know how complicated this might be to do, if it could be done in the Committee of the Whole or done in the whole House. But if such an agreement could be worked out easily, I would agree to that, give the gentleman another 10 minutes, and save us 20 minutes on the other two amendments.

Mr. WALSH. Mr. Chairman, reclaiming my time as I understand it, there would then be provided a total of 30 minutes in the aggregate, 15 minutes each side, on this amendment.
Mr. MOLLOHAN. Mr. Chairman, it would be a total of 20 minutes, with 10 minutes on each side for this amendment.

Mr. ROEMER. Mr. Chairman, I understand it to be a total of 30 minutes, 15 minutes on each side.

Mr. MOLLOHAN. Mr. Chairman, we discussed this very clearly. It would be a total of 20 minutes on this amendment No. 48, 10 minutes to a side on that; on the other two amendments the gentleman will not be able to speak for 2 minutes just to talk about the amendment and then to withdraw them and not to exercise a point of order with regard to them.

Mr. ROEMER. Mr. Chairman, if the gentleman will continue to yield, how about I would agree to the 10 minutes per side on this amendment and then I have 4 minutes to discuss my two amendments in the next title and withdraw the amendments?

Mr. WALSH. Mr. Chairman, I have no objection to that. If the gentlemen are all in agreement, I would be happy to agree to that.

Mr. MOLLOHAN. Mr. Chairman, I have no objection to that. This amendment, Without objection, the gentleman from Indiana (Mr. Roemer) will have 10 minutes and a Member opposed will have 10 minutes on this amendment.

There was no objection.

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

Mr. Chairman, I thank the chairman and the ranking member for their gracious opportunity to work through this amendment, which oftentimes is given an hour or 2 hours of debate.

Mr. Chairman, this amendment would cut $2.1 billion and thereby eliminate the Space Station, transfer $508 million to the National Science Foundation, and transfer another $365 million back into NASA, thereby leaving $11.4 billion for debt reduction, probably the highest priority for the American people right now to keep this economy going and provide low interest rates and low mortgage payments.

For NASA, Mr. Chairman, this is the best of times and the worst of times. It is the best of times in that we are succeeding in many endeavors: the Hubbell returning great pictures from space, the Pathfinder landing on Mars and exciting the American people with new knowledge, and John Glenn saying our senior citizens going into space can teach us every bit as much as a 25-year-old endeavoring into space. But they are also the worst of times, with a Space Station eating up $2.1 billion and being $80 billion over budget.

Now, according to this graph, Mr. Chairman, the initial cost of the Space Station was $8 billion. It is now $100 billion and growing. The initial mission for the Space Station, we had eight payload modules down to one. I do not think this is a good investment of the taxpayers' money.

Now, Bill Gates, the chairman of Microsoft, was just up here testifying the other day and said Congress that the best investment we could make as a Congress, as a people, is to invest in research and development and science so that we stay on the cutting edge and keep jobs in America and export products abroad.

This amendment moves $508 million into the National Science Foundation to invest in research and development, to invest in the American workers, to invest in the cutting edge, and to invest in 12A. I would conclude so that I could have more speakers have the opportunity to discuss this amendment by saying this: Our dream has expanded beyond the Space Station, outside of the universe with the Hubbell pictures and Mars; and now with the Russians and MIR, their space station is now being paid for by wealthy Americans paying $20 million to travel to MIR.

Is that the future of the American Space Station, an expensive amusement park for the wealthy, when it can do little else?

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

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

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana (Mr. ROEMER).

Mr. Chairman, the proposed amendment would delete funding for the International Space Station and reallocate the funds to various worthy programs in other portions of the bill and designate a portion of the savings for debt reduction.

While I may agree with the plea for additional funds in some of the programs proposed by the gentleman from Indiana (Mr. ROEMER), I must oppose the amendment.

Terminating the Space Station would end what could be the most significant research and development laboratory in history and cause upheaval in the Shuttle program for years into the future, effectively terminating NASA's Human Space Flight program. It would also render useless over a half million pounds of hardware, much of which is already in space.

Mr. Chairman, there are broad and important applications for the Space Station, not the least of which is that there will be schoolchildren all over the world who not only will be able to watch with great interest the progress, but also see that nations of the world have formed to launch this expression of man's hope for the future.

The intrinsic value of the inspiration that it will provide to our young people is incalculable. We have children in my school district in Syracuse who will be providing an experiment that will go on the Space Station. They will be watching it, monitoring it, using the Internet to conduct their research, and working with colleges and scientists throughout the world. These young people are the people we need to get involved in space and mathematics. The Space Station will help us to do that.

In addition, termination of the contracts for the Space Station at this time would subject NASA to liability of about $750 million. And the amendment makes no provision for these costs. I believe it is important for everyone to understand where we stand today with regard to the Space Station.

The prime contractor has completed nearly 90 percent of its development work. U.S. flight hardware for missions 5 and 6 are 80 percent complete. The launch site at the Kennedy Space Center awaiting either final testing or launch for assembly.

In addition, if Russia, the second largest infrastructure provider, the other international partners remain committed to the station program, having spent over $5 billion to date. The Russian Service Module is on schedule for a summer launch. This element will allow a permanent crew to be placed in orbit later this year.

NASA is actively encouraging commercial participation in the station program, having just concluded a major multimedia collaboration.

Mr. Chairman, we have come far, and soon the station research will be underway. Now is not the time to stop this incredibly important program.

I ask all Members to oppose the Roe amendment.

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

Mr. ROEMER. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. GANSKE), a co-sponsor of the bipartisan amendment.

Mr. GANSKE. Mr. Chairman, I thank the gentleman from Indiana for yielding me the time. I will try to save a little time.

Mr. Chairman, the International Space Station is a failure and it is a misuse of taxpayer money. In 1983, Ronald Reagan first presented the idea of the Space Station and NASA predicted the cost would be $8 billion. Between 1985 and 1993, we spent $11.4 billion on this project and never sent anything to orbit. So we started over and, voila, we had the International Space Station.

In 1995, NASA told us that the station would cost $17.4 billion to build, would be completed in the year 2002, and would be operational for 10 years. They told us the total operational costs from construction to decommissioning would be $72.3 billion. We were presented with a program that would cost twice as much and that would last one-third as long.

And this was a good idea?

As my colleagues can see from my chart, since 1993 we have spent more than $2 billion every year. With funding provided in this bill, we will have spent $25.4 billion since 1995. Construction is 4 years behind schedule and is
Mr. Chairman, once again, we are faced with an amendment to kill the International Space Station and once again I rise in the strongest possible opposition to that amendment.

Last year, I said that the time for debate on this issue had passed. It was true then, and it is certainly true today. It is even more true today. All of these arguments that are being advanced today, the international station, were applicable a long time ago. We have now a functional International Space Station in Earth's orbit. We have a team of astronauts who have just returned from a resupply, repair, and rebost mission to that station and by the end of this summer, the launch of the long-awaited Russian service module will allow the station to be inhabited by humans.

Mr. Chairman, the gentleman from Indiana (Mr. GANSKE) mentioned, the original estimate on the cost for this Space Station was $8 billion in 1984. The old Washington con game or shell game is at work here again, drastically low-balling the original estimate of cost. We all have experienced this in many instances, and if this trend continues, it is going to be to the detriment of this body to as many congressional districts as possible to try to get political support.

Seven years after the start of this in 1991, an extraordinary coalition of 14 leading scientific groups came out strongly against the Space Station because of the tremendous drain on funding from other worthwhile scientific projects. Robert L. Park, executive director of the American Physical Society, has estimated the full cost to build and equip the station to be $118 billion and said, "If you include operating costs over what NASA claims will be a 30-year life, it comes to an S&L-bail-out-sized $130 billion."

This, Mr. Chairman, is going to go down as probably the biggest boontoon, the biggest waste, the biggest boondoggle in the history of Congress.

I know this is probably a losing effort, but I admire the gentleman from Indiana's courage and perseverance; and I urge support for his amendment.

Mr. WALSCH. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HALL), the distinguished ranking member of the full Committee on Science and a strong advocate of the Space Station program.

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

Mr. HALL of Texas. Mr. Chairman, here we go again. Of course I oppose this amendment. I have opposed it ever since the gentleman from Indiana has been in Congress. I hope I am opposing it for the next 10 years with him because he is a wonderful guy; he just has a lousy amendment.

He is continuing that tradition even though the first segment of the International Space Station is now in orbit and operational and additional elements of the station are awaiting launch from Cape Kennedy. There are so many reasons. I will just say that we are here in the annual argument again. It has been argued before time and time again. It has never passed. I think if it should pass this station to go on to the next station that we would have every hotel and every eating establishment within 100 miles of here covered by school children and university people and people across the country that know that this is the future of America. We have to have a Space Station. We need it for many reasons: medical, all types of electronic fallout, national defense. You name it; we need it.

I urge my colleagues to vote against the amendment.

Mr. ROEMER. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

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

Mr. KIND. I thank the gentleman for yielding me this time.
Mr. Chairman, I rise today in support of my friend from Indiana's amendment. It is time for this Congress to finally realize that previous Congresses have simply made a bad investment decision. But let me preface my remarks by saying that I am not a big government supporter. I, for example, support NASA's lab in Huntsville, Alabama, that I have visited on many occasions. We, as Congress, have the privilege of spending billions of taxpayers' dollars and we need to be careful about how we spend them. We must ensure that our children have a quality education system, how to shore up Medicare, and how to reduce our $5.7 trillion national debt? We must step this annual waste of money and better prioritize our investment decisions.

It is essential that we continue to scrutinize the government's investment in our space program and ensure that the tax dollars are spent on programs that benefit our citizens. For example, we have constituents in a surprised tone who might see these scientific discoveries for nefarious purposes. That's why increased support for the National Science Foundation is so important.

I like what the Roemer amendment does by dedicating a large portion of the savings to national debt reduction which we know is going to pay back economic dividends to the American people as well as makes a healthy investment in the National Science Foundation. I do not think it is too bold to predict that over the next couple of decades, we are probably going to see more economic returns from this investment than we have seen in the last 300 years.

This Congress has an obligation as the representatives of this democracy to invest heavily in science so that we make these breakthroughs first rather than a dictatorial power who might use them for nefarious purposes. That's why increased support for the National Science Foundation is so important.

I like many Americans, am very supportive of NASA's efforts to explore the universe and expand our knowledge of space, but I do not support such efforts at any price. What must be questioned is the tremendous cost that the American taxpayers are facing today to perpetuate a space station that many in the scientific community believe has limited value. That is why I support canceling the International Space Station.

The space program has exceeded all spending predictions and failed to achieve its intended mission. In 1993, NASA said construction of the space station would be finished by 2002 and the entire program would cost $72.2 billion. Recent estimates, however, place the cost at nearly $100 billion and we are still years away from completion. In fact, NASA had to launch a shuttle mission last month to apply boosters to the station because it was falling from its orbit by 1.5 miles each week.

Additional problems have occurred recently, such as those in Huntsville, Alabama, where two parts of the space station, valued at $750,000 were mistakenly discarded in a landfill. These tanks were never found and had to be replaced at an additional expense.

Yet, knowing that the space station has become a budgetary black hole, Congress continues to spend billions of taxpayers' dollars year after year to fund such an expensive program.

How can we justify the space station when our country is being forced to make tough decisions about how to fund Social Security for seniors, how to ensure that our children have a quality education system, how to shore up Medicare, and how to reduce our $5.7 trillion national debt? We must step this annual waste of money and better prioritize our investment decisions.

It is essential that we continue to scrutinize the government's investment in our space program and ensure that the tax dollars are spent on programs that benefit our citizens. For example, we have constituents in a surprised tone who might see these scientific discoveries for nefarious purposes. That's why increased support for the National Science Foundation is so important.

I like what the Roemer amendment does by dedicating a large portion of the savings to national debt reduction which we know is going to pay back economic dividends to the American people as well as makes a healthy investment in the National Science Foundation. I do not think it is too bold to predict that over the next couple of decades, we are probably going to see more economic returns from this investment than we have seen in the last 300 years.

This Congress has an obligation as the representatives of this democracy to invest heavily in science so that we make these breakthroughs first rather than a dictatorial power who might use them for nefarious purposes. That's why increased support for the National Science Foundation is so important.

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How can we justify the space station when our country is being forced to make tough decisions about how to fund Social Security for seniors, how to ensure that our children have
will ensure that America remains the pre-eminence country for space exploration.

Although this measure is destined to be vetoed in its current form, I believe the $13.7 billion appropriation, $322 million (2 percent) less than requested by the administration, could have been even more generous.

But the amendment offered to completely eliminate funding for the international space station would be entirely reckless and would abandon our commitment to the American people.

Although many of us would have clearly preferred to vote on a bill that includes more funding for other NASA priorities, Veterans Administration and National Science Foundation programs, such increases should not offset the money appropriated for our international space station.

The measure provides $2.1 billion for continued development of the international space station, and $3.2 billion for space shuttle operations. We need to devote additional personnel at NASA’s Human Flight Centers to ensure that the high skill and staffing levels are in place to support Space Shuttle safety and to launch, as well as assemble the International Space Station.

Mr. Chairman, I am proud the Johnson Space Center and its many accomplishments, and I promise to remain a vocal supporter of NASA programs. NASA has been a brilliant 40 years, and I see no reason why it could not have another 40 successful years. It has made a tremendous impact on the business and residential communities of the 18th Congressional District of Texas, and the rest of the nation.

The reality is that we have a historic opportunity to continue paying down the debt while passing an appropriations measure that adequately meets the needs of those that have been left behind in the New Economy.

In closing, I hope my colleagues will vote against this amendment and the bill so that we can get back to work on a common sense measure that invests in America’s future, makes affordable housing a reality across America, and keeps our vital NASA program strong in the 21st century.

Mr. SENSENIBRENNER. Mr. Chairman, I rise in opposition to the gentleman’s amendment.

The International Space Station represents a unique scientific opportunity to perform research. Research which will lead to innovations and breakthroughs that will improve the quality of life for all of us. NASA has already grown crystals aboard the Shuttle that have provided scientists with useful insights into the mechanisms of crystal growth. Information gained on Earth will make it easier and more predictable to develop specialized materials on Earth. During relatively short duration Shuttle missions scientists have gained a better understanding of underlying biological mechanisms that will help us understand balance and hearing in humans. Of particular interest has been research aboard the Shuttle which has given scientists a better understanding of the structure of a specific strain of the flu virus that kills 3,000 infants in the U.S. annually, providing pharmaceutical manufacturers key information needed to develop antibodies.

Clearly, research aboard the Shuttle in the zero gravity environment of space has led to keen insights into various scientific phenomena. However, this is only a fraction of the scientific discoveries enabled by the Space Station. The Shuttle can only fly a handful of times per year and only a couple weeks at a time. On the other hand, the Space Station enables research to be conducted 365 days a year.

Scientific discovery and technological development are the key drivers behind our prosperity. We must not turn our backs on the payoffs that research on the Space Station can provide to improve life on Earth for all of us. Because our children and grandchildren will benefit most from that research, I urge that the proposed amendment be rejected.

Mr. LOBIONDO. Mr. Chairman, I rise in support of the amendment offered by Mr. ROEMER. After countless missed deadlines, technical glitches, cost overruns, and a lack of support from our so-called “partners,” it’s time we face facts; the International Space Station program must end.

The original estimate for the first space station put the cost of such an endeavor at $8 billion dollars. Congress ended up spending the Space Station as $11.4 billion for a failed program that offered little hardware, and no launch. Since this program did not work, Congress needed a new way to waste taxpayer dollars. So in 1993 this new program was called the International Space Station.

NASA risked millions of dollars to build this station through completion, whenever that will be, at well over $26 billion. This estimate does not even include the billions of dollars a year it will take to maintain the station after that. What’s more, our so-called “partners” in Japan and other countries, are only required to collectively spend $9 billion. It seems the partners of the International Space Station actually share little more than a name. Once again the United States is left holding the bag.

On March 16, 2000, Mr. Allen Li, Associate Director, National Security and International Affairs Division of the Government Accounting Office gave testimony before the House Science Subcommittee on Space and Aeronautics saying Russia is still not complying with the ISS safety requirements. His testimony states the Russian Control and Service Modules have not met NASA guidance to protect the station from orbiting debris, yet NASA said this risk was “acceptable.” NASA is still reviewing other safety concerns including excessive noise levels and outright operational failure. Where billions of dollars are concerned and, more importantly, human life, is any risk acceptable? My greatest fear is that NASA is ignoring quality standards in a futile attempt to justify this albatross.

It is in these reasons why I strongly support Mr. ROEMER’s amendment which would have eliminated any funding for the International Space Station. The additional money will go towards paying down the national debt.

Mr. Chairman, enough is enough. Congress has already dumped too much into this space station, to no benefit. I believe we should give America’s taxpayers a break by canceling the International Space Station.

Mr. KUCINICH. Mr. Chairman, I rise in opposition to the Roemer amendment to H.R. 4635, VA-HUD-Independent Agencies Appropriations for FY 2001 to terminate the International Space Station. As Co-Chair of the Congressional Aerospace Caucus, I strongly support continued funding for the International Space Station (ISS). The Space Station is critical for NASA to maintain America’s leadership in space exploration, research and technology. In addition, this international endeavor fosters peaceful relationships among 16 countries by collaborating on mutual goals for the benefit of humankind.

The practical benefits to space exploration are countless. It is proven that for each tax dollar we spend in space, we receive a $9 return here on Earth in new products, new technologies and improvements for people around the world. Research in the Space Station’s unique orbital laboratory will lead to discoveries in medicine, materials and fundamental science. Space station research will build on proven medical research conducted on the Space Shuttle to benefit diseases such as cancer, osteoporosis and AIDS. Medical equipment technology developed for early-stage research is also being tested by hospitals.

NASA developed a “cool suit” for the Apollo missions which is now helping to improve the quality of life for multiple sclerosis patients. Technology produced apace-maker that can be programmed from outside the body.

NASA developed instruments to measure bone loss and bone density without penetrating the skin which are now being used by hospitals.

NASA research has led to an implant for delivering insulin to diabetics that is only 3 inches across which provides more precise control of blood sugar levels and frees diabetics from the daily burden of insulin.

Second, the ISS enhances US economic competitiveness by providing an opportunity for the private sector to use the technologies and research applications of space. This will increase the number of high-tech jobs and economic opportunities available today and for future generations.

Third, the Space Station serves as a virtual classroom for students of all levels and ages. Innovative programs have been designed that will reach students to allow them to re-search on board the Station. Our commitment to long-term research and development will encourage today’s youth to consider careers in science and technology, fields where American workers are desperately needed.

With nearly 90 percent of the International Space Station development completed, we are only months away from having a permanent human presence in low orbit and beginning the research that holds so much promise for the global community. Ending progress on the ISS now would require NASA to scrap billions of dollars of hardware that has been designed and developed for the ISS. Furthermore, we would be throwing away years of international cooperation and ending the peacetime collaboration in history.

I urge my colleagues to ensure that the United States remains at the forefront of space research. Vote NO on the Roemer amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. ROEMER).

The question was taken; and the Chairman announced that the noes appeared to have it.
Mr. ROEMER. 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 525, further proceedings on the amendment by the gentleman from Indiana (Mr. ROEMER) will be postponed.

The point of no quorum is considered withdrawn.

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

Mr. WALSH. Mr. Chairman, I yield to the distinguished gentleman from Missouri (Mr. HULSHOF) to enter into a colloquy.

Mr. HULSHOF. Mr. Chairman, I thank the gentleman from New York (Mr. WALSH) for yielding to me. As my good friend the gentleman from New York (Mr. WALSH) the chairman of the Subcommittee VA, HUD and Independent Agencies knows, in a 6-hour time frame between May the 6 of this year and Sunday morning, May the 7, 15 inches of rain fell in parts of my district. As a result of some severe flash flooding, two lives were lost, over 200 of my constituents were left homeless and numerous businesses have suffered property damage.

Recognizing the severity of these damages caused by the flooding, the President on May the 12 of this year designated three Missouri counties, Franklin County, Gasconade and Jefferson County, as Federal disaster areas.

Believing that a precedent had been set by Congress in their dealings with past disasters, the Mayor of the City of Washington, Missouri submitted to me a request for the appropriation from that would permit their city to implement a flood buyout and relocation program.

Though a specific line item was not used to secure relief for the victims of past floods, it is my understanding that a precedent was set by allowing money through the Housing and Urban Development’s Community Development and Block Grants program to pay for buyouts, to pay for relocation and mitigation in communities in North Dakota, South Dakota, and Minnesota.

While I certainly, Mr. Chairman, would prefer that more money be made available in the Community Development Block Grant program for the State of Missouri to pay for the buyout and relocation of businesses impacted by this flash flood, I do recognize the budgetary hardships that the gentleman from New York (Chairman WALSH) has encountered in crafting this fiscal year 2001 bill.

Mr. Chairman, I had considered offering an amendment to waive the Community Development Block Grant low- and moderate-income requirements for those areas affected by the major disaster that was the subject of this May 6 and Sunday morning, May the 7, 15 inches of rain that fell in parts of my district. I also considered the idea that the provisions of such a proposal would constitute legislation on an appropriations bill and would have been ruled out of order.

Mr. Chairman, recognizing that at this point there is little that this body can do, I would ask the gentleman from New York (Mr. WALSH) should an opportunity present itself to help those families and businesses that were severely impacted by these flash floods. The gentleman has been absolutely diligent about bringing this to the attention of the subcommittee, to protect his constituents and rightly so.

Congress is working within an extremely tight budget again this year, and the membership and the gentleman for his cooperation working within these restrictions.

Accordingly, I intend to work in conference to find a reasonable solution to this problem.

Mr. BOEHLERT. Mr. Chairman, will the gentleman from New York (Mr. WALSH) yield to me for the purpose of engaging in a colloquy on another subject?

Mr. WALSH. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, H.R. 4635 includes bill language that would prevent EPA from finalizing or implementing changes to the Agency’s TMDL program that are based on the August 23, 1999 proposed rule during fiscal year 2001. This limitation is consistent with my own position that, due to the overwhelming opposition from groups as diverse as the United States Conference of Mayors, Friends of the Earth, the corporate Legal Defense Fund, the Sierra Club, the Clean Water Association, EPA should withdraw its August 23, 1999 TMDL proposals and go back to the drawing board.

However, I also want to make sure that H.R. 4635 also is consistent with my position that State work on TMDLs continues as expeditiously as possible, in accordance with EPA’s existing regulations, while work on a new proposal is underway.

Mr. WALSH. Mr. Chairman, the gentleman from New York (Mr. BOEHLERT) can be assured that the committee intends to move forward as expeditiously as possible, with the development and implementation of TMDLs under current regulatory authorities.

This is one of the primary purposes of the $322,700,000 for State Clean Water programs under section 106 of the Clean Water Act.

The committee expects States to use these resources in part to fill the data gaps identified by GAO in their March 2000 report on data quality and to develop and implement TMDLs that are scientifically and legally defensible.

Mr. BOEHLERT. Mr. Chairman, in addition, I would like to seek clarification of the committee’s intent if EPA ignores my request and the requests of other Members of Congress, our Nation’s mayors, major environmental groups, agricultural groups, forestry groups and industry groups and finalizes a rule within an effective date that occurs prior to the enactment of H.R. 4635.

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

(By unanimous consent, Mr. WALSH was allowed to proceed for 1 additional minute.)

Mr. BOEHLERT. If the gentleman who for necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, test, and evaluation services; maintenance; construction of facilities including revitalization, and modification of facilities, construction of new facilities and additions to existing facilities; planning and design, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $96,700,000, to remain available until September 30, 2002.

Amendment No. 39 Offered by Mr. MOLLOHAN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 39 offered by Mr. MOLLOHAN

Page 73, line 18, insert after the dollar amount the following: “(increased by $322,700,000)”.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, January 20, 2000, the gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from New York (Mr. WALSH) each will control 30 minutes.
Mr. WALSH. Mr. Chairman, I reserve a point of order against the amendment of the gentleman from West Virginia (Mr. MOLLOHAN).

The CHAIRMAN. The gentleman from New York reserves a point of order.

Mr. MOLLOHAN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let me express appreciation to my distinguished friend and colleague, the gentleman from Alabama (Mr. CRAMER) for his assistance in working on this amendment and working on NASA issues generally. The gentleman is a real champion for NASA funding and he has a passionate concern for the underfunding of some of the accounts that we are trying to address here today. I just want to give a special note of appreciation to him for his assistance.

Let me briefly explain why I think there are some accounts that deserve funding. The so-called Living With a Star Initiative that would help us understand the Sun’s behavior, extremely important. Mr. Chairman, when we expect sun flares, when to expect these abnormalities affect us here on Earth. Mr. Chairman, my amendment would provide $165 million to that end.

Secondly, the bill before us completely eliminates funding for the space station. This is an extremely important including funding for advanced technology research on the next generation Space Shuttle, as well as ongoing work on two experimental vehicles, the X34 and the X37.

My amendment, Mr. Chairman, would provide $260 million for this purpose, which represents $30 million less than the President’s requests, but it at least gets significant amounts of money on those very important projects.

Thirdly, my amendment would provide $391 million to the aviation system capacity program for a total of $492.2 million. This important ongoing program of research and development has the goal of improving air traffic control and reducing airport and aero-space congestion.

Finally, my amendment provides $7 million for the small aircraft transportation system, to develop technology for the utilization and safety of general aviation airports and aircraft, which have the highest accident rate of all modes of transportation, Mr. Chairman. This is an area that we desperately need to put these additional funds.

Let me restate that by offering this amendment, I am in no way intending to criticize my chairman, the gentleman from New York (Mr. WALSH) for his hard work on this bill. We simply did not have enough money to go around and hopefully we will as we move forward.

We have, however, I think, with this amendment, put important resources back into NASA’s programs that were underfunded so that it can carry out these important responsibilities.

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

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. Yes, I do, Mr. Chairman. The CHAIRMAN. The gentleman from New York continues to reserve his point of order.

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

Mr. Chairman, I reluctantly oppose the amendment of the gentleman from West Virginia (Mr. MOLLOHAN). As we all know, there is no offset for this, but we are certainly sensitive to the desire of the gentleman to provide these funds where they are needed. Unfortunately, we do not have the additional funds to provide under our allocation. If, perhaps, later in the process, additional funds come available, we would be happy to work with the gentleman to resolve this. At this time, I must continue to hold a point of order against him.

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

Mr. MOLLOHAN. Mr. Chairman, I yield 3 minutes to my good friend, the gentleman from Alabama (Mr. CRAMER). Mr. CRAMER. Mr. Chairman, I thank my colleague from New York (Mr. WALSH) foryielding me the time, and I want to say that I have enjoyed working with the gentleman for years on NASA’s issues.

I represent the Marshall Space Flight Center back there in Alabama. When I came to the Congress in 1991, the gentleman was among the first people that we began working with to plan for a future for NASA that was beyond the space station. Also in coming to this subcommittee, I want to pay tribute to the gentleman from New York (Mr. WALSH) during my now two terms on the subcommittee, the gentleman from New York (Mr. WALSH) has struggled vainly and against a lot of odds with allocations that made it very, very difficult for us to have the kind of NASA budget that some felt like we needed to have.

However, at the end of the process, we made sure that NASA did receive the support of the committee, and I thank the gentleman from New York for that and for enduring with those of us that want to make sure that the particular line item programs are heard and have a voice there.

Mr. Chairman, I want to speak more specifically to the Space Launch Initiative, because the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN) is attempting through this amendment to restore funding that would have to be cut to a number of NASA’s programs, and he has spoken about those programs. But the Space Launch Initiative is a very important initiative that really defines NASA’s future.

It is designed to enable the aerospace industry and NASA to come together to develop a new version of space transportation. The Space Launch Initiative envisions NASA eventually purchasing launches from commercial launch vendors allowing NASA to then concentrate its resources on the science missions and space exploration as well. In Subcommittee on Space and Aeronautics, I know the ranking member, the gentleman from Texas (Mr. HALL) is here, and he will spend time discussing over this particular amendment the initiatives that the Committee on Science has undertaken here.

We have given a mandate to NASA to come up with alternative means of transportation, working with the aerospace industry to make sure that they come up with these alternate means of transportation. Unless we restore this funding to NASA’s budget, they will not be able to do that.

I hope that the committee will hear this amendment, and especially as the process winds its way through, as we continue the rest of the summer, that we will be able to restore this important funding to NASA to make sure that the Space Launch Initiative is indeed a reality.

Mr. CHAIRMAN. Does the gentleman from New York (Mr. WALSH) reserve his point of order?

Mr. WALSH. I do, Mr. Chairman. Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Maryland, (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank my distinguished friend from West Virginia (Mr. MOLLOHAN), the ranking member of the subcommittee for yielding me the time, and I rise in strong support of his amendment.

I want to say at the outset that I believe that the chairman of this subcommittee is not necessarily in theory opposed to the dollars being added back and, therefore, I think in terms of substance, we can all support this amendment.

The ranking member, the gentleman from West Virginia (Mr. MOLLOHAN) will argue that we are constrained by funding priorities, but I believe that this is a priority. I believe that is why the gentleman from West Virginia (Mr. MOLLOHAN) has offered it. If we think NASA’s work is confined to scientific research and one third of a Ph.D. can understand, we need to think again. Research and development conducted by NASA for our space program has led to widespread social benefits,
everything from improvements in commercial airline safety to understanding global climate change.

1500

NASA’s research also has benefited medical science. For example, its research on the cardiovascular system is leading to breakthrough discoveries, testing procedures and treatments for heart disease. A few of today’s space-derived improvements include blood pressure monitors, self-adjusting pacemakers and ultrasound images. You would not think of that at first blush. The amendment before us would restore $322.7 million in funding for NASA’s space and aeronautical programs, funding that was cut in committee from the President’s number.

The amendment before us brings our national priorities back into focus, which is, in my opinion, what we ought to do. It would restore $260 million to NASA’s space launch initiative, which is critical for our future space needs. In addition, this amendment would restore $16.6 million in funding for NASA’s Living With a Star initiative, a project that will be run at Goddard Space Flight Center.

Mr. Speaker, the tapestry of our national history is woven together by exploration and discovery, from the first settlers in Jamestown to the expeditions of Lewis and Clark, to Neil Armstrong’s first step on the Moon 31 years ago. Today, let us reaffirm our national commitment to the latest frontier, science and technology.

I urge my colleagues to support this amendment.

Mr. Chairman, let me state my strong support for this amendment on NASA funding. It’s not about pork-barrel spending and pet projects. It’s about our Nation’s peace and prosperity, and our quality of life.

If you think that NASA’s work is confined to scientific esoterica then only a handful of PhDs can understand, think again.

Research and development conducted by NASA for our space program has led to widespread social benefits—everything from improvements in commercial airline safety to understanding global climate change.

NASA’s research also has benefited medical science. For example, its research on the cardiovascular system is leading to breakthrough discoveries, testing procedures and treatments for heart disease. A few of today’s space-derived improvements include blood pressure monitors, self-adjusting pacemakers and ultrasound images.

The amendment before us would restore $322.7 million in funding to NASA’s space and aeronautical programs—funding that was cut in committee. That’s certainly a lot of money. However, first let me describe the NASA programs that would be forced into a stare down with the budget ax, and why funding for these programs ought to be restored, let me ask this question: Are our national priorities so out of whack that we’re willing to sacrifice our commitment to science and technology on the altar of irresponsible tax cuts? Despite the pioneering spirit that courses through our national character, the majority party apparently thinks so.

Last year, they pushed their huge tax cut scheme through Congress, even though it could have put at risk the healthiest economy in our lifetimes. This year, they’re back with equally irresponsible tax schemes.

That’s what this cut to NASA funding is all about—funding tax cuts that would benefit the wealthiest among us.

The Republican Party—with its $175 billion in tax cuts over five years, which, according to some estimates, would rise to nearly $1 trillion over 10 years—has made its budget numbers add up somehow.

Today, NASA’s neck is stretched out on the chopping block. Yesterday, it was our school modernization and class-size reduction efforts. And tomorrow, it will be our initiative to put more police officers on our streets.

All of these vital programs—and our effort to add a prescription drug benefit to Medicare—face the budget ax because the Republican Party would rather pass tax-cut schemes than invest in our Nation’s future.

The amendment before us brings our national priorities back into focus. It would restore $260 million to NASA’s space launch initiative, which is critical for our future in space. Safe, low-cost space transportation is the key to expanded commercial and civil exploration of space. This NASA program would enable new opportunities in space exploration and enhance international competitiveness of the U.S. commercial launch industry. It’s no wonder that NASA believes this program could impact space exploration and commerce as deeply as the Apollo program.

This amendment also would restore $16.6 million in funding for NASA’s Living With a Star initiative—a project that will be run at Goddard Space Flight Center in my district. The Living With the Star initiative will enhance our understanding of the Sun and its impact on Earth and the environment. It will enable scientists to predict solar weather more accurately, and understand how solar variations affect civilian and military space systems, human space flight, electric power grids, high-frequency radio communications, and long-range radar.

In addition, this amendment would restore $46.1 million in funding for two programs that are developing alternative, less expensive delays in commercial airline traffic. NASA uses its unique research capabilities to diagnose problems with current air traffic systems and develop technology solutions.

Mr. Chairman, the tapestry of our national history is woven together by exploration and discovery—from the first settlers in Jamestown to the expeditions of Lewis and Clark to Neil Armstrong’s first step on the Moon 31 years ago. We have never turned our backs on challenges. We have never been content with the status quo. We have always dared to peer over the next horizon.

Today’s a key point of order. It’s let’s reaffirm our national commitment to the latest frontier, science and technology. I urge my colleagues to support this amendment.

The CHAIRMAN. Does the gentleman from New York continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. HALL), the distinguished ranking member of the Committee on Science. (Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Mr. HALL of Texas, Mr. Chairman, I am honored to support this amendment. It is a good amendment. I thank the gentleman from Virginia (Mr. MOLLOHAN) for bringing it forth. I also want to suggest that the subcommittee chairman, the gentleman from New York (Mr. WALSH), in his very level and fair-handed handling of this, has agreed to look at this with the gentleman and see if something cannot be worked out. That allows me to give back maybe some of the 3 minutes the gentleman has given me. The gentleman has covered almost everything. The figures have been covered.

Members know I am a strong supporter of the national space program. I will not spend time today recounting all the benefits that have come out of the program over the years. I think everybody is aware of them.

But I am disappointed in the way this appropriations bill treats NASA. NASA is not a Republican thrust nor a Democratic thrust. It is really an American thrust, and it has always been handled that way.

When it came time, when the information came from the executive to cut back on programs, NASA was cut back more than any. NASA complied. Administrator Goldin agreed and cut it back because he knew he could cut it decisively with an intelligent knife, and if we cut it, sometimes we cut it with a baseball bat, not knowing really what we are doing. He cut it back about 35 percent over a period of 2½ years. I think we have kept the faith and we ought not to be cutting back on this NASA program again.

I urge that the Mollohan amendment be supported. The gentleman touched on Living With the Star, and that has already been addressed, the space launch initiative, and our skills in that field, and the space launch initiative, which transforms telecommunications, weather prediction, defense intelligence work, just to list some of the areas. It would be a mistake I think to lose our leadership in space transportation by failing to make these important investments.

The CHAIRMAN. Does the gentleman from New York continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.

Mr. GREEN of Texas, Mr. Chairman, I rise in strong support of our ranking member’s amendment. As the House considers this important amendment, I wanted to bring to Members’ attention just one of the success stories of our space program.

For the last 2 years, I have had the opportunity to meet with and get to know an outstanding scientist and an
astronaut in Houston, Texas. Dr. Franklin Chang-Diaz has accompanied me to six of my middle schools in my district to talk about the need for students to take more math and science classes. I have also had the opportunity to visit Dr. Chang-Diaz in this plasma jet propulsion laboratory at Lyndon B. Johnson Space Center in Houston.

Dr. Chang-Diaz is obviously a man of many talents. He is a veteran astronaut with six space flights and has logged over 1,269 hours; but even more so, he is also a scientist and he is developing the new, and forgive me if I mispronounce it, the Variable Specific Impulse Magnetoplasma Rocket concept called VASIMR. The VASIMR prototype rocket engine is designed to short-en the trip to Mars, or anywhere else, and provide a safer environment for the crew.

Dr. Chang-Diaz has been working with the scientists throughout NASA and the Department of Energy to develop technology today, and he has been able to secure funds to keep the project going. However, this project is just too important just to allow it to survive. While I do not make a specific request, Mr. Speaker, I hope in the future to fund the development of the VASIMR prototype rocket engine, and the ranking member's amendment will go far in that direction.

The CHAIRMAN. Does the gentleman from New York continue to reserve his point of order?

Mr. WALSH. Mr. Chairman, I do.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), my final speaker.

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

Mr. Chairman, I rise in strong support of the amendment introduced by the gentleman from West Virginia to restore funds to aeronautics research programs. This amendment is particularly important, given the actions we took last night to cut an additional $30 million from these programs on top of the cuts contained in the bill.

Our national investment in aeronautics is moving dangerously in the wrong direction. We have already experienced a 30 percent cut in NASA aeronautics funding over the last 2 years, and then we made cuts in the bill and another cut last night. The National Research Council report in 1999 warned us that past cuts have already wreaked havoc and may threaten U.S. preeminence in our aerospace industry. Their leading panel of scientists warned us that continued reductions in aeronautics research and technology would jeopardize the ability of the United States to produce pre-eminent military aircraft and the ability of the aeronautics sector of the United States economy to remain globally competitive.

Mr. Chairman, if these cuts are to be enacted, our aviation system is set on a disastrous course. The cuts we are making will put the safety and reliability of our air transport system at risk in the near future.

Mr. Chairman, aeronautics research has yielded significant technological breakthroughs that we have seen recently: aircraft safety and efficiency, new concepts in design, noise abatement, structural integrity and fuel efficiency.

Mr. Chairman, every aircraft worldwide uses NASA technology, and it is important to remember that these technological developments take 5, 10, 20 years before they ever come to fruition. We know that domestic air traffic will triple in the next 20 years, and that is why we need to make these investments today.

Mr. Chairman, these cuts are not just shortsighted, they are dangerous. I support the Mollohan amendment, because it will ensure the future safety and efficiency of our air transportation system.

Mrs. PELOSI. Mr. Chairman, I rise to support the Mollohan Amendment to increase funding for important housing programs. A shortage of affordable housing plagues America's cities and rural communities. Nonetheless, this bill fails to fund America's tremendous housing needs. Even worse, this bill cuts billions of dollars from the already important affordable housing programs.

The majority's bill denies housing assistance to low-income Americans living in federally subsidized affordable housing. On average, residents of Section 8 housing and public housing programs spend over $7,800. This bill denies housing assistance for senior citizens on fixed incomes. It forces working men and women to choose between housing, health care, food, and other basic needs.

Compared to President Clinton's requested budget, HUD estimates it reduces housing assistance for San Francisco by $10.9 million and denies affordable Section 8 housing vouchers to 458 San Francisco families. It denies housing help to 234 San Francisco residents who are homeless or are living with HIV/AIDS.

Representative MOLLOHAN's amendment would invest additional funding to provide assistance across the country. At the Appropriations Committee, the Republicans rejected MOLLOHAN's amendment. This amendment would have increased investments to build new affordable housing; provide new affordable housing vouchers; provide housing to the homeless; operate, build and modernize public housing; promote community economic development; provide housing and services to seniors, individuals with disabilities, and individuals with HIV/AIDS. Americans need this assistance and this bill fails short.

I urge my colleagues to support Representative MOLLOHAN's amendment and increase housing assistance to low-income Americans.

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of this amendment to increase funding for NASA's Science, Aeronautics, and Technology account to the level of the President's request.

When adequate funding for NASA was threatened in last year's HUD appropriations, I received hundreds of letters and calls from my constituents in the 2nd Congressional district in Colorado expressing their concerns about the proposed budget cuts to federal science and NASA programs. Many of these calls and letters were from students, researchers, and employees who would have seen their work directly affected by cuts in NASA's budget. But many of the letters I received were from citizens with no direct interest in NASA's activities, and their voices were especially significant because they point to a common understanding of the importance of continuing our investment in science, technology, research, and learning.

This past February, I hosted a "space weekend" for constituents in my district. I told them at that time that I was encouraged by the President's proposed budget number for fiscal 2001 in the areas of research and development programs in general, and in NASA funding in particular. I told them I was hopeful that Congress would make the wise decision to make these needed investments—investments that will allow us to build on the foundation we've already laid.

Unfortunately, those hopes have not been fulfilled today. The bill before us leaves NASA programs $322 million below the budget request. It eliminates almost all of the funding for the Small Aircraft Transportation System and the Aviation Capacity programs, both of which are intended to make use of NASA's technological capabilities to reduce traffic congestion. It eliminates all of the funding for NASA's Space Launch Initiative, a program to help maintain American leadership in space transportation. And it eliminates all the money for NASA's effort to better forecast "solar storms" that, if undetected, can damage the nation's communications and national security satellites. This "Living with a Star" program is especially important to the University of Colorado at Boulder and federal laboratories in my district.

Investing in NASA is a wise decision. The advancement of science and space should concern us all. We only have to look at some examples of the successful transfer and commercialization of NASA-sponsored research and technology to see why. From advances in breast tumor imaging and fetal heart monitoring to innovative ice removal systems for aircraft, NASA technology continues to benefit U.S. enterprises, economic growth and competitiveness, and quality of life.

NASA's Science, Aeronautics, and Technology programs comprise the bulk of NASA's research and development activities. Two of these programs that are of great importance to my district are NASA's Offices of Space Science and Earth Science, which focus on increasing human understanding of space and the planet through the use of satellites, space probes, and robotic spacecraft to gather and transmit data.

There are still so many unanswered questions about the origins of the universe, the stars and the planets, as well as about how we can use the vantage point of space to develop models to help us predict natural disasters, weather, and climate. But NASA can't answer these questions if we don't provide it with the necessary resources. To make these much needed investments in our future, which is one reason I cannot support it.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. WALSH. I do. Mr. Chairman.

The CHAIRMAN. Does the gentleman yield back the balance of his time?
Mr. WALSH. I do.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WALSH. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2001 on June 20, 2000, House Report 106-683. This amendment would provide new budget authority in excess of the subcommittee's suballocation made under section 302(b) and is not permitted under section 302(f) of this act.

I ask for a ruling from the Chair.

The CHAIRMAN. The Chair is authorized, by an estimate of the Committee on the Budget, pursuant to section 312 of the Budget Act, that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentleman from West Virginia (Mr. MOLHAN) would increase the level of new discretionary budget authority in the bill. As such, the amendment violates section 312 of the Budget Act.

The point of order is therefore sustained. The amendment is not in order. The Clerk will read.

The clerk reads as follows:

MISSION SUPPORT

For necessary expenses, not otherwise provided for in this Act, including out-mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; maintenance of facilities, including revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs and travel expenses; for scientific support services and materials furnished by the National Research Centers and museums and radio and television, as higher education, public education both elementary and secondary, as well as higher education, public education that is in violation of section 312 of the Budget Act, as amended (42 U.S.C. 1861-1875), and the Act to amend (42 U.S.C. 1795 et seq.), shall not exceed $3,500,000,000.

Provided, that administrative expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2001 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year. Funds for announced prizes shall be authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2001, gross obligations of the National Credit Union Administration for the principal amount of new direct loans to member credit unions, as authorized by title III of the Federal Credit Union Act (12 U.S.C. 1754 et seq.), shall not exceed $3,000,000,000.

Provided, That administrative expenses of the National Credit Union Administration shall not exceed $200,000,000 provided, That $1,000,000 shall be transferred to the Community Development Revolving Loan Fund, of which $600,000, together with amounts of principal and interest on loans repaid, shall be available until expended for loans to community development credit unions, and $350,000 shall be available until expended for technical assistance to community development credit unions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1801-1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881); services as authorized by 5 U.S.C. 3109; authorized travel; acquisition, maintenance, and operation of aircraft and purchase of flight services for research support; $3,135,950,000, of which not to exceed $254,500,000 shall remain available until expended for the National Science Foundation; and operated in support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities, for the Antarctic Research Program; the balance to remain available until September 30, 2002; That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation; Provided, further, That to the extent that appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

AMENDMENT OFFERED BY MR. HOLT

Mr. HOLT. Mr. Chairman, I offer an amendment as an amendment to the gentleman from Wisconsin (Mr. OBEY).

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOLT:

Page 77, line 2, after the dollar amount, insert the following: "increased by $20,910,000".

Page 77, line 22, after the dollar amount, insert the following: "increased by $61,940,000".

Page 78, line 5, after the dollar amount, insert the following: "increased by $1,300,000".

Page 78, line 21, after the dollar amount, insert the following: "increased by $5,890,000".

Page 79, line 4, after the dollar amount, insert the following: "increased by $580,000".

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 15 minutes.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentleman's amendment and to reserve the time in opposition.

The CHAIRMAN. The gentleman from New Jersey reserves a point of order against the amendment.

The gentleman from New Jersey (Mr. HOLT) is recognized for 15 minutes.

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

Mr. Chairman, there are a number of problems with this bill, but I think one of the greatest is the lack of adequate funding for the National Science Foundation. This is an area that I think we should work in a bipartisan way to correct.

Let me be clear: the gentleman from New York (Chairman WALSH) and the ranking member and the members of the subcommittee have worked hard to meet the pressing needs with the limited funds that they have been given. They are not at fault here. But because inadequate appropriations allocation, the National Science Foundation does not receive the funds it needs to continue its vital work.

Now, in order to maintain our superb economic growth in this country, we need at least two things: a smart, well trained workforce and new ideas. The National Science Foundation plays a crucial role in both areas, in education, both elementary and secondary, as well as higher education, public education and museums and radio and television, and research in all areas.

The NSF supports nearly 50 percent of nonmedical research conducted at academic institutions, and provides the fundamental underpinning for much of the medical research and other research we value in our society.

The VA-HUD appropriations bill we are being asked to support times up short in the needed investments for the National Science Foundation. It cuts NSF investments in science and engineering by over $500 million, or 13 percent below the level requested by the President. So as funders, I think we could work together on science and engineering and deny progress that would result in improvement of the quality of life of all Americans.
This is not just a case of the congressional leadership ignoring the President's request for the National Science Foundation. No. The leadership is ignoring its own plan for NSF funding. Just two months ago, Congress passed a budget for the fiscal year 2001 that called for significant increases in the National Science Foundation funding. As a member of the Committee on the Budget, I worked to increase that funding. In committee I helped pass an amendment to include an additional $100 million in funding for the National Science Foundation and other government research. Later, as the budget came to the floor, along with advocates on both sides of the aisle, we succeeded in raising that allocation almost to the amount requested by the President.

I do not think any of us suspected that a short 60 days later we would be presented with such a disappointing appropriation. At that time, with great fanfare, the majority presented these budget increases. This is the increase in money for the National Science Foundation. Can they not meet their own level?

This is not, and should not be, a partisan issue. Increasing NSF funding would substantially help colleges and universities across the country and would help all Americans benefit in making prudent investments in our future. If we are going to continue to lead the global economy, we must have a well-trained workforce and the best research and scientific explorations in our colleges and universities and research institutions that we can provide.

Mr. Chairman, I urge my colleagues to join me in supporting full funding for the National Science Foundation.

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

Mr. WALSH. Mr. Chairman, I continue to reserve my point of order.

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

The CHAIRMAN. The gentleman from New York is recognized for 15 minutes.

Mr. WALSH. Mr. Chairman, I would like to reassure the gentleman that offered this amendment that the subcommittee did not ignore the President's request. We honored the President's request, and I think the desires of the Congress to the best of our ability, given our allocation. The President requested a $575 million increase in NSF. He also requested a 20 percent increase in HUD and substantial increases in other parts of the budget. There was no way, given the available resources that we had, to meet that request.

However, what we did do was we increased funding for NASA, increased funding for HUD, increased funding for the Veterans Administration, and increased funding for the National Science Foundation. In fact, we increased NSF by almost $170 million. That is a substantial increase. The budget is now over $4 billion. We believe strongly in investing in science and technology. I think that our conference has been clear and our record strong on supporting investments in science. However, we do not have unlimited resources. We are constrained by the allocation.

I would add that if funds are made available at the end of this process as we go into the conference that we will look, and I know the gentleman from Wisconsin and many of us will look strongly at providing those resources for further investments in technology. At this time, we do not have those funds available to us, and for that reason, I would reluctantly oppose the gentleman's amendment.

Mr. Chairman, I continue to reserve my point of order, and I reserve the balance of my time.

Mr. HOLT. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin. (Mr. O'Callaghan, the distinguished ranking member of the Committee on Appropriations.)

Mr. OBEY. Mr. Chairman, we are here today because the committee has underfunded the President's budget request for the National Science Foundation by $500 million. Last year, Chairman Greenspan of the Federal Reserve said this: "Something special has happened to the American economy in recent years. I have hypothesized on a number of occasions that the synergies that have developed, especially among the microprocessor, the laser, fiber optics and satellite technologies have dramatically raised the potential rates of return on all types of equipment. What has happened to the American economy, in my view, has a lot to do with the work of this committee and the work of this subcommittee. If we take a look at the technologies that Chairman Greenspan was talking about, this subcommittee has been largely responsible for funding a number of them through the years, and the results show.

If we take a look at the Internet, for instance, in 1985, the National Science Foundation built the first national backbone, the very infrastructure that makes the Internet work today. In 1993, the NSF provided the funding for the development of the first Web browser. The Internet economy will be worth $1 trillion by next year. It employs more than 1 million workers, and it is the engine of our economic growth.

Biotechnology. In one of its first grants in 1951, NSF gave $5,000 that helped to establish the very basis of genetic research. Since that pivotal discovery, the field has exploded. Sixty-five biotechnology drugs have been approved by the FDA since that time.

DNA fingerprinting. In 1995, using a key NSF discovery which made that technique possible, the police in Los Angeles were able to stop an outbreak of E. Coli illness because of what they had learned over the previous 10 years.

MRI machines. That technology is amazing. It has revolutionized medicine, and that too has grown out of NSF funding.

So has the satellite technology that Dr. Greenspan was talking about. Mr. Chairman, I would like to point out that in January of 1992, the Wilshire 500 index, which measures the value of all of the publicly owned companies in this country, stood at 4,337. In 1995, that means that stocks in those companies was worth about $4.3 trillion. Today, it is over $13 trillion. Just one company, Oracle, the growth in that company alone in the last 12 months has been larger than the total valuation of the Daimler Chrysler, Ford, General Motors and DaimlerChrysler and DaimlerChrysler.

This has been due in significant part to what we have learned through the research funded by NSF.

Mr. Chairman, if we want the economy to grow, if we want to expand our knowledge of the problems that face us on the health front, we have to fund NSF to do the basic science that is required. When they do that, they can, in turn, pass it through the National Institutes of Health who take it a step further, and we can finally come up with discoveries on how to deal with some of the most dreaded diseases in this society.

So all it helps to do is to make the economy the engine that it is today. It helps to do is to help human beings struggle with illnesses that we have fought against for generations. It is well worth the investment. It is extremely shortsighted for this agency to be short cut just so that the majority party can provide $90 billion in tax cuts to people who make over $300,000 a year. That is a wrong priority; this is the right one. I congratulate the gentleman for offering the amendment.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey. (Mr. Frelinghuysen.)

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in opposition to the amendment.

Mr. Chairman, there are many Federal agencies that compete for the VA-HUD budget allocation: the Veterans Administration, housing and urban development, Environmental Protection Agency, and other independent agencies such as the National Science Foundation. All of us here, Republican or Democrat, support the National Science Foundation because we know that much of their work, the greatest portion of their work, in fact, goes into university-based research. That support is bipartisan and nonpartisan, in fact.

Further, this bill under discussion clearly reinforces the commitment of this Congress to scientific research as we are aware of the National Science Foundation. Congress marks its 50th anniversary this year. It is funded at a record $4.1 billion. This is an increase of $167 million, or 4.3 percent over last year. We wish it could be more.
It is also the first time funds for this agency have topped the $4 billion level. With only a small portion of Federal spending, this agency has been, has had a powerful impact on national science and engineering in most every State and certainly in the Hill. The President's FY 2000 funding request is $7.7 billion. Every dollar invested in the National Science Foundation returns manyfold its worth in economic growth.

I note that 5 years ago, the National Science Foundation budget was $3.27 billion in the fiscal year 1997, and 3 years ago, $3.6 billion. That is a 40% increase. As the authorization budget had climbed to $3.6 billion in 1999.

This year's increased National Science Foundation appropriation for the fiscal year 2000 continues us in the right direction. The remarkable discoveries mentioned by the gentleman from Wisconsin will continue with this allocation, and with more money, we can find it as this bill goes to conference.

Mr. HOLT. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HALL), the ranking member of the House Committee on Science.

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

Mr. HALL of Texas. Mr. Chairman, I rise, of course, in strong support of this amendment. The National Science Foundation is one of the few agencies in the government that is investing in the nation's future. While we are enjoying the very lowest poverty levels and the finest economic conditions since I have been in Congress, 20 years, and two generations, I think this is a time when we ought to be increasing our investment and not decreasing it. If not now, when are we going to do it? We have not been able to with the deficits back for the last 15 to 18 years.

NSF is shorted by $500 million from the President's request, and this amendment would fix this problem. If we could fully fund NSF, we would advance information technology research that is endorsed today by leading American computer firms who tell us that we need it and we ought to do it. And these are important programs that will keep the U.S. at the forefront of new computer communications technologies.

This is the same research this body unanimously supported in the February authorization. We supported it then, and we support it now.

Mr. WALKER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM), a member of the Committee on Appropriations.

Mr. CUNNINGHAM of California. Mr. Chairman, one of the things that the other side will try and do as far as smoke and mirrors is they will talk about the President's request. Republicans brought forward the President's budget, even his tax increase. The President made false assumptions. He increased taxes, took Social Security money to balance his budget, and he used false assumptions such as the gas prices would stay the same, and guess what?

We know what happened to them. They did not vote for it, but they used his numbers.

An example is special education. The most the Democrats when they were in power ever increased special education spending. As the President has in 5 years, we put it up to 18 percent. We increased special education by $500 million this year, but yet the President's budget, which none of them voted for, wanted over $1 billion, so Republicans are now cutting special education. That is the logic, and that tax break for the rich is to fool the uninformed. It is a sham.

Mr. HOLT. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), someone who is very well positioned to speak to this as the ranking member on the Subcommittee on Basic Research.

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

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resources for the math, science, and engineering research and education activities of the National Science Foundation.

Mr. WALSH. Mr. Chairman, I continue to reserve my point of order, and since I have no further requests for time, I reserve the balance of my time.

Mr. HOLT. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Chairman, I rise in support of the Obey-Holt amendment to restore the funding to the National Science Foundation to the level of $508 million. As a former superintendents of my State schools, I know firsthand that the support for NSF for science and engineering education is so important. Every dollar invested in this agency returns manyfold its worth in economic growth.

As the lead source of Federal funding for basic research at colleges and universities, NSF supports research in educational programs that are crucial to technological advances in the private sector and for training of our next generation of scientists and engineers, as we have already heard.

This appropriation bill will jeopardize the Nation’s investment in the future, by cutting off NSF funding for science and engineering research and education by over $500 million.

This is about 11% below the requested level. This reduction will seriously undermine priority investments in cutting-edge research and eliminate funding for almost 18,000 researchers and science and mathematics educators.

At a time when we are trying to improve the quality and quantity of science and mathematics in the United States, the bill is calling for an education cut that includes a reduction of 21%, or over 30 million, below the request for undergraduate education—including the nearly 50% cut in requested funding for the National Science, Math, Engineering and Technology Digital Library. These investments are key components of the Administration’s 21st Century Initiative and critical to enabling students to compete in the today’s knowledge-based economy.

Our values call on us to invest in our people for our nation’s future rather than to waste our resources on an irresponsible tax plan.

1530

This is about 11 percent below the requested level, and this reduction will seriously undermine previous investments in cutting-edge technology and jeopardize research.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the amendment.

Mr. HOLT. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member of the subcommittee.

Mr. MOLLOHAN. Mr. Chairman, I thank the gentleman from New Jersey (Mr. HOLT) for yielding time to me.

First, let me compliment the gentleman from New Jersey (Mr. HOLT). In a very short period of time in the Congress he has distinguished himself as an expert in the area of government-sponsored research, and also has been its strongest advocate.

I want to say that it is particularly appropriate that he is the author of this amendment because of the reputation that he is establishing in this area. We appreciate the gentleman’s efforts.

Mr. Chairman, let me also compliment the chairman of my subcommittee for being able to find money for a 4 percent increase in the NSF budget, in the budget that that we were given by this committee, that is quite a feat. It is in fact a recognition of his attitude towards how important basic funding research is.

But it is not enough. Our economy, our new economy, demands that we invest more in the National Science Foundation in basic research. That is why I strongly support the gentleman’s amendment.

Mr. HOLT. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. OLVER), who knows 100% of what he speaks. He in fact has done NSF-funded research.

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

Mr. Chairman, I rise in support of the Obey-Holt amendment. Work funded by the NSF touches our lives every day in a multitude of ways, from the meteorological technology like Doppler radar, which more accurately predicts storm paths, to advances in fiber optics used by the cable TV, the long distance telephone, and computer industries that benefits every American, to research to develop edible vaccines which would make vaccinating large groups of people easier.

Mr. Chairman, these scientific advances are the result of decades of sustained research. We must invest in NSF research today to maximize the benefits of science and technology for tomorrow and our future. Our world and our economy are changing rapidly. We should not shortchange basic science research because that would shortchange our very futures. I urge passage of the amendment.

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

I thank the gentleman for his good remarks, and I also thank the gentleman from West Virginia (Mr. MOLLOHAN). I think they hit it on the head. What we have with this amendment, Mr. Chairman, is an appropriation that comes in not just below the President’s budget but below the request of the majority party.

In their budget resolution with great fanfare just a couple of months ago they announced that they had increased the number for research to nearly the President’s budget. Now we are faced with an appropriations bill that is $500 million below that. This is particularly and poorly foolish. Our investments in research have paid off.

I am especially troubled by the $34 million reduction in NSF’s education programs below this request. Cuts in undergraduate education undermine scholastic endeavors in every State in the Nation. In my own central New Jersey district, NSF education programs are funding projects at Montmouth University and Princeton University and Rider University. It would be a mistake to reduce funding in these crucial areas.

Mr. Chairman, economists do not agree on much, I find, but there is one thing that I hear over and over again from economists from Berkley to Harvard, Chicago, to the Federal Reserve. We are now enjoying the fruits of investment in research and development made in decades past. We are not talking about just a little tweaking of the NSF and Federal research budget. We need to make a significantly greater investment in the research budget if we have any hope of maintaining the kind of economic growth that we are coming to rely on.

We also need a smart, well-trained workforce, and NSF contributes directly to that through education in elementary and secondary schools through higher education and through public education. We will not find better investments in our children’s future than investment in education and in research and development. That is what this amendment is about.

Mr. LARSON. Mr. Chairman, I rise today in support of the amendment offered by the gentleman from New Jersey, Mr. HOLT, to the Fiscal Year 2001 VA-HUD Appropriations bill. Without the adoption of Mr. HOLT’s timely amendment this bill will be woefully inadequate. As it stands, this bill will cut the National Science Foundation’s budget for science and engineering research by over $500 million from the President’s request. Mr. HOLT’s amendment will reinstate much of this funding and will allow important NSF programs to continue and grow.

The current version of H.R. 4635 includes a reduction of 21 percent from NSF’s requested sum for undergraduate education. This includes a nearly 50 percent cut in funding for the National Science, Math, Engineering and Technology Digital Library. Obviously, today’s students cannot become tomorrow’s leaders if they do not have a proper education. We must strive to give our students pertinent knowledge in these important fields. Mr. HOLT’s amendment will allow tomorrow’s scientists to learn the valuable information they will need for the 21st century.

Additionally, the bill we have on the floor today will eliminate funding for almost 18,000 researchers and science and mathematics educators. These scientists and educators perform cutting edge research on a daily basis, and the elimination of their funding will weaken the United States world leadership in the fields of science and engineering. Furthermore, the bill will severely undercut funding for basic research, including health care, environmental protection, energy, and food production. Fortunately, Mr. HOLT’s amendment will reinstitute funding for the United States to maintain its positive reputation in the field of international research.

Moreover, H.R. 4635 would result in the elimination of 4,000 grants for research and
educational endeavors. Through this reduction, investments in the crucial fields of information technology, nanoscale science and engineering, and environmental research will drop, and thus will slow the development of new discoveries. Clearly, these cuts must be restored so that American technology can stay competitive in the global marketplace. Mr. HOLT’s amendment will allow American technology to continue to advance and improve.

Finally, we must remember that in the past 50 years, half of U.S. economic productivity can be attributed to technological innovation. In order to stimulate the economy for the next 50 years, we must make this important investment in America’s future and support the NSF. As a result, I urge all my colleagues to support this amendment and I commend Mr. HOLT for his steadfast leadership on this issue.

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

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

POINT OF ORDER

The CHAIRMAN. Does the gentleman from New York (Mr. WALSCH) insist on his point of order?

Mr. WALSCH. Mr. Chairman, I do insist on my point of order. I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974.

The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2001 on June 21, 2000, House Report 106-686. This amendment would provide new budget authority in excess of the subcommittee suballocation made under section 302(b), and is not permitted under section 302(f) of the Act.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from New Jersey (Mr. HOLT) wish to be heard?

The Chair is authoritatively guided by an estimate of the Committee on the Budget, pursuant to section 312 of the Budget Act, that an amendment providing any increase in discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentleman from New Jersey (Mr. HOLT) would increase the level of new discretionary budget authority in the bill. As such, the amendment violates section 302(f) of the Budget Act.

The point of order is therefore sustained. The amendment is not in order. The record will stand as read.

The Clerk read as follows:

**MAJOR RESEARCH EQUIPMENT**

For necessary expenses of major construction projects pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $76,000,000, to remain available until expended.

**EDUCATION AND HUMAN RESOURCES**

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1879), including services as authorized by 5 U.S.C. 301, to be available until September 30, 2002.

September 30, 2002: Provided. That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

**SALARIES AND EXPENSES**

For salaries necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1879); services authorized by 5 U.S.C. 3109, hire of passenger and motor vehicles not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; rent of commercial space not to exceed $152,000,000; Provided, That contracts may be entered into under “Salaries and expenses” in fiscal year 2001 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

**OFFICE OF INSPECTOR GENERAL**


**NEIGHBORHOOD REINVESTMENT CORPORATION**

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 4801-4811), $90,000,000, of which $5,000,000 shall be for a homeownership program that is used in conjunction with section 8 assistance under the United States Housing Act of 1937.

**SELECTIVE SERVICE SYSTEM**

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101-4118 for civilian employees; and not to exceed $1,000 for official reception and representation expenses, and not to exceed $1,000,000 for official reception expenses; $23,000,000: Provided, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

**TITLE IV—GENERAL PROVISIONS**

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses; $23,000,000: Provided, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

**RECORDED VOTE**

The CHAIRMAN. A recorded vote has been ordered.

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mrs. KELLY); amendment No. 22 offered by the gentleman from New York (Mr. HINCHENY); the amendment offered by the gentleman from Massachusetts (Mr. OLVER); amendment No. 46 offered by the gentleman from Indiana (Mr. ROEMER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MRS. KELLY

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Mrs. KELLY) on which further proceedings were postponed in the following order: the amendment offered by the gentleman from New York (Mrs. KELLY); amendment No. 22 offered by the gentleman from New York (Mr. HINCHENY); the amendment offered by the gentleman from Massachusetts (Mr. OLVER); amendment No. 46 offered by the gentleman from Indiana (Mr. ROEMER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MRS. KELLY

Page 25, line 19, after the dollar amount, insert the following: “(increased by $5,000,000).”

Page 45, line 12, after the first dollar amount, insert the following: “(reduced by $1,000,000).”
Mr. KILPATRICK and Messrs. FATTAH, SAWYER, TIERNEY and BARCIA changed their vote from "aye" to "no."

Ms. ESHOO, Mr. LATHAM and Mr. WISE changed their vote from "no" to "aye."

The result of the amendment was agreed to and announced as above recorded.

ANNOUNCEMENT OF THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 525, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on any amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 22 OFFERED BY MR. HINCHLEY

The CHAIRMAN. The unoffended business is the demand for a recorded vote on amendment No. 22 offered by the gentleman from New York (Mr. HINCHLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. HINCHLEY: Page 46, line 21, after the dollar amount, insert the following: "(increased by $4,770,000)."

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.
Mr. DAVIS of Florida and Mr. SNYDER changed their vote from “no” to “aye.”

Mr. CRAMER changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

STATE: Mr. DEUTSCH. Mr. Chairman, on rollcall No. 300, had I been present, I would have voted “aye.”

AMENDMENT OFFERED BY MR. OLVER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. OLVER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 314, noes 108, not voting 12, as follows:

AYES—314

[Names of representatives voting “aye”]

NOES—108

[Names of representatives voting “no”]

Mr. WAMP and Mr. BURTON of Indiana changed their vote from “aye” to “no.”

Messrs. CANNON, DICKEY, and MCNULTY changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 48 OFFERED BY MR. ROEMER

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 48 offered by the gentleman from Indiana (Mr. ROEMER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 98, noes 325, not voting 11, as follows:
MESSRS. KENNEDY of Rhode Island, MARKEY, and FOSSELLA changed their vote from "aye" to "no." Messrs. NADLER, OLIVER, and PEASE changed their vote from "no" to "aye." So the amendment was rejected. The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, earlier today, I was undoubtedly de-\

The text of the bill from page 81 through page 90, line 16 is as follows: Sec. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing and Urban Development Act of 1965 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing the services of legal counsel, including special counsel, in State and local courts and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, the Federal Home Loan Banks or any member thereof, Federal Home Loan banks, and any insured bank under the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

Sec. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

Sec. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between their domicile and their place of employment, with the exception of any officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905.

Sec. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government, to the extent of cost sharing by the recipient shall reflect the mutuality of interests of the contractor and the Government in the research.

Sec. 408. None of the funds in this Act may be used, directly or through grants, to pay or provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at a rate that exceeds—

(1) the daily equivalent of the rate provided for level IV of the Executive Schedule, to the extent of cost sharing by the recipient shall reflect the mutuality of interest of the contractor and the Government in the research.

Sec. 409. None of the funds provided in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 410. Except as otherwise provided under existing law, or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to—

(A) contracts which are published in the Federal Register and available for public inspection; and

(B) thereafter included in a publicly available list of all contracts entered into within the preceding 24-month period, to the extent of cost sharing by the recipient shall reflect the mutuality of interest of the contractor and the Government in the research.

The text continues...
been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under such contract.

SEC. 411. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in section 406, of the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contracts, evaluations, investigations, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 412. Except as otherwise provided in section 411 of this Act, none of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 413. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 414. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 415. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

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

SEC. 416. None of the funds appropriated in this Act may be used to implement any contract on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A-21.

SEC. 417. As may be necessary for fiscal year 2001, pay raises for programs funded by this Act shall be absorbed within the limits of funds appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Office of Inspector General, the General Services Administration, or the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowings made available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 2001 for such position and filled with all due speed: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments, guarantees, or any other financial assistance for any purpose provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that no new loan or mortgage purchase commitments or guarantees or any other financial assistance for any purpose provided for in this Act shall be made by such executive agency: (1) any new lease of real property if the estimated annual rental is more than $300,000, except as provided by section 104 of the Act as amended; and (2) any new lease of real property, or any renewal thereof, for any period of time in excess of 5 years, unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is submitted to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 419. Corporations and agencies of the Department of Housing and Urban Development and the General Services Administration, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowings made available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 2001 for such position and filled with all due speed: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments, guarantees, or any other financial assistance for any purpose provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that no new loan or mortgage purchase commitments or guarantees or any other financial assistance for any purpose provided for in this Act shall be made by such executive agency: (1) any new lease of real property if the estimated annual rental is more than $300,000, except as provided by section 104 of the Act as amended; and (2) any new lease of real property, or any renewal thereof, for any period of time in excess of 5 years, unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is submitted to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 420. NASA FULL COST ACCOUNTING. Title III of the National Aeronautics and Space Act of 1958, P.L. 85-573, is amended by adding the following new section at the end:

SEC. 312. (a) Appropriations for the Administration for fiscal year 2002 and thereafter shall be made in three accounts, "Human space flight", "Science, aeronautics and technology", and an account for administrative services, except that administrative services shall be provided in the "Science, aeronautics and technology" account.

(b) To ensure the safe, timely, and successful accomplishment of Administration missions and operations, NASA may transfer amounts for Federal salaries and benefits; training, travel and awards; facility and related costs; information technology services; subcontracts for the fabrication and testing services; and other administrative services among accounts, as necessary.

SEC. 421. None of the funds provided in title II for technical assistance, training, or management improvements may be obligated or expended before the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is submitted to the Committees on Appropriations of the Congress.

SEC. 422. PESTICIDE TOLERANCE FEES.—None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as provided at 40 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed to support joint research programs between the United States Air Force and the National Aeronautics and Space Administration. Specifically, none of the funds in this Act shall be used to support the activities of the AF-NASA Council on Aeronautics and the AFSPC-NRO-NASA Partnership Council.

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

Mr. Chairman, at this time I rise to enter into a colloquy with the gentleman from Wisconsin (Mr. GREEN).

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I say to the gentleman from New York (Chairman WALSH), as he knows, there is report language attached to this bill that tells the EPA not to undertake dredging of contaminated sediments until the completion of a study by the National Academy of Sciences.

I understand that similar language has been included in the VA-HUD report in each of the past 2 years.

Mr. WALSH. Mr. Chairman, reclaiming my time, yes, that is correct.

Mr. GREEN of Wisconsin. Mr. Chairman, as the gentleman may know, sediments in the Fox River in Northeast Wisconsin have been determined to be contaminated with PCBs.

Last year a number of the paper companies along this river did a dredging demonstration project that is referred to as 5657. Unfortunately, the demonstration project did not remove enough of the contaminated sediments to adequately clean up the site.

I along with most of the citizens of Northeastern Wisconsin have been pushing both the paper companies and the EPA to complete the clean up of this site. Fortunately, one of the companies involved recently reached an agreement with EPA and the Wisconsin Department of Natural Resources to go back into 5657 and complete the dredging to its original specifications. Some people have expressed concern that this report language might have an effect on this agreement and on the overall push for a settlement and cleaning up of the Fox River. I want to ask for a clarification on this matter. Specifi-
Mr. WALSH. I thank the gentleman for his inquiry. Specifically, this language says that, and I quote, “exceptions are provided for voluntary agreements,” and therefore I can assure him that this language will not affect the specific project he is concerned with, the site called 5657. Furthermore, nothing in this report language should be construed as preventing or discouraging a prompt settlement between the EPA and the paper companies along the Fox River for cleanup of the PCBs.

Mr. GREEN of Wisconsin. I think the gentleman for this clarification and for his attention to this matter.

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

Mr. Chairman, I rise for the purpose of entering into a colloquy with the gentleman from California (Mr. BILBRAY).

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

Mr. WALSH. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Chairman, I thank the gentleman for yielding. My friend from New York knows that I have been greatly concerned about the chronic cross border sewage pollution coming from Mexico which continues to contaminate the oceans and close the beaches of the communities of South San Diego County, including my hometown of Imperial Beach, that is a major concern, and working closely with the gentleman to address this problem of protecting the public health in my community.

Specifically, I want to thank the gentleman for his careful consideration of my request to take action on the issue of the arbitrary cap on the spending limit on the U.S. international wastewater treatment plant across from Tijuana, Mexico, that treats their sewage and discharges it onto the beaches of my hometown of Imperial Beach. This cap was put in place in this FY 2001 bill by the 102nd Congress in 1992–1993. The sad result of this cap is that the international treatment plant, which is operated by the Federal Government, is now operating in violation of the Clean Water Act. This arbitrary cap must be lifted in order to provide for construction of secondary treatment on our side of the border that will adequately address both current and future flows of Mexican sewage.

The Environment Protection Agency’s (EPA) alternative requirements for environmental reasons at similar private sector and local facilities all over this country, but at the same time this arbitrary cap which was set by a previous Congress is resulting in the violation by the Federal Government of its own Clean Water Act. As the chairman of the subcommittee is aware, I have prepared an amendment to his bill which would have sought a lifting of this cap, and the facilitation of the quicker construction of the secondary sewage facility. However, I am informed that the amendment would have been subject to a point of order as legislation on an appropriation bill.

Mr. WALSH. I thank the gentleman for his statement and I thank him also for his strong environmental leadership in Southern California. He is noted throughout this House for his clear thinking. The gentleman is also correct that while the intentions of this amendment were good, because of the effect of the amendment would alter existing law, it would be in violation of clause 2 of rule XXI, and I would reluctantly be forced to bring a point of order against the amendment which would not pass.

Mr. BILBRAY. I thank the gentleman for the clarification. Given this procedural situation, I will not be offering my amendment at this time but will continue to work together with the gentleman on his bill to address the cap issue as the legislation moves forward.

Mr. Chairman, it is essential that the Federal Government be required to achieve the same environmental standards that they and we require on everyone else.

Mr. WALSH. I appreciate the gentleman’s remarks and will certainly continue to work with him on this issue. The gentleman from California has made a difference in your communities. Chronic problems his community faces as a result of the problems of Mexican sewage flows, and he has made clear his desire to lift the cap in order to help provide the appropriate levels of treatment to do so.

While we share his interest in resolving this issue, we remain concerned with the preferred proposal which EPA has chosen by which to provide secondary treatment which we believe would not be adequate to protect the public health. Therefore believe it would be unwise to raise the cap at this time. As is stated in the report, however, the committee will be continuing to examine progress on this issue, including the need for secondary facilities to be sited in Mexico. We anticipate revisiting this important issue of secondary treatment at a later time.

Mr. BILBRAY. I want to thank the gentleman for his consideration and commitment. Mr. Chairman, my community is just asking how many more decades have to pass before the citizens of Imperial Beach and South San Diego are protected by their Federal Government from pollution from a foreign country.

As you well know, the Environmental Protection Agency has selected a ponding alternative for 25 mgd of secondary treatment at the International Wastewater Treatment Plant (IWT). While EPA has said that its chosen alternative would not require the appropriation of new monies, it nonetheless remains extremely controversial in South San Diego communities. The concern that constructing ponds at this site would be shortsighted for two significant engineering reasons—(1) current levels of sewage have already reached a higher level, which would overcapacitate the 25 mgd ponds from day one, and (2) potential future expansion of the IWT’s capacity would be precluded by the location of secondary ponds on this site.

It was for these reasons that I prevailed on the EPA throughout much of last year to give every possible consideration to the construction of a secondary treatment facility in Mexico, which would utilize the same kind of technology preferred by the EPA, but would have the ability to build out to treatment levels of 75 or even 100 mgd, and in the process reclaim the wastewater for reuse in Mexico. It is clear that capacity levels of this magnitude are going to be needed in order to meet the needs of the growing region. However, the EPA has made clear its intention to proceed with its preferred alternative on the U.S. side, and has asked for full support in raising Secondary ponding at the IWT, in order to construct the ponds with funds already appropriated to it within the Border Environmental Infrastructure Fund (BEIF).

I have reservations about the practicality of the EPA’s preferred alternative, and believe that the immediate threat to our ocean and beaches in the U.S. stems from untreated Mexican sewage flows which are not being captured and treated at the IWT. However, it is nonetheless critical to communities in the region, such as my home town of Imperial Beach, that this effluent is treated to secondary levels, and that the capacity for doing so is able to be expanded in a timely manner in order to address the increasing levels of flow from Mexico. In order to meet this target, the state in Mexico, in the treatment, regardless of the alternative or technology chosen, the existing cap on spending will need to be raised. In a letter dated April 12 the EPA specifically asked for your assistance in this regard.

You will recall that I supported a similar request from the EPA to raise the spending cap in the waning hours of the 108th Congress, however, it was submitted by the Administration too late to merit serious consideration at that “eleventh hour.” I recognize and appreciate the Subcommittee’s fiscal and policy concerns about EPA’s preferred alternative which you have outlined to me previously, including the subsequent likely need in the very near future to construct yet another contract to the U.S. to treat sewage flows which will exceed 25 mgd capacity of secondary ponds. I know that this is a challenging issue for your Subcommittee amendment are quite clear, because secondary treatment is clear. Therefore, I would respectfully urge you to pursue language in your FY 2001 bill which would facilitate raising the cap and embarking on the construction of secondary treatment which will comprehensively address this problem.

I greatly appreciate your continued concern for and interest in this important issue, 12 years after you again raised this legislation. Please don’t hesitate to contact me directly, or Dave Schroeder of my staff, should your...
Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from California (Mr. LEWIS) for a colloquy between himself and the gentleman from California (Mr. WAXMAN). Mr. WAXMAN. I thank the gentleman for yielding to me.

Mr. WAXMAN. Mr. LEWIS of California, Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. Mr. LEWIS of California. I certainly will. I appreciate the gentleman extending that hand, for there is little doubt that this problem does not know partisan lines and to be able to work together with him dealing with EPA would be very helpful to me and much appreciated.

Mr. WAXMAN. Will the gentleman also agree to address the radon report language in conference to prevent the rule from being delayed?

Mr. LEWIS of California. Yes, I will if the gentleman will agree to work on a bipartisan approach to this problem that is a good solution. Bipartisan legislation could address the concerns of all stakeholders. I look forward to working with the gentleman to achieve this goal and that delaying the regulations may be counterproductive.

Mr. WAXMAN. I agree and believe the law could be strengthened in this manner. I want to commit to working together on an expedited basis to develop legislative language that would achieve these goals. I believe we do not need to delay the EPA regulations to achieve this goal and that delaying the regulations may be counterproductive. Will the gentleman agree to work on legislation with technical assistance from EPA?

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Mr. WAXMAN. I agree and believe the law could be strengthened in this manner. I want to commit to working together on an expedited basis to develop legislative language that would achieve these goals. I believe we do not need to delay the EPA regulations to achieve this goal and that delaying the regulations may be counterproductive. Will the gentleman agree to work on legislation with technical assistance from EPA?
mental illness treatment services by veterans. In fact, in 1998 only 11 percent of all VA research was dedicated to chronic mental illness, substance abuse, and post-traumatic stress syndrome, despite the fact that nearly 25 percent of patients in the system receive mental illness treatment. That is one system where people are actually being treated. The problem is we do not have answers to so many of these serious illnesses, illnesses like schizophrenia, illnesses like bipolar disorder, illnesses that do not go away, illnesses that are in fact chemical imbalances of the central nervous system.

My amendment is an attempt to get the Department of Veterans Affairs to carefully focus on what they are doing to provide this Congress with a better understanding on the mission of each of the centers, their funding as well as their achievements so we can work hand in hand with the Department to help not just find answers for America’s veterans who suffer from these horrendous diseases here in our country.

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

Mr. Chairman, I rise to enter into a colloquy with a member of the subcommittee, the gentleman from Michigan, a distinguished Member (Mr. KNOLLENBERG).

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

Mr. WALSH. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, I appreciate the gentleman for yielding to me on this issue. I want to report to the gentleman from New York (Mr. WALSH), the Nuclear Regulatory Commission, has just contacted me to state their claim that any failure to achieve an MOU, a memorandum of understanding, with the EPA is not for any lack of trying on the part of the NRC.

I hope that as we move to and through the conference that we have an opportunity to look into the matter and examine the facts and merits of their claim. Mr. WALSH, Mr. Chairman, I thank the gentleman for communicating this matter to me and to the subcommittee and will look into the claim of the Nuclear Regulatory Commission and the attendant report language.

AMENDMENT OFFERED BY MR. EDWARDS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. EDWARDS:

Sec. 1. (a) The amount provided in title I for "VETERANS HEALTH ADMINISTRATION—Medical Care" is hereby increased by $500,000,000, and the amount provided in title I for "VETERANS HEALTH ADMINISTRATION—Medical and Prosthetic Research" is hereby increased by $655,000,000.

(b) Any reduction for a taxable year beginning before January 1, 2003, in the rate of tax on estates under the Internal Revenue Code of 1986 that is enacted during 2000 shall not apply to a taxable estate in excess of $20,000,000.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from Texas (Mr. EDWARDS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. EDWARDS).

Mr. WALSH. Mr. Chairman, I reserve a point of order against the amendment of the gentleman from Texas (Mr. EDWARDS).

The CHAIRMAN. The gentleman from New York (Mr. WALSH) reserves a point of order. Mr. EDWARDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I can think of no better way to improve health care for America’s 25 million veterans.

In other words, we can see that millions of veterans receive the health care they need and deserve if this House will simply today say that approximately 6 of the richest families in each State should not receive a $500 million a year tax windfall.

The choice is very clear. We can tell one-tenth of 1 percent of the richest families in America that we are not going to give you a tax break. Why? So we can take care of the millions of veterans who sacrificed to ensure your family’s freedom and opportunity.

The question today is, whose side are we on? Do we want to help millions of veterans struggling to get better health care, or do we want to help one ten-thousandth of 1 percent of America’s most affluent families?

Mr. Chairman, I have heard a lot of candidate speeches lately about values, but I would suggest that, as Members of Congress, how we vote on budget priorities says a lot more about our values than all of our speeches combined.

To keep our Nation’s commitment to veterans, we do not have to undo the entire estate tax reform bill passed just 2 weeks ago on this floor.

We do not even have to raise taxes on the wealthy, who frankly have already received enormous tax cuts through reductions and capital gains taxes. All we have to do is tell Bill Gates and Steve Forbes and about 300 of America’s richest families each year that we believe that taking care of millions of veterans and their health care is more important than giving another tax break.

Mr. Chairman, this amendment should be a simple choice. It is a clear
June 21, 2000

CONGRESSIONAL RECORD — HOUSE

H4869

choice. If no Member of this House will object this afternoon, we can pass this amendment and help veterans today.

I would point out the Republican leadership did let tax provisions be put in the appropriations bill passed on Oc-
tober 19, 1998 on this floor. I would hope the Republican leadership would give America’s veterans the same pro-
cedural respect today that hundreds of other less deserving groups were given in October of 1998 on the appropri-
bation bill in this House.

Mr. CHAIRMAN. Let me say they have done a very respectable, fine job of sup-
porting veterans given the Republican budget constraints caused by massive regressive tax proposals.

I do want to commend the gentleman from New York (Mr. WALSH) and the gentle-
man from West Virginia (Mr. MOLLOHAN) for their subcommittee work. They have done well within those constraints.

This amendment though is not about their amendment or the Appropriations Sub-
committee, rather this amendment is about a clear choice of whether Congress should spend an additional $500 million helping one-tenth thousandth of 1 percent of America’s families or wheth-
er we want to take that same $500 million and help millions of America’s veterans.

It is a clear choice. This amendment is about our priorities in this House. It is about our values. It is about whose side are we on. Let us vote for the Edward amendment.

Mr. EDWARDS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. FILNER), a ranking Democrat on the VA Subcommittee on Benefits. He also has been a real leader on veterans’ programs in this Congress.

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

Mr. Chairman, I rise in strong sup-
port of the Edwards amendment and in strong support of our Nation’s veterans. The amendment of the gentle-
man from Texas (Mr. EDWARDS) calls for an increase in $500 million in the health budget of the VA. This money was not just pulled from the air, that figure, it comes from this document, the Independent Budget for the Depart-
ment of Veterans Affairs, a comprehen-
sive policy document created by vet-
ers for veterans.

All of the figures in this Nation got together to say what do we need for a professional Veterans Administration and one that will keep up our health and our benefits. This is a professional job, an analytical job. Let me just tell Members where that $500 million will go.

Under the section on staff shortages, in this independent budget, let me just read what veterans experts have con-
cluded, faced with severe budget short-
falls, VA facilities have laid off hun-
dreds of employees, including physi-
cians, nurses, physicians assistants, and other clinical staff. Layoffs combined with staff attrition from retirement, transfer and resigna-
tion have left VA facilities with insuf-
cient clinical staff to meet veterans’ needs. In some cases, administrators have had difficulty filling vacant posi-
tions compounding their staff short-
ages.

We have witnessed many cases of poor quality care that are the direct result of inadequate staffing. For ex-
ample, one spinal cord injury center with dangerously low staffing levels has seen its mortality rate increase threefold during the last 4 years. We are killing veterans because we have inadequate staffing levels.

Adequate numbers of well-trained staff are needed to keep up with the veterans to provide the harm-
ful delays in care and to provide appropriate care. At one VA center in our country, for example, a patient faced a 97-day wait for an appointment at the vascular clinic and a 14-month wait for dental prosthetics at the dental clinic.

One stroke patient at this medical center reported having his outpatient rehabilitation therapy suspended for several weeks, because his therapist went on vacation and there was no one to cover her. Because of staff shortages brought on by budget constraints, VA facilities have drastically reduced services or eliminated them altogether.

After the dental department at one medical center was downsized from 5 to 3, routine oral exams given to veterans who had put their physicals off were simply phased out. This was done despite the fact that dentists at the clinic found an unusually high number of oral cancers from veterans during these exams.

What are we doing to the people who have provided us with this great econ-
omy that we have today? We are elimi-
ating the services that can save their life or prolong the quality of their life.

Not only is elimination of routine oral exams inconsistent with VA’s goal of increasing access to primary and pre-
care, but it increases expenses over the long run.

We have concluded that we have crossed the boundaries. We are not pro-
viding our veterans with sufficient care.

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

Mr. Chairman, I have the amendment here in front of me, and I think it needs to be commented on that we have increased veterans’ medical care almost $1.4 billion this year. We in-
creased veterans’ medical care a $1.7 billion last year. Those are record level increases in veterans’ medical care, and they were properly appropriated for. These additional funds, the $500 million included in he amendment, are not offset.

There is no source of these funds available to us. In addition, the gentle-
man from Texas (Mr. EDWARDS) pro-
serves that of their programs $35 million for med-
ical and prosthetic research.

We just, last night, added $30 million back into that category for research, which was properly offset. The pre-
senter of the amendment looked into the budget, found some additional funds, we agreed there is a proper use of those funds, and a higher priority went to research.

I just would restate that I think we have done our job. We have done it well and the available funds. If addi-
tional funds become available later on in the process, we will look at prioritizing those also, but I must op-
pose the gentleman’s amendment.
Mr. Chairman, I continue to reserve my point of order.

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

Mr. Chairman, let me agree with the gentleman from New York (Mr. WALSH), he has done very well within the constraints that the Republican leadership and the House has put on what we can spend on VA health care. The problem is, that the multibillion dollar tax cut for the wealthiest one-ten thousandth of 1 percent of families in America that we passed 2 weeks ago provides less money for this bill.

We have an offset in this bill. We just choose to help 25 million veterans get better health care rather than giving 300 of America’s richest estates a further tax cut, that is a choice we should be allowed to make.

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. WALSH. Mr. Chairman, is there any time remaining on our side?

The CHAIRMAN. The gentleman has 8 minutes remaining.

Mr. WALSH. Mr. Chairman, I continue to reserve my point of order, and I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I will not take more than 30 seconds. My friend on the other side has worked diligently. As a matter of fact, this is one of the most bipartisan issues that we have, with the gentleman from California (Mr. FILNER) and the gentleman from Texas (Mr. EDWARDS) and the ranking minority on this committee. But I would say to my friends, the veterans have served this country, the United States of America, and all the citizens made a promise to the gentleman from New York (Mr. HINCHEY) and a Member opposed each will control 10 minutes.

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

There was no objection.

Mr. HINCHEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, over the last couple of years particularly, the chairman of the subcommittee on VA-HUD has done an admirable job in ensuring that additional funds were allocated for the Veterans Administration, especially and particularly for veterans health care. In spite of his best efforts, however, many veterans in certain parts of the country are getting inadequate health care nevertheless. That is as the result solely and completely of a program administrated within the Department of Veterans Affairs known as the Veterans Equitable Resource Allocation program, otherwise known as VERA.

VERA, in spite of its name, is wholly inequitable. Under VERA, we have seen cuts in veterans health care in many parts of the country, particularly throughout New England, New York, Pennsylvania, the Midwest, the far West, and other places as well. In addition, we have seen cuts in Illinois, Michigan, Wisconsin, Missouri, Kansas, Colorado, California, in addition to other States.

This amendment would provide that no money be allowed for the administration of this program.

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

Mr. Chairman, I rise today in support of this amendment, which I offer with my colleague, the gentleman from New York (Mr. HINCHEY), and many others. Quite simply, Mr. Chairman, this amendment would prevent the VA from using the Veterans Equitable Resource Allocation formula, known as VERA, to allocate funding to 22 Veterans Integrated Service Networks, known as VISNs, throughout the country. In stead, this amendment would send the VA back to the drawing board to develop a formula which would be truly equitable and which would distribute funding across the Nation, so that all of our veterans, regardless of where they live, would be provided with the same access to medical care based on need.

Under the current formula, VISN 3, which includes New York and New Jersey, has seen its funding cut by over 66 percent since 1997. The funding shortfall has hampered VISTA’s ability to provide a full range of medical services to veterans.

For example, look at the VA’s VERA-based allocation of funds for hepatitis C testing and treatment. The fiscal year 2000 budget provided $190 million. The fiscal year 2001 budget under consideration today would increase that amount to $940 million. Hepatitis C is a growing problem in our Nation, especially among Vietnam-era veterans. It is approaching epidemic proportions in VISN 3 in New York and New Jersey, where 26 percent of all veterans tested for hepatitis C have tested positive. The VA needs approximately $10 million this year just to provide hepatitis C treatment to veterans who test positive for the virus and additional funding to pay for testing, which can cost between $50 and $100 per person.

In March, VA Secretary Togo West told the Subcommittee on Veterans Affairs of the Committee on Appropriations that he had not spent all of the hepatitis C money in the fiscal year 2000 budget because the demand was not there. Because this funding is allocated under the VERA formula, our area has found itself in need of at least an additional $22 million to pay for hepatitis C testing and treatment this year. These are for veterans in need.

Mr. Chairman, because of the skewed distribution of funding under VERA, under that formula, we are faced with a system of winners and losers. When it comes to providing health care for veterans, there should be no winners and losers.

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

The CHAIRMAN. Does any Member claim the time in opposition?

Mrs. MEEK of Florida. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentlwoman from Florida is recognized for 10 minutes.

Mrs. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, with all respect and deference to my colleague, I rise in opposition to this amendment. I rushed to get here, and I have been on the floor all day waiting for this amendment.

Mr. Chairman, as you know, the Veterans Equitable Resource Allocation system, better known as VERA, was implemented to ensure that VA resources flow where the veterans who are moving to southern and western States. This VERA formula has come under scrutiny many, many times; and each time it has come under scrutiny,
there was no way to skew the figures, because the figures must go wherever the veterans are.

For a decade and a half, as more and more veterans moved to southern and western States, our facilities and our services have been overwhelmed by the needs of our new veteran arrivals. Even today, our Florida veteran facilities are finally beginning to get the resources we need after so many years of neglect to care for our ever-growing veterans population. VERA has been working since the last Congress, and this Subcommittee knows it has been working well because it has been done in a fair and equitable way.

In 1997, the General Accounting Office reported that VERA makes resource allocations more equitable than the previous system that was in effect. In 1998, the PricewaterhouseCoopers accounting firm found that VERA was sound in its concepts and methods and that VERA was also ahead of other global budgeting systems that are based on historical allocations with periodic adjustments.

Let us face it, Mr. Chairman. Whenever there is an allocation formula, everyone cannot be happy. There are two sides to every argument, but you cannot get away from the statistical evidence that is presented through these studies. It is obvious that the money goes where the veterans go.

Seven adjustments are being implemented in this fiscal year. Florida, the State I represent, the State the gentlewoman from Florida (Ms. Ros-Lehtinen) represents, the State that the gentleman from Florida (Mr. Diaz-Balart) represents, and many of us, we have the second largest population of veterans among the 50 States. We have 1.7 million veterans, and that is still growing. There are over 435,000 veterans in the seven counties of South Florida, and 48 percent of these veterans are over 65 years of age. Forty-eight percent of these veterans are over 65 years of age.

In fact, the population of veterans over 65 in just these seven South Florida counties is greater, and I emphasize greater, than the entire population of veterans over 65 in 40 other States. That is a very significant statistic, and I will repeat it: that the population of veterans over 65 in just these seven South Florida counties is greater than the entire population of veterans over 65 in 40 States.

I know that some States that are experiencing decreasing veteran populations, they are very highly critical of VERA, and well they might be: and they have attempted many times to short-circuit VERA in our VA-HUD bill, and each time I have gone to the floor to really defend our system of VERA.

As the one who has lived through base closures and realignment, I know how painful it is to close these underutilized facilities. There have been claims that the veterans left behind in States that have been losing veterans are older and sicker. That is what the other States are saying, they are older and sicker. But, by my demonstration here today, I have shown you that we have older veterans. These claims are not supported by the facts. So VERA is not only statistically sound; it is following the veterans, that allocation is. So in view of the overwhelming evidence that VERA is targeting VA resources to veteran populations that would need it most, and doing so in a fair and equitable way, I oppose this amendment and urge my colleagues to do the same, in fairness. Mr. Chairman, it is a simple matter of fairness.

Mr. FRELINGHUYSSEN. Mr. Chairman, it is my pleasure to yield 1 minute to the gentleman from Nebraska (Mr. Bereuter).

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

Mr. BEREUTER. Mr. Chairman, I rise in strong support of the Hinchev amendment. There is nothing fair or equitable about the current VERA allocation formula. If you are from the Northeast, if you are from a sparsely settled part of the country, like my State, you are getting the back of the VA. That is what you are getting. There has to be a more equitable distribution of funds.

I will tell Members this, we must have a basic threshold level of quality health care for all veterans, no matter where they live. They have to have adequate facilities, they have to have adequate services, and when you have a formula, like VERA strictly distributing funds on a population basis, with major outmigration from some areas, with sparsely settled populations of veterans in others like Nebraska, our veterans are not being treated fairly on VA health care.

I can tell you what is happening in Iowa and Nebraska, in our area. We are being cut dramatically in funds, to the point that veterans are not being served in our part of this country.

This formula has been unfair since it started. They simply will not listen to us down there in the Veterans Affairs Department. They simply go on and treat us unfairly. It is time to stop the use of this inequitable VERA formula. Support the Hinchev amendment.

Mr. Chairman, this Member rises today in strong support of the amendment offered by the distinguished gentlemen from New York (Mr. HINCHEY) which would prohibit funds in the bill from being used by the Department of Veterans Affairs to implement or administer the Veterans Equitable Resource Allocation (VERA) system. Unfortunately this has turned into a regional legislative battle between northeastern states and especially low-population Great Plans and Rocky Mountain states' delegations on one hand, and the Sunbelt states with larger numbers of veterans retirees on the other. Those of us representing the former see their VA resources cut while the money flows to the populace Sunbelt states.

Once again, we may be out-voted but it certainly isn't fair to veterans in our states.
Implemented in April 1997, the VERA methodology remains an equitable model for distributing funds to the 22 networks. During the past two and a half years independent review committees and Price WaterhouseCoopers LLP have validated the VERA methodology as meeting the intent of Congress. Essentially, Price WaterhouseCoopers LLP concluded that VERA is ahead of other global health care funding systems around the world. In addition to the medical care workload, since the beginning of VERA, the VHA has established internal workgroups, comprising clinical and administrative staff from both headquarters and field headquarters, to provide input to the VHA Policy Board for VERA refinement and to evaluate the appropriateness and effectiveness of the VERA methodology. Among the improvements and refinements to VERA continue as issues arise. Refinements that have been identified for the FY 2001 allocation are listed below.

Non-recurring Maintenance (NRM)—FY 2001 will complete the three-year phase-in of NRM being fully based on patient care workload and the cost of construction using the Boockh Index (a geographically-based, nationwide standard).

Geographic Price Adjustment (labor price adjustment)—a labor price factor for computing the labor index that would weight Basic and Complex Care workload consistent with recent costs is under review. A recommendation was presented to the VHA Policy Board in May 2000 and was approved June 15, 2000.

Research Support—A decision to again pass through research support funds directly to VA medical centers for FY 2001 will be reviewed by the VHA Policy Board in July 2000. A decision on these recommendations will be made subsequent to VHA Policy Board discussion well ahead of the time to allocate FY 2001 funding.

Care Across Networks—A Care Across Networks’ Workgroup studied the need for a transfer pricing system to cover veterans who receive care outside of their home network (e.g., northeast networks would reimburse southern networks for the care provided to veterans who travel south in the winter). The group recommended implementation of a default pricing system based on care across networks. The Workgroup continues to make progress on the whole system for workgroups to develop the proposed transfer pricing system. The Workgroup considered several key issues: the impact on improving coordination of care; whether the level of effort to effect transfer pricing was warranted; and the technical and software challenges to implement.

A recommendation by the Workgroup not to go forward with transfer pricing in FY 2001 was supported in the first VERA recommendation to the VHA Policy Board. The Workgroup will continue to use the existing pro-rated person (PRP) concept to ensure that care across networks is compensated. The default pricing system will be completed and made available to networks that are trying to understand care patterns as well as other issues.

Additionally, VHA Headquarters has maintained a national reserve fund to assist networks that are experiencing fiscal difficulties. VHA has established a process whereby networks can request funding, and the fund is first reviewed by a team of VHA field-based managers. The VISN’s request and the team’s review are then presented to the VHA Policy Board. The VHA recommends to the Under Secretary for Health. Once a final decision is made, the results are communicated to the requesting VISN.

Enclosed is a chart with text to show that VERA is not moving all networks to an aver- age expenditure per patient, but adjusts net- work allocations for differences in patient mix, labor costs, research and education support, equipment and non-recurring maintenance activities.

Please note that all major VERA shifts in funding have been completed. Beginning with the FY 2001 VERA distribution to the networks, changes in VISP funding will depend on the following factors:

• The change in the Medical Care Appropriation each year to the networks.

Each VISN’s change in the number and mix of veterans provided care relative to the system-wide change in total veteran patient workload, and

VERA refinements that may be made during the year.

The year for the opportunity to comment on VERA.

Sincerely,

THOMAS L. GARTHWAITE, M.D.,
Acting Under Secretary for Health.

The chart that follows displays the average VERA price for each network based on the preliminary FY 2001 VERA Allocation. (It should be noted that these are subject to change, workload data continues to undergo data validation, Specific Purpose funding continues to be reviewed, and final decisions about funding levels are dependent on the Congressional Appropriation.)

PROJECTED AVERAGE PRICE BY NETWORK-PRELIMINARY FY 2001 VERA ALLOCATIONS

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<tr>
<th>Network</th>
<th>Average Price</th>
<th>Percent variation from national average</th>
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<tr>
<td>01 Baltimore</td>
<td>$4,572</td>
<td>21.74</td>
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<tr>
<td>21 San Francisco</td>
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<tr>
<td>03 Bronx</td>
<td>$5,375</td>
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The chart shows that total VERA funding for networks is not a simple national average rate, for example, in FY 2001 four networks receive more than 10% above the national average price.

Since its inception in FY 1997, VERA has been effective in reducing the amount of variation in networks, and it has been worked on average cost per patient. In FY 96, one network had a 33% variation above the average; in FY 99 that variation from average cost per patient was reduced to 22%. At the other end of the spectrum, in FY 96 there was a network that was 38% below the national average cost per patient; in FY 99 this variation had been reduced to the network with the lowest average cost per patient was 22% below the national average. This has not been an arbitrary movement toward a single national average; some networks above the national average have appropriately moved even further above the national average due to complexity of their patient population and other workload demands.

VERA has completed the shifting of dollars among network based on workload, that
June 21, 2000

CONGRESSIONAL RECORD—HOUSE

H4873

began in FY 1997. When VERA was implemented, nearly $500M was identified by the VERA model as needing to be shifted among networks; in the FY 2001 allocation, there are no such changes by any amount. All networks are receiving increase to their FY2000 VERA allocation.

Mr. STEARNS. Mr. Chairman, we have a similar debate on this amendment last year when the gentleman offered the gentleman not to dismantle a system that is working for the veterans in this country. I also note that the VA maintains a reserve fund to handle the kind of problems that the gentleman has raised, and I am sure others will raise from the northeast. In fact, the New York/New Jersey Network received $60 million last year from that reserve fund that was set up just to handle problems that they are going to get on the floor and talk about.

For those areas of the country that have legitimate funding problems, there is this safety mechanism with the reserve fund. We need not and should not, I say to my colleagues, take away our account of the gentleman proposes. Adopting the Hinchey amendment would hurt veterans all across this country.

Mr. Chairman, I urge my colleagues to reject this amendment.

Mrs. MEEK of Florida. Mr. Chairman, I yield 45 seconds to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Chairman, I would merely say that Congress enacted VERA for a very simple reason: equity. No matter where they live or what circumstances they face, all veterans deserve to have equal access to quality health care.

The author of this amendment argues that veterans in New York are not being treated equitably. VERA takes all of that into consideration, and under VERA, veterans in the metropolitan New York area will receive an average of $5,339 per veteran patient. That is an extreme plus higher than the national average. The Florida VISN will receive $4,485 per patient under VERA, an average payment that is 2.5 percent below the national average. How is this unfair to New York veterans?

VERA ensures that veterans across the country have equal access to VA health care and that tax dollars are spent wisely. If the Hinchey Amendment passes, continued funding imbalances will result in unequal access to VA health care for veterans in different parts of the country.

I urge my colleagues to vote against the Hinchey amendment.

Mr. HINCHELY. Mr. Chairman, I yield myself such time as I may consume to say that this is not a regional argument. The issue is bureaucratic bungling by computer. If your area is not being hurt today, it most certainly will be tomorrow.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I rise in strong support for the Hinchey-Frelinghuysen amendment, and I urge my colleagues to do the same.

We want to suspend the VERA program. It is not working, and it is certainly not working for New Jersey. We are the only VISN to lose money. It is unacceptable to us in New Jersey, and it is unacceptable to them as well.

Mr. Chairman, I rise today to voice my strong support for the Hinchey, Frelinghuysen amendment and I urge my colleagues to do the same.

The amendment is simple, it suspends the VERA program. What we need to do is go back to the drawing board and come up with a program that is fair to ALL veterans.

In Fiscal Year 2000, Congress provided $1.7 billion more for veteran's medical care. Yet, in New Jersey we lost $36 million in funding.

We were the only VISN to lose money. It is unacceptable to the veterans of New Jersey.

According to this year's bill, our VISN will receive $22 million less than we did in Fiscal Year 1999 and $14 million less than we did in Fiscal Year 2000!

In fact, when we consider the supplemental appropriation we received this year, New Jersey will receive $52 million less than we received for the entirety of Fiscal Year 2000. This is a disgrace.

And that is because VERA, the Veterans Equitable Resource Allocation program, which redirects money from some regions of the country to pay for veterans who live in other parts of the country.

Our veterans deserve better.

The fact is that the VERA system is not equitable to all veterans. This amendment sends the message that VERA is not working. The VA should develop a truly equitable plan.

Members of the military have put themselves at great risk to protect American interests around the world. In return for this service, the federal government has made a commitment to both active duty and retired military personnel to provide certain benefits.

Our veterans helped shape the prosperity our nation currently enjoys. It is OUR duty to ensure that commitments made to those who served are kept.

The VERA system is simply not working.

I urge my colleagues to support this important amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. GILMAN), the dean of the New York Congressional Delegation.

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

Mr. GILMAN. Mr. Chairman, I am pleased to rise today in strong support of the Hinchey-Frelinghuysen amendment prohibiting funds from being used to implement VERA, the Veterans Equitable Resource Allocation system,

in our state simply did not have the resources to meet the high demand for care.

This lack of adequate resources is further compounded in the winter months when Flori- diana veterans are literally crowded out of the system by individuals who travel south to enjoy our warnings.

It is hard for my veterans to understand how they can lose their VA health care simply by moving to another part of the country or because a veteran from a different state is using our VA facilities.

Congress enacted VERA for a very simple reason: equity. No matter where they live or what circumstances they face, all veterans deserve to have equal access to quality health care.

Since VERA's implementation, the Florida Veterans' Integrated Service Network (VISN) has experienced a forty percent increase in its workload. The Florida network estimates that it will treat a total of 300,000 veterans by the end of Fiscal Year 2000.

The Florida network has also opened 18 new community based outpatient clinics since VERA's implementation. It plans to open additional clinics in the near future. None of this could have happened without VERA.

The author of this amendment argues that veterans in New York are not being treated equitably. The VERA system already takes into account the gentleman makes adjustments for labor costs, differences in patient mix and differing levels of support for research and education.

According to the Department of Veterans' Affairs, VA facilities in the metropolitan New York area will receive an average of $5,339 per veteran patient. This means that these facilities will receive an average payment for each patient that is 16.07 percent higher than the national average. On the other hand, the Florida VISN will receive $4,485 per patient— an average payment that is 2.5 percent below the national average. How is this unfair to New York veterans?

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It is unacceptable to me.

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Constitutional Record—House
June 21, 2000

Mr. Chairman, I rise in opposition to the Hinchey amendment, which would block the continued implementation of the VERA system, a change which would cripple the VA. An identical amendment was offered last year and failed on a vote of 158–266.

On April 1, 1997, the VA began to implement the VERA system, which allocates health care resources according to numbers of veterans in each of 22 regional VISNs (Veterans Integrated Service Networks). The Hinchey amendment would jeopardize health care in a majority of VA networks by blocking continued implementation of this system.

Before VERA, funds were allocated according to the historical usage of VA facilities, adjusted annually for inflation. When veterans migrated to the West and the South, funding continued to be concentrated in the Northeast. The VERA system directly matches workloads with annual allocations, taking into account numbers of basic and special care veterans, national price and wage differences, and education and equipment differences. More efficient networks have more funds available for local initiatives and less efficient networks have an incentive to improve. Some regions do see a substantial change in their health care allocations under VERA, but VA network administrators agree that this reform is crucial to the sustainability of VA programs.

The amendment proposes to prohibit funding for the VERA allocation model, creating a significant question about what model the VA would use instead. Presumably, the authors of the amendment would substitute a return to the allocations of FY96. When FY00 levels are compared to FY 96 allocations, such an adjustment would mean that 20 of 22 VISNs would lose money.

Some areas would be particularly devastated by such a reallocation: the Pacific Northwest would be cut 14 percent, the Southwest would be cut 15 percent. To restore funding for these 2 VISNs at FY96 levels, all 20 other VISNs would take an approximate hit totaling $132 million. If VA was forced to recompute allocations according to the old model, the caseloads be even be greater. The two VA medical centers I represent would see their budget cut by more than $9 million this year if we restored the old formula.

Such a budget hit would cripple the vast majority of VISNs across the country. VERA is working—of the 22 VISNs, only one, in the Bronx, saw its overall allocation decrease from FY99 to FY00. I believe that we should encourage the VA to continue moving forward with this successful initiative. Please join me in opposing the Hinchey Amendment.

Mrs. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

First of all, we in Florida, we have visual acuity, I want to let my colleagues know. We can see, and when we see, we can read these numbers, Mr. Chairman. We have the numbers. There is no question about it, we all want to be served. But should we yield because we have to satisfy one part of the Nation? We have to satisfy all of the veterans.

Vote against the Hinchey amendment.
Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Hinchey Amendment to suspend the Department of Veterans’ Affairs misguided Veterans’ Equitable Resource Allocation (VERA) plan.

The VERA plan takes scarce resources away from veterans in the Northeast and gives them to veterans in other areas of the Northeast based on flawed data about veteran populations around the country.

The veterans who use the VA health care system in New York deserve better than the VERA plan. Each year, about 150,000 veterans use the eight VA facilities in the New York Metropolitan region. These veterans have to rely on the excellent services provided by these facilities, and the cuts in these services under VERA have become devastating.

Since the implementation of VERA began, I have received reports from many veterans in my district of diminished quality of care at VA medical centers. In fact, the VA’s own Office of the Medical Inspector investigated the Hudson Valley VA hospitals and found more than 150 instances of health and safety lapses at those hospitals alone. It is not a coincidence that these violations came at a time when these hospitals were trying to cut costs to comply with VERA.

And the situation is getting worse. The service network that serves New York and New Jersey will receive a cut of over $40 million. This means the quality of care will suffer and more services will be cut as hospitals and clinics face even more reductions in force. All of our veterans, regardless of where they live, deserve better.

Mr. Speaker, I understand the need to provide services to growing veterans populations in other regions of the country, but that must not be done at the expense of New York’s veterans. An assessment of the VERA plan by Price Waterhouse highlighted a major flaw in the fundamental assumption of the plan. The report stated that “basing resource allocation on patient volume is only an interim solution because patient volume indicates which veterans the VHA (Veterans Health Administration) is serving, not to which veterans have the highest care needs.” This is especially relevant to the New York region, which has the highest proportion of specialty care veterans in the country.

We cannot turn our backs on our proud veterans, but that is exactly what will happen if we allow VERA to continue. I urge my colleagues to reject the Hinchey amendment and support a fair and equitable policy of providing care, as well as staff morale.

The excessive waiting time makes it difficult to enroll new patients. Because funding increases through VERA are tied to the number of patients seen, veterans in the Northeast receive less funding at an automatic disadvantage.

I am told over and over by the VA Undersecretary for Health, Dr. Thomas Garthwaite, that the VERA numbers work out. I am told that each VISN receives the appropriate amount of money to cover its costs.

Mr. Chairman, the numbers are not working out. The former Acting Director of VISN 1 recently said that over the past few years equipment and construction funds were used to supplement funds for direct medical care.

VERA simply does not provide the means to counter the facility costs in hospitals in the Northeast and still provide quality care.

Because Boston serves as the major surgical center for the VISN, the patient population of the whole region is going to suffer. The VISN does not have the $40 million required to complete this process smoothly.

The cost of providing health care in aging facilities is not adequately accounted for in VERA. The formula must be reexamined.

I am tired of hearing, “the numbers work out.” Anyone who visits Togus, or any hospital in the Northeast will clearly see that it is not working out for those veterans seeking care.

There is simply no excuse, Mr. Chairman, for the hurdles our veterans must now face to access high quality health care. We need to make a greater commitment to funding veterans’ health programs and we must find a new and better way to direct those resources to those in need.

This Congress’ fixation on huge tax cuts for the wealthy is endangering funding for veterans programs, for housing and for other domestic programs.

We must get our priorities straight and keep our promise to the veterans in this country. Support the Hinchey amendment.

Mr. MILLER of Florida. Mr. Chairman, I rise in opposition to this amendment to change the VERA formula and return to obsolete methods of allocating veterans funding in this nation.

VERA, the Veterans Equitable Resource Allocation system is one of the smartest, fairest, and simplest things we’ve done at VA.

What we did with VERA is very straightforward. We discovered that a lot of our older veterans are moving from places up North like Pennsylvania and Ohio and moving toward warmer spots like Florida and Arizona. In my own district and in my home state of Florida we have seen an explosive growth in the number of veterans living in our communities who require resources. While in some Northern states we have VA hospitals that used to serve a lot of veterans 20 years ago
that are now abandoned because of declining veterans populations in those areas. The demographic evidence is very clear.

So Congress decided to put VERA in place to more equitably distribute VA health care dollars so that the money goes to where the veterans actually are and not where the abandoned buildings are. This "radical" concept is fair and it's working, so I guess if you're a little cynical of Washington, it's no wonder that some people want to get rid of it now.

VERA has meant a marked improvement for our veterans. Working closely with GAO in the 2000 Census I recognize that VERA is just one part of the larger issue of re-allocating federal resources based on our nation's changing demographics. For instance, my district and state have similar issues with all senior citizens relating to the Older Americans Act which also attempts to shift some federal funding based on changing demographic patterns.

Just as Florida and Texas and some other growing states may gain Congressional seats in re-apportionment while some states lose seats because of population changes, so too must medics follow the population. I know it's hard for my colleagues on the other side of this issue to see federal funds or Congressional seats go elsewhere and I don't begrudge them for fighting for the amendment, but VERA is fundamentally fair and it's the right thing to do.

VERA also helps force VA to cut waste and inefficiency. The Government Accounting Office (GAO), Congress' non-partisan investigatory agency, recently reported that VA is wasting almost $1 million per day maintaining and heating empty obsolete VA facilities, $1 MILLION PER DAY, almost all of it in the Northeast and Midwest. GAO also reported that there are over 30 obsolete VA hospitals with only 20-40 patients.

Mr. Chairman, we're moving into a period of completely different health care needs for our aging veterans population, away from the 1950's hospital system and to a system of outpatient care and long term nursing home care. The number of veterans being treated in hospitals has gone down 60% while the outpatient visits have doubled. VERA helps do this by shutting down obsolete hospital facilities and freeing up those resources to build clinics that are closer and more accessible to veterans and pay for the doctors and pharmacists to staff those clinics.

Mr. Chairman, keeping money locked up in obsolete facilities, serving needs that don't exist for a population that has moved elsewhere is wrong. I urge my colleagues to keep VERA intact and, vote against this harmful amendment.

Mr. FRANKS of New Jersey. Mr. Chairman, I rise today as a cosponsor of this amendment.

The Veterans Equitable Resource Allocation is anything but what its name indicates. VERA is not equitable. In fact, it has had a disastrous effect on veteran health care in New Jersey.

VERA was intended to direct VA health resources to the areas with the highest veteran population. However, the VERA equation fails to calculate the level of care required by the patient.

Well intended? Yes. Well thought-out? Not. In the slightest, Mr. Speaker.

VERA is unfair! I urge my colleagues to support this amendment. Send the VA back to the drawing board and tell them to come up with a system that meets the needs of ALL veterans. Our veterans deserve no less. Not even close.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in strong support of this bipartisan amendment. This amendment would stop implementation of VERA, the VA's allocation formula, and send it back to the drawing board so the VA can create a funding formula that is fair to every veteran in every state.

VERA unfairly pits veteran against veteran for the desperately needed health care services depending on which state they live in. Under VERA, even with the historic $1.7 billion for veterans' health care provided last year, VISN 3, which encompasses New Jersey and New York was cut by $33 million. Just as Florida and Texas and some other growing states may gain Congressional seats in re-apportionment while some states lose seats because of population changes, so too must the VA cut funding in states with declining veterans population, away from the Northeast and Midwest.

Well intended? Yes. Well thought-out? Not. In the slightest, Mr. Speaker.

VERA is unfair. It has forced these veterans to live delays in health care delivery for area veterans. It has also forced these veterans to live without the fear that crucial specialty services offered by facilities like the VA clinic in Brick, New Jersey—located in my district—could be slashed. This nearly happened two years ago, when the VA responded to VERA-imposed budget cuts by seeking to close the clinic. I am still grateful for the efforts of Monmouth and Ocean County Veterans to fight this battle side by side with me to keep the facility open. If the Brick clinic were unable to provide rheumatology, podiatry, and a range of other services, these veterans would have had to take much longer drives for desperately needed treatment.

As the vice chairman of the Veterans' Affairs Committee, I have questioned VA officials about the VERA system, and the explanations I have received are not satisfactory. The solution is to adopt the Hinchey amendment and force the VA to halt the VERA formula, so that we can measure the full impact of this questionable system on veterans nationwide.

Mrs. ROUKEMA. Mr. Chairman, I rise today in strong support of this bipartisan amendment. This amendment would stop implementation of VERA, the VA's allocation formula, and send it back to the drawing board so the VA can create a funding formula that is fair to every veteran in every state.

Conclusion

The bottom line is: VERA is unacceptable and must change to a more equitable system.
Let me state as firm as possible: There can be no compromise when it comes to veterans’ health care. The promise made to veterans must be kept. We must do everything in our power to ensure that veterans receive the best health care possible.

Defining the Constitution of the United States or foreign soil is the greatest duty the nation can ask of its citizens. Our veterans answered the call to duty and performed it to the highest standard. We must keep our promise to our veterans regardless if they live in Florida, Texas, Maine or New Jersey. I believe a veteran is a veteran, period. The VA must have the same view. I strongly urge you to support this important amendment. Thank you.

Mr. BARRETT of Nebraska. Mr. Chairman, I rise today in support of this amendment. I understand the goal of VERA is to distribute money according to the number of veterans using veterans facilities, but it doesn’t take into consideration the basic overhead expenses of operating medical care facilities in rural, less populated states.

Despite the fact that Congress has fully funded the President’s request for the VA next year, at least four VISNs are projecting serious shortfalls. One of these VISNs, VISN 14, which includes Iowa and my home state of Nebraska, is projecting a $40–$40 million shortfall.

Although Congress has increased the VA’s budget 23.5 percent since Fiscal Year 1996, VISN 14 has only received a 6.2 percent increase—less than the cost of medical inflation. These shortfalls will continue until we are able to find a fairer way to allocate funds.

I believe the Department has taken significant steps to lower costs—in fact, despite the increase in patient load of 26 percent, VISN 14 has closed two inpatient facilities and the number of full time employees has dropped 16 percent. Unfortunately, these changes will not save enough to make up for the large projected shortfall.

Mr. Chairman, when the VA closed the Grand Island inpatient wards, I was assured that the VA would use the money saved to improve services to Nebraska’s veterans, but the opposite has occurred—services have gotten worse. Many veterans in my district are forced to travel hundreds of miles to receive the care they were promised. Veterans often wait weeks or even months for appointments to see VA doctors. This is unacceptable. Eligible veterans should have reasonable access to VA facilities no matter where they live.

I urge a yes vote on this amendment.

Mr. EVERETT. Mr. Chairman, I rise in strong opposition to this amendment offered by Mr. HINCHEY to basically gut the present veterans medical fund allocation system which was established a little over three years ago. The reason we established the so-called VERA or Veterans Equitable Resource Allocation was to correct the arbitrary funding for veterans’ medical care in various parts of the United States. As the name says, it is about equitable resource allocation—it is about fairness and putting the health care money where the veterans are.

My veterans in Alabama deserve the same adjusted basic per capital funding as any other part of this country, not more and certainly not less. I don’t know how anyone could object to that.

But here’s what we should object to: having unneeded VA hospitals in a number of large metropolitan areas, including New York and Chicago. Hearings by the Oversight and Investigations Subcommittee, which I chair, established that the VA is wasting more than a million dollars a day by operating unneeded buildings and facilities. Personally, I think that number is underestimated, but that is what the General Accounting Office reported, and the VA did not deny it.

Any way you look at it, a million dollars a day is a lot of waste. We shouldn’t be supporting waste by sending extra money to certain areas to support unneeded VA facilities. That’s what this amendment would do. We should be encouraging the efficient expenditure of veterans’ health care dollars. Taxpayers want the men and women who have served their country in uniform to have quality health care, and they want Congress to take care that their money is well spent.

Mr. Chairman, a vote for this amendment is a vote for waste of veterans’ health care money, pure and simple. It would be a step backward that would hurt most veterans by virtue of where they live. I urge my colleagues to do right for both veterans and taxpayers by defeating it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY). The question was taken; and the amendment was agreed to.
The CHAIRMAN. The gentleman from New York (Mr. Walsh) is recognized for 10 minutes.

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

Mr. Chairman, first of all, I want to say that this amendment does not do what the author would like it to do. Very simply, the author would like to strike language contained in the committee report, not in the bill but in the report, dealing with direction for the EPA on dredging and enforcing certain arsenic regulations.

Although he and others will allege that this language somehow reaches in and cancels report language, certainly no reasonable interpretation would come to that conclusion. Specifically, the language refers to limitations in this Act on funds made available in this Act.

I would say to the gentleman that there is no limitation in the Act on any of the above-mentioned issues. There is car no limitation of funds in the Act on any of these issues. Moreover, there is not even a limitation of funds on either of the issues contained in the report language.

Despite the author’s best intentions to somehow have what he would hope to accomplish with this language, it plainly and simply cannot and does not do what he would like it to do.

I would like to shift now from a technical interpretation of the amendment to specific comments on the issues that the gentleman objects to. I will confine my comments to the issue of dredging.

This is a very controversial issue. The EPA itself, up until just recently, had rejected the option of dredging because of the result of the pollution downstream from the dredging site. As we all know, when we stir up mud in the river, it travels down the current. When there are toxins in the mud in the river, they travel with the current, so other rivers would be affected as that dredging began to occur.

The EPA was opposed to dredging for many, many years. Now there has been a change of heart and they want to proceed. Mr. Chairman, we all agree that the toxins that are in our bodies of water need to be dealt with. They need to be dealt with in the safest, most effective ways. We do not want our fish and our wildlife and our vegetative growth and the fellow human beings poisoned by these toxins.

But there is much to sit and debate about the best way to deal with this. What the report language in this bill suggests is that the National Academy of Sciences will come out with a study sometime in September. At that point, the EPA will receive some direction in their decision-making from the National Academy of Sciences report, and they will then incorporate that into their report.

Once they have accomplished that, they can proceed, so we want them to get the benefit of the good science and then incorporate that into their plan, and make a decision and go forward.

I would just state lastly that this is the last time that this issue will be dealt with in this bill because the body of knowledge will be available for informed decision-making at the end of this year so this is the last time we will deal with this in this bill.

I would urge rejection of this amendment. Let us make sure we have good science before we proceed.

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

Mr. HINCHEY. Mr. Chairman, I yield 90 seconds to the gentleman from Ohio (Mr. Brown).

Mr. BROWN of Ohio. Mr. Chairman, I rise in strong support of the Hinchey-Brown-Waxman amendment.

As the ranking member of the Subcommittee on Health and Environment, which has jurisdiction over the Safe Drinking Water Act, I am very concerned about the report language of the Committee on Appropriations with respect to arsenic.

The committee report language essentially tells the EPA not to enforce current law regarding arsenic. The current standard of 50 parts per billion was established in 1975 based on a public health standard originally established in 1942. However, arsenic is now understood to be much more toxic than we thought it was even 10 years ago.

In addition to more evidence of the skin cancer, sufficient evidence has been found to link arsenic to fatal lung and bladder cancers and to other organ cancers. Arsenic is a known human carcinogen.

The EPA is in the process of revising the arsenic drinking water standard to be more stringent, but the new standard will not go into effect until 2004 at the earliest. It would be irresponsible for Congress to instruct the EPA to ignore cases in which drinking water supplies do not even achieve the current standards of 50 parts per billion.

This appropriations rider makes a significant change in national policy on drinking water, but the subcommittee on Health and Environment, which successfully reauthorized the Safe Drinking Water Act just 4 years ago, has not been given the opportunity to review it, nor have any bills introduced in this Congress on arsenic in drinking water.

This appropriations rider in the report is bad procedure and bad policy. I strongly urge my colleagues to vote yes on the amendment.

Mr. WALS. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. Sweeney).

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

Mr. Sweeney. Mr. Chairman, the gentleman from New York (Mr. Hinchey) would like us to believe that dredging over 1 million tons of sediment from the Hudson River, disrupting the recovering ecosystem, leasing PCBs downstream, shutting off recreational use of the river, and landfilling 85,000 truckloads of dredge material on dairy farms in the Upper Hudson region is somehow the only reasonable action to be taken in the best interests of New Yorkers in order to remediate the Hudson River.

I would advise the gentleman that neither he nor the EPA should feel it necessary or appropriate to lecture our residents on what is best for their communities. I do not believe we should let politicians dictate efforts to remediate the Hudson River. Simply put, I want to see science and facts applied here.

Mr. Chairman, the public has lost confidence in the EPA and in this endeavor. As the chairman mentions, it has gone on way too long. I have brought a couple of charts that will exemplify what we are talking about here.

Successful in the first chart here, the level of toxins exists. These are the past dredging experiences that the EPA has conducted. In each of the dredging experiences they have conducted the level of 10, which is now what the upper Hudson River level is, has been met in their successful operations, meaning that if they dredge now they will have to realize unprecedented successes.

The second chart, using EPA science, shows the three ways, the natural recovery, the source control natural recovery, the source control using recovery, in terms of remediation of the river. If we look at those lines, we will notice that there is barely a distinction in terms of the kind of recovery.

The EPA has lied to the citizens in the upper Hudson valley. They began a covert study to look at landfills those dredge materials. They have lost the confidence of those people in that area.

As the chairman pointed out, the National Academy of Sciences report due out in September needs to be incorporated in so that we have the public confidence regained in this endeavor. I urge a no vote, a strong no vote in this effort.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. Vischersky).

Mr. VISCLOSKY. Mr. Chairman, I thank the gentleman for yielding time to me. I strongly rise in support of the Hinchey amendment.

Mr. Chairman, the concern I have is that we are seeking knowledge and seeking better ways to do clean-ups with the National Academy studies. On the other hand, we have existing technologies and we have problems that are endangering people’s health today.

I think we ought to use the knowledge and the new technology that is available today to help our fellow citizens in cleaning up these waterways while we continue to seek better ways to do so. I am very concerned about the potential delay.

I have a similar situation in my own district that has been studied for 24
years. One of the elements we have incorporated in the project cooperative agreement is a review every 5 years so we can incorporate new technologies as they come online, but I think it would be a mistake today to delay improvements in cleaning up our waterways that today endanger people’s health.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentleman from Nevada (Mr. GIBBONS), the remaining time to close.

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

Mr. Chairman, I rise in strong opposition to the amendment offered by my friend, the gentleman from New York. Here we go again. The EPA is rushing to implement a new arsenic standard in the water with very little justifiable new scientific evidence. They will tell us that the new, more stringent standards of our communities will be at risk, and therefore we must plow ahead.

No one on this floor wants anyone’s drinking water to be unsafe. I, for one, am not condemning the EPA for setting scientific safe and reasonable drinking water standards. But there is a consequence to these authoritative actions.

I oppose the EPA requiring small, rural community water districts to spend $10 million to $20 million to comply with the current arsenic standards when the EPA is going to mandate an entirely new and more stringent standard in January of 2001. This tactic is simply going to force small rural water districts to unnecessarily spend millions of taxpayer dollars to build a new water treatment facility to comply with current standards, and then 6 months later spend an additional $10 million to $20 million to build an entirely new facility to comply with the new EPA standards.

If the EPA, Mr. Chairman, has its ways, these small communities will spend up to $35 million to comply with two separate standards. Would it not make sense for communities to build one safe and adequate facility that seeks to comply with the new more stringent standard rather than 6 months down the road spending an additional $20 million?

This situation occurs throughout my State, it occurs throughout a number of other States. I am sure that there are members of this body who are concerned, whether they are small or large, with the attempt to have to comply with the current existing arsenic standards, facing the new future standards as well.

Let me say, Mr. Chairman, that this is a wrongheaded tactic. Why should any community, large or small, be forced to spend that extra $1 million? I stand here, Mr. Chairman, in opposition to this amendment. We should oppose the Hinchey amendment because it is unnecessary. This is a common-sense report language, and in no way ties the hands of the EPA. It merely allows communities to concentrate on meeting one arsenic standard, build one water treatment facility, and save rural water districts millions of dollars in unneeded and duplicative and costly regulations.

Mr. Chairman, I ask all my colleagues to oppose the Hinchey amendment.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. LOWEY).

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mr. HINCHEY. Mr. Chairman, I rise today in strong support of the Hinchey amendment and against the rider prohibiting the EPA from cleaning up contaminated sediments in our waters.

This language is simply a delay tactic to protect those who have polluted our waterways and do not want to incur the expense of cleaning them up. Many of our rivers and lakes are still polluted from years and years of toxic chemicals being released into them. The people of New York have been waiting for decades. We are not plowing ahead, we have been waiting for decades for the EPA to begin the process of cleaning up the PCB-polluted Hudson River.

Now, as the EPA is on the cusp of beginning the clean-up, this provision was included in this bill to stall the EPA yet again. While I agree that we should make all efforts to ensure that any environmental remediation activities are as safe as possible, I do not believe that this is the case here.

Quite frankly, this language is meant to delay action on cleaning up the Hudson River by making it more difficult for the EPA to take actions in defense of the environment. I urge my colleagues to vote in favor of the amendment and in favor of finally moving to clean up our waterways.

(Mrs. NORTHUP asked and was given permission to revise and extend her remarks.)

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I rise in support of this amendment and commend the gentleman from New York (Mr. HINCHEY) and Representative Brown for their leadership on this important issue.

Once again, we are confronted with a VA-HUD appropriations bill and report that contains damaging and mind-boggling anti-environmental riders. There are two contenders for this year’s winner in the category of the most outrageous and ludicrous anti-environmental riders. The nominee is the language that actually makes it more difficult to clean up PCB, and it is competing against an equally nonsensical provision that would make it more difficult for EPA to keep arsenic out of drinking water.

I really am quite mystified at the fact that we are in the middle of an election year; and 2 weeks ago, the Republicans bring to the House floor a tax break of $20 billion for 400 families. The next week they come in with a bill that cuts the funding for nursing home inspections. Then tomorrow we are going to have to fight whether we are going to continue with the tobacco industry. Now they want arsenic in our drinking water. What constituents are they appealing to?

Mr. HINCHEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. BORSKI), a ranking member of the Subcommittee on Water Resources and Environment.

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

Mr. BORSKI. Mr. Chairman, I rise to support the Hinchey amendment and express my opposition to the antienvironmental provisions contained in the bill and its report. It seems as though we go down this road every year with riders and report language designed specifically to stop the Environment Protection Agency from advancing the protection of human health and the environment.

Just a few short weeks ago, the majority claimed to have adopted a policy of no anti-environmental riders in appropriations bills. Unfortunately for human health and the environment, this is not the case. Instead, the majority has decided to place antienvironmental provisions in the committee report. This amendment is necessary to undo that harm.

Mr. Chairman, I am particularly concerned that the report accompanying this bill would prohibit EPA from removing contaminating sediments from rivers and lakes, even when such removal has been thoroughly studied and is the correct response. Contaminated sediments possess huge risks to health and the environment.

Mr. Chairman, we all know there are two sites that drive this issue every year which are both heavily contaminated with PCBs. This broad language will stop or delay cleanups not only at these two sites, but also at 26 other sites in 11 States. It is time to stop interfering with EPA protecting human health and the environment. Support the Hinchey amendment.

Mr. Chairman, I include the following letters for the RECORD:
process and guidance on the Clean Water Act. Total Maximum Daily Loads (TMDLs) are part of the Clean Water Act's strategy for attaining and maintaining water quality standards in our nation's waters. These rules state that identify all sources of pollution that impair the uses of waterbodies, such as drinking, swimming or aquatic habitat. Once identified, fine and states are aware that responsibility for reducing pollution is fairly allocated. The conservation community considers this an attack on a key provision under the Clean Water Act to clean up our nation's waters.

Furthermore, we have serious concerns about Congress' interference with the rulemaking process with a rider.

Moreover, Committee report language encourages EPA to revoke a Clean Water Act guidance document issued by the agency's Region IX that EPA last week announced that the TMDL rule that is expected to be finalized this summer will not include this provision.

We believe the TMDL program of the Clean Water Act offers the best opportunity to clean up our nation's polluted waters comprehensively and equitably. We urge you to clean up our nation's polluted waters comprehensively and equitably. We urge you to uphold the interests of the Clean Water Act and the value of the TMDL program by opposing this rider.

Sincerely,

Elizabeth McEvoy, Center for Marine Conservation; Daniel Rosenberg, Natural Resources Defense Council; Ted Mort, American Oceans Campaign; Paul Schwartz, Clean Water Action; Steve Moyer, Trout Unlimited; James S. Lyon, National Wildlife Federation; Richard Lambert, Sierra Environmental Law Center; Tina Bell, Northwest Environmental Advocates; Ann Mills, American Rivers; David Anderson, Chumash Conservancy; Janes Savitz, Coalition Alliance; Barry Carter, Blue Mountain Native Forest Alliance; Norma Grier, Washington State Forests, and others—have met the challenges of the Clean Water Act to achieve our national clean water goals.

However, according to the U.S. Environmental Protection Agency (EPA) 40 percent of our waters remain polluted—largely by nonpoint source pollution. The situation will not improve until we include all sources in the cleanup equation.

EPA's revised rule is expected to encourage the development of implementation plans for TMDLs based on little or inadequate data, or excessively long timeframes will likely result in poorly developed TMDLs based on little or inadequate data, or grossly simplified TMDLs that fail to address existing TMDLs. EPA's revised rule is expected to allow up to 15 years of develop TMDLs, which will provide a more realistic timeframe to develop and analyze the necessary data needed to properly develop adequate TMDLs.

While EPA still has some concerns with EPA's revised rule, we do believe that the program revisions will provide greater clarity concerning the responsibilities of all stakeholders in the TMDL process, and would make significant improvements in our efforts to improve the nation's water quality.

We therefore urge you to oppose any legislatively-driven efforts that may interfere with EPA's ability to issue and implement its comprehensive TMDL program revisions.

Sincerely,

KEN KIRK, Executive Director.

Mr. HINCHNEY. Mr. Chairman, may I inquire as to the time that is remaining?

The CHAIRMAN. The gentleman from New York (Mr. HINCHNEY) has 1½ minutes remaining.

Mr. HINCHNEY. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, for over 25 years, the General Electric Company in New York has been thwarting any effort to clean up the Hudson River of the tons of PCBs they dumped into...
is poisoning the ability of communities downstream to use the water, to drink the water, to use it for other purposes.

Now we have this language that says, in the interest of General Electric, we will tell millions of people you cannot clean up contamination. This language is foul. It is intended to protect the foulness of our water. I urge everybody to unfoul it by supporting the Hinchey amendment.

Mr. HINCHERY. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I just want to point out that there are 14 States, some 30 sites that will be affected by the language in this amendment, 30 places around the country which are heavily contaminated with heavy metals and toxic contaminants of various kinds which the EPA will not be able to investigate, to find out what is there, to develop a technology and a program for remediation if this language stays in the bill.

This language is inappropriate in this appropriations bill. It ought to be taken out. I ask everyone to join us in the support of the amendment introduced by my colleague from New York (Mr. HINCHERY).

Ms. VELAZQUEZ. Mr. Chairman, I rise in strong support of the amendment introduced by my colleague from New York (Mr. HINCHERY), my friend, Mr. BROWN and Mr. WAXMAN. This amendment would ensure that this Body does not impose limits on the use of EPA funds for dredging or other remediation technologies to clean up contaminated sediments in lakes and rivers.

The canal, located in Batavia, New York, is in great need of being dredged. Historic industrial uses in and around the canal have caused significant amounts of hazardous materials to accumulate at the bottom. The shallow depth restricts the use of the channel for navigational and commercial purposes.

Most importantly, Mr. Speaker, the contaminated sediments represent a continued health threat for the natural resources of the area. This amendment is about many lakes and rivers around the country and their surrounding environment. It is about the economic development and prosperity opportunities that can properly take place in contaminated areas. It is about not limiting resources to enforce drinking water standards.

Mr. Chairman, let us not limit the great economic and community development possibilities and the restoration of the environment for our constituents and for people and communities around the country. Limiting those opportunities by limiting resources would be a disservice to the people we represent.

I urge my colleagues to support this amendment and ensure that the people we represent have no limits imposed upon their health, and the restoration of their lakes and rivers.

Mr. ROEMER. Mr. Chairman, I rise today to speak against this amendment and in favor of the report language included in this bill. As a member of the Appropriations Committee and the VA-HUD Subcommittee, I support the common-sense approach the Committee has already taken to address the problem of contaminated sediments in our rivers.

Three years ago, Congress directed the EPA not to issue dredging or capping regulations until the National Academy of Sciences completes a study on the risks of such actions. Qualified scientists are working to finish this report to determine the best way to clean up rivers with minimal impact to the surrounding environment. This has been an open process, allowing input from the public, environmental organizations, and from the EPA itself.

Mr. Chairman, I agree that this is an environmentally sensitive issue, and it is important that most qualified, independent scientists weigh in on this regulation. This is why I support the existing language, which directs the EPA not to act quickly and wait until the NAS study is complete. I encourage a "no" vote on this amendment.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from New York (Mr. HINCHERY).

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

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

The CHAIRMAN. Pursuant to House Resolution 525, further proceedings on the amendment, as modified, offered by the gentleman from New York (Mr. HINCHERY) will be postponed till tomorrow.

Mr. ROEMER. Mr. Chairman, I thank the gentleman from West Virginia (Mr. ROEMER) for the purposes of discussing his amendment No. 7.

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

Mr. ROEMER. Mr. Chairman, pursuant to an agreement that we reached earlier in the day, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER) only for purposes of discussing his amendment No. 7.

Mr. ROEMER. Mr. Chairman, I thank the gentleman from West Virginia (Mr. ROEMER) and will briefly discuss an amendment that was subject to a point of order and, therefore, legislating on appropriations bill, and I could not offer it.

This body just decided to go forward and fund a Space Station that is $90 billion overbudget. Now, if this body is going to proceed with that kind of decision, I would hope that they would do it prudently and with our taxpayers in mind.

My amendment would simply say get the Russians out of the critical path and build it with the American interests in the forefront.

My amendment would simply say get the Russians out of the critical path and build it with the American interests in the forefront.

Right now, according to this graph, this is the pie graph of how the Space Station is built. The United States funds about 74 percent of it; Europe, 11 percent; Canada, 3 percent; Russia has a question mark. Why? The General Accounting Office has just come out with a new study saying that the Russian participation will cost the American taxpayer $5 billion in the future because they are not coming forward with their money, with their time, with their components. The U.S. taxpayers in Indiana, Illinois, Massachusetts, New York, and West Virginia are going to have to fund this.

So I encourage this committee to address this very critical issue and get the Russians out of the critical path, get them out of the critical path so that they cannot gum up the works and they cannot force the American taxpayer to send their hard-earned money over to Russia.

Mr. Chairman, will the gentleman from West Virginia (Mr. MOLLOHAN) yield to me for the second amendment?
designation, of any area as an ozone non-attainment area under the Clean Air Act pursuant to the 8-hour national ambient air quality standard for ozone that was promulgated by the Environmental Protection Agency on July 18, 1997 (62 Fed. Reg. 38,356, p.38855) and remanded by the District of Columbia Court of Appeals on May 14, 1999, in the case of American Trucking Ass'ns. v. EPA (No. 97-1440, 1999 Westlaw 300618).

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from Georgia (Mr. COLLINS) and a Member opposed each other for 15 minutes.

The Chair recognizes the gentleman from Georgia (Mr. COLLINS).

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

Mr. Chairman, in 1999, the U.S. Court of Appeals ruled the EPA had constitutionally usurped Congress’ legislative authority in establishing strict new Federal air quality standards. Reasonable persons expected the agency to delay further implementation of these standards. The Supreme Court rules on the agency’s appeal early next year. However, the EPA has decided to go forward with the process of designating hundreds of new areas in non-attainment status without the legal certainty.

This amendment is simple. It does not affect existing air quality standards, nor does it render judgment on new standards. It only requires the EPA to postpone further action until the Supreme Court rules its final ruling. The only common sense reasonable approach is to delay this process until the Supreme Court renders its decision in early 2001.

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

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) claim the time in opposition?

Mr. WALSH. I do, Mr. Chairman.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) claim the remaining 15 minutes?

Mr. WALSH. Mr. Chairman, I yield 5½ minutes to the gentleman from New York (Mr. BOEHLEHT), my colleague and neighbor to the east.

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

Mr. BOEHLEHT. Mr. Chairman, I thank the gentleman from New York for yielding me this time.

Mr. Chairman, I rise in strong, strong opposition to this amendment. Let me begin by explaining what the debate over this amendment is not about. This is not a referendum on the underlying ozone standards. The Supreme Court will review those standards later this year. This amendment takes no stand on whether those standards should move forward or not.

Second, and even more importantly, this amendment has nothing, absolutely nothing to do with whether the Environmental Protection Agency can impose sanctions on communities under the 8-hour ozone standard. The D.C. Circuit Court decision already prohibits EPA from imposing any sanctions before the Supreme Court hands down its decision.

Let me emphasize this again. With or without this amendment, no community will lose its highway funding, no community will face new restrictions on plant expansions, no community will face any new penalty or regulation under the new ozone rules before the Supreme Court decision.

The sponsors of this amendment know that. When I suggested to them that statutory language to make it even clearer that the 8-hour standard could not be enforced before the Supreme Court rule, the sponsors dismissed it, telling me that EPA was already prevented from enforcing the new standard.

So, again, no one should vote for this amendment thinking that it will somehow protect their communities from new sanctions. Enforcement of the new ozone rules before the Supreme Court rules. The lower court has already accomplished that.

So, then, what will this amendment do? This amendment would unnecessarily delay implementation of the new ozone standard if, and only if, it is upheld by the Supreme Court. This amendment would deny the public complete information about air quality by enabling communities to pretend that they do not have an air quality problem when the data indicate that they do.

This amendment would slow the cleaning of our Nation’s air by short-circuiting a designation process that has been approved by the D.C. Circuit Court. In short, this amendment would undermine and delay efforts to clean our Nation’s air.

And why would we undermine clean air efforts? The answers the sponsors provide are far from compelling. First, they say that continuing with the designation process would cost States and localities additional money. That is not the case. Governors will submit their designation proposals at the end of this month, i.e., before this amendment takes effect.

Moreover, the data for these proposals comes from existing monitors that are already collecting data under the current ozone standard. The only remaining costs are marginal. Existing staff at the EPA and the State environmental agencies will spend some of their time reviewing the proposals and reacting to EPA’s decisions.

There is no cost issue here. Voting for this amendment will not save much, if any, money. Cost savings are illusory. But approving the amendment would have very real human cost. The amendment will delay clean air efforts, resulting in more hospital admissions, more lost days of work, more misery, more suffering for American families. Those are real costs.

The sponsors of this amendment also suggest that this measure is needed because otherwise communities would get a damaging black mark. The idea here, I guess, is that dirty air does not exist if it is not officially recognized. But, unfortunately, our lungs do not react to political designations; they react to the chemicals actually present in the air. All the official designation does is to enable the new rules to move forward if, and only if, they are upheld by the Supreme Court.

Also, this black mark argument is a bit of a joke. It is not exactly a secret which counties may be out of attainment. EPA released a list of those more than 3 years ago, and the sponsors themselves have been circulating lists of out-of-attainment counties for weeks. In other words, the black marks have already been given. The only question is what we are going to do about those black marks. The amendment would remove the black mark temporarily by pretending they were never given. How unfortunate, instead of communities can begin to figure out how to remove the black marks by actually cleaning up their air.

Mr. Chairman, I urge all of my colleagues to oppose this amendment. It is not necessary and it is contrary to the best interests of American families.

Mr. COLLINS. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. LINDER), cosponsor of this amendment.

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

I think the crocodile tears the gentleman from New York has for the number of hospital admissions must come from a bad dream, because the EPA said to the court there is no way for us to quantify the health statistics with their new rule.

The EPA wants to move forward with designating areas, and the gentleman says that is not going to hurt anyone. But let me tell my colleagues what happens when designations are made. Highway funds stop under the Clean Air Act. Yes, highway funds stop, not because of enforcement but because of designation. Fewer loans are extended to businesses. A mountain of lawsuits from environmental groups, who are now given standing, are filed against States and localities. Many more thousands of dollars are spent by States and localities to comply with the designation process, not the enforcement process. News articles labeling regions as polluted, using standards that are unenforceable, will occur, and businesses moving or expanding will go elsewhere.

Finally, an effective designation triggers a conformity process under the Clean Air Act. That clearly means hundreds of billions of dollars in highway funds lost. This is real. The EPA ought to abide by the court decision.

Mr. COLLINS. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Chairman, I ask the House to support my colleagues from Georgia and vote in favor of this amendment.
Mr. Chairman, the EPA’s new standards could potentially triple the number of counties nationwide in violation of the Clean Air Act. Chattahoochee County, in my congressional district, could possibly be one of those counties impacted by the new national ambient air quality standards.

Mr. Chairman, Chattahoochee County is not an industrial county. It is a small poor rural county that is trying to build its economic base. EPA’s new standards, no matter how well intentioned, could seriously damage this effort.

Last year, the United States Court of Appeals ruled that EPA’s standards are legally unenforceable. The Supreme Court announced that they would consider EPA’s appeal and all the arguments involved. Due to this legal uncertainty, I truly believe that the EPA should delay further implementation of the standards in order to allow time for the Supreme Court to rule on the pending appeal.

Mr. Chairman, if the Supreme Court upholds the Court of Appeals and does rule that the new standards are unconstitutional, our States and our local communities will have spent tax dollars complying with illegal requirements and will have nothing to show for their investment in a federally mandated process. That is why I urge my colleagues to vote in favor of this amendment.

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

Mr. NORWOOD. Mr. Chairman, I rise in strong, strong support of the Collins-Linder amendment.

Now, I am sure we are going to hear today the standard EPA mantra that the new air quality standards would prevent thousands of asthma attacks and hospital admissions. We have already heard it. The problem is that was determined with very faulty studies and bad science. These were precisely the studies, the faulty studies, that the D.C. District Court found were not backed by credible evidence and violated Congress’ legislative authority, and that led the court to overrule this agency. That is the first branch of the Federal Government saying to this Federal court that they must stop.

Furthermore, the Committee on Commerce listened hours on end to a study after study about how we can solve it. The information, we want to learn about the information so they could talk to the local county executive and figure out ways maybe they could help resolve that issue.

We have, in the State of Maryland, I do not know if it is worse than anybody else, but we have the jet stream, the confluence of the westerly winds that blow from the Midwest, and they come right across the mid-Atlantic States, and they carry everything from, well, not very far from California, one would assume, but the industrial area of the Midwest, and all of that dirty air that they happen to put up in the atmosphere with the high smokestacks, and I am not saying anything about the industrial area of the Midwest, it just so happens we get a lot of the particulates and ozone problems from that region as a result of the jet stream.

Now, because of that, we do not want to know that information, we want to know that information because, number one, we put up a lot of pollution ourselves. We have coal-fired power plants; we have the I-95 corridor that runs right through the State of Maryland. We have the I-95 corridor, and all those problems. So we want to know what we can do with our own situation here in the State of Maryland. Not placing the blame anywhere else, but saying we have a problem, we have the information, we want to learn about how we can solve it.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

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

Scientists have been studying the effects of ozone on human health for many years, and we know there are serious adverse health effects associated with ozone air pollution. Ozone can trigger asthma attacks, reduce lung function, inflame and damage the lining of the lung. Prolonged exposure can lead to permanent damage in the way human lungs function. So we have a serious health issue associated with ozone.

In September 1997, EPA finalized new standards for ozone and fine particulate matters. In May of 1999, in a court case, the Court of Appeals for the District of Columbia remanded these standards back to EPA, and there is an appeal now going on to the Supreme Court. But an issue that is not under contention is whether ozone is harmful or whether EPA had the science to promulgate the standards. And the Supreme Court is going to be looking at that question. It is really quite an unprecedented matter of law. But in the meantime, areas have been designated under this new standard. This Linder-Collins amendment would stop the designation.

Well, the designation ought to go forward. It does not require expenditure of money for costly monitoring. It does not require a loss of highway funding. It is not EPA disregarding the court case. This is important to go forward with the designations so the areas can be prepared to move once the Supreme Court has decided the issue.

If this amendment were agreed to, it would set us years further along before the localities would be in line to meet the standards and would be prepared to do what is necessary to meet those standards. I would hope Members would oppose the Collins-Linder amendment.

Mr. COLLINS. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I rise in strong support of this amendment, and I start with one question: Have we walked through the looking glass with Alice? Have we now entered Wonderland? I want my colleagues to follow this with me. The Clean Air Act Amendments of 1990 specify in section 181 that EPA is to put in place a 1-hour standard for ozone and particulate protection, and to measure communities out of attainment based upon that standard.

EPA decided on its own to revise that standard. The court of appeals here in Washington said that was unconstitutional.

It further held that their standards were arbitrary and capricious and they use no intelligible standards by which to address the science to this new formula they came up with. So they have got an unconstitutional formula standard on their hands. They are told they cannot enforce it. And yet today they are demanding that States declare counties out of attainment on a standard that has been declared unconstitutional.

Have we entered Wonderland? Now we are told this is not going to cost
anything. EPA says this is going to cost $9.6 billion to implement. Have we got $9.6 billion to throw away, designating nonattainment communities on a standard that the Supreme Court might indeed declare unconstitutional? I ask my colleagues, are any of them in their district has $9.6 billion to give to this worthless effort?

Secondly, the Supreme Court is going to rule on this next year. We are going to get an answer as to whether this is real or not. In the meantime, EPA wants to designate communities across America in 324 congressional districts, 324, three-quarters of the congressional districts of this House, are going to be designated out of attainment. For what? For a standard that has been declared unconstitutional.

Every one of those communities and congressional districts will be stigmatized for economic growth and development and will be told they cannot be attained. They are not in compliance with Federal law. And my colleagues tell me damage will not be done.

This is Wonderland. We need to adopt this amendment.

Mr. COLLINS. Mr. Chairman, I yield 1½ minutes to the gentleman from Missouri (Mr. BLUNT).

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

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Georgia (Mr. COLLINS) and the gentleman from Georgia (Mr. LINDE). Mr. Chairman, this amendment would rightly supersede and suspend a bureaucratic fiat by unelected agency officials that could cost our States and communities billions of dollars as they struggle to comply with an unattainable, unenforceable standard.

We should protect our constituents from the significant costs of EPA’s decision to mandate a new, highly restrictive ozone standard until the Supreme Court decides whether or not they have the legal and enforceable right to do so.

Already, the Court of Appeals has rejected the reasoning underlying the EPA’s decision to mandate these standards. Taxpayers should not be burdened by premature enforcement of an agency’s standard that cannot be enforceable and should not be issued.

Exposing taxpayers to the increased costs of regulations erected on a highly unstable constitutional footing makes little sense.

Let me be clear. This amendment is not a referendum on the Clean Air Act. It simply protects taxpayers and the taxpayers by supplanting further action by the EPA from prematurely designating these areas until the court has decided that the EPA has the right to do that.

Congress should pass its own preemption and allow the taxpayers by supporting this amendment and allowing the Supreme Court to render a final determination.

Support common sense and fairness. Require the Congress to accept our full responsibility in this area and allow the Supreme Court to make its decision.

Mr. COLLINS. Mr. Chairman, I yield 1 minute to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Chairman, I thank the gentleman very much for yielding me the time.

Mr. Chairman, America is only as strong as its communities; and by placing a giant question mark over our communities, we do a disservice to community growth.

My district, obviously, is one of the communities that would be adversely impacted by the implementation of the EPA standards.

The United States Court of Appeals has ruled that the EPA label for new air standards are legally unenforceable. So why does the EPA insist to place a badge of inferiority over our Nation’s cities?

Indianapolis, from which I am elected, is a badge that the U.S. Court has viewed as having no merit. I support clean air. However, it be under a standard that has the legal sanction of the U.S. court system.

If allowed, this badge of inferiority that lacks legal precedent could have an adverse impact on new businesses that may be less likely to open new facilities in areas designated as contaminated. It may have an impact on the hiring of new employees and community growth in that people may not desire to move into an area that has been deemed to be polluted.

Let us not place an illegal badge of inferiority on our American citizens. Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN) a distinguished member of the subcommittee.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

As one of the 325 Members who could have all or part of our congressional districts identified as nonattainment areas under the EPA’s 8-hour ozone standard, I want my constituents, especially seniors, children and those with asthma, to have cleaner air sooner rather than later.

In New Jersey, the months from April to October are not only the summer season, but they are also known as the ozone season. During this period, the Garden State will see an average of 240,000 asthma attacks, 2,000 related hospital admissions, and 6,000 related emergency room visits. These statistics are from the New Jersey Department of Health.

The 8-hour standard is 10 percent more stringent than the current 1-hour standard and incorporates larger geographic areas. This forces up-wind polluting States, such as those in the Midwest, to do more of their fair share to help down-wind receiving States, such as mine, come into compliance.

EPA’s implementation of the Clean Air Act should go forward. I urge that the amendment be rejected.

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

Mr. FRELINGHUYSEN. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, there is so much confusion in this debate it is mind boggling.

Let me read from the D.C. Circuit Court decision. ‘‘The factors EPA uses in determining the degree of public health concern associated with different levels of ozone and particulate matters are reasonable.’’ That is a direct quote.

Secondly, not one penny is going to be spent in the designation process. The only money that will be spent is if the Supreme Court upholds these rulings. The fact of the matter is not one penny will be spent by any community. No community loses highway funds. No community loses any support from the Federal Government for economic development activities.

The gentleman from Maryland (Mr. GILCHREST) was absolutely correct. It all boils down to this: The American people have a right to know. The American people have a right to know.

Mr. COLLINS. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Chairman, I rise in strong support of the Linder-Collins amendment.

We are all supporters of clean air. This debate is not whether or not ozone is harmful. We all know it is. This debate is about fairness. It is a debate about whether or not we should all be able to play by the same rules.

Over a year ago, the Federal Circuit court found that the EPA acted without authorization in drafting these new 8-hour ozone standards. We know that that matter is on appeal. But we also know that the EPA is going to use these standards to label our communities and to designate some of them as nonattainment areas.

What does a nonattainment label mean? It means a suspension of Federal highway funds. It could mean the imposition of auto emissions testing programs. And it certainly means restrictions on all of our local industries. It is like a bright neon sign at the county line saying ‘stay out’ to every business and industry that is looking for a new place to invest.

We believe that everybody should be able to play by the same rules and that we should wait until the Supreme Court rules.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the courtesy of the gentleman and I strongly associate myself with the comments from my colleague the gentleman from New York (Mr. BOEHLERT). He has it right. The ozone problems are proven.
Mr. TURNER), as far as putting a neon speaker, the gentleman from Texas make a comment on the previous not to usurp the congressional author-
ing them not to be unconstitutional, 1990, laid it out fairly specifically.

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determined it unconstitutional and they layed some information that they had what the Court of Appeals said. He re-

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myself such time as I may consume.

The EPA has already acted. The en-

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wate the gentleman from New York, I rise in strong support of the amend-

The EPA already acted. The en-

gy and commerce committee acted in 1990, laid it out fairly specifically.

Mr. COLLINS. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HALL).

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

Mr. Chairman, a lot has been said about gathering information. And in-

We can do a whole lot better than this. For just such examples as these, I support the amendment and congratu-

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

Mr. Chairman, a lot has been said about gathering information. And in-

What we are concerned about is the designation, the mark, the stigma, the scarlet letter that so many people will

The amendment is just good common sense: wait until such time as the Su-

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500. The EPA has already acted. The en-

I think that people should know the quality of their air.

And, also, the gentleman from Or-

gon (Mr. BLUMENAUER) said no high-

Mr. BLUMENAUER. I yield.

Mr. BLUMENAUER. I yield.

Mr. Chairman, I would just like to make a comment on the previous speaker, the gentleman from Texas (Mr. TURNER), as far as putting a neon sign on his area that was considered in a nonattainment area for business pur-

New York and Atlanta are both in nonattainment areas, and their econo-
mies are prospering. So I think that is a nonargument.

And, also, the gentleman from Or-

gon (Mr. BLUMENAUER) said no high-

Mr. Chairman, throughout the VA/ HUD appropriations hearings this year, I have had occasion to engage both EPA Administrator Carol Browner and Assistant Administrator for Air and Radiation Bob Perciasepe in a dialogue about their legal troubles and their faulty standards and their flips and their reversals and their scientific troubles.

In light of all that, let me explain a little personal experience we are hav-

EPA flipped back again to the first re-

strictive mandate.

"As my colleagues can imagine, the States and the regulated community are frustrated and harmed by EPA’s fail-

Now the EPA is ignoring the most re-

air quality data and is instead re-

lying on old, out-of-date designations that were in place at the time the 1-

hour measurement was revoked the first time.

Now, if my colleagues are lost, so were we and so are we.

Now, this bad action by EPA violates the long-standing legal principle of fairness known as "detrimental reli-

ance."

We can do a whole lot better than this. For just such examples as these, I support the amendment and congratu-

late the gentleman from Georgia (Mr. COLLINS) and the gentleman from Geor-

ga (Mr. LINDER) for their leadership.

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

Mr. Chairman, a lot has been said about gathering information. And in-

formation is important. It is important for our cities and our communities to

know just exactly what kind of quality of air they have there for their citi-

zency. But this does not stop informa-

gathering.

What we are concerned about is the designation, the mark, the stigma, the scarlet letter that so many people will

at it as the court's response. Bizar-

The EPA itself argued during the tri-

al that the health effects were irre-

lent to the development of the rule, and EPA’s own final rule on the 8-

hour standard notes that quantitative risk assessment could not be developed. This is the EPA speaking.

With respect to the transportation issue and the highway funds, in the

Clean Air Act a nonattainment design-

ation, which the gentleman from Georgia (Mr. LINDER) who has been a

leader and one of the reasons that New York's air and water are cleaner than ever.

Mr. BOEHLERT. Mr. Chairman, the Collins-Linder amendment is nothing less than an effort to unnecessarily und-

ermine clean air efforts by dragging them out forever. All the designation

This amendment would be a signifi-

1830

The amendment is just good common sense: wait until such time as the Su-

preme Court rules on this issue. Mr. Chairman, I know a lot of times com-

mon sense does not prevail that much here. But I hope it does today.

Mr. Chairman, I yield the balance of my time to the gentleman from Geo-

rgia (Mr. LINDER).

The CHAIRMAN. The gentleman from Georgia is recognized for 1½ min-

utes.

Ms. HWEND. Mr. Chairman, I thank my colleague for yielding me this time.

Mr. Chairman, let me just deal with three points. None of us want our con-

stituents to suffer illness because of air. But let us talk about what actu-

al was said in the court. The D.C. Circuit specifically noted that EPA’s argu-

ments on the health effects of changing from the 1-hour rule to the 8-

hour rule for the 1997 standard were bi-

zarre. That is the court’s response. Bi-

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With respect to the transportation issue and the highway funds, in the

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leader and one of the reasons that New York's air and water are cleaner than ever.

Mr. BOEHLERT. Mr. Chairman, the Collins-Linder amendment is nothing less than an effort to unnecessarily un-

dermine clean air efforts by dragging them out forever. All the designation
Mrs. ALLEN. Mr. Chairman, I rise in opposition to this amendment, which could delay health protections for millions of Americans.

National ozone standards are a key tool in the fight against the ozone disease. Last year the DC Circuit Court ruled that the new 8-hour ozone standards can not be implemented in their current form.

However, it did not question their scientific basis, and it recognized that current law requires EPA to designate non-attainment areas for the new standards. Because the case is under appeal to the Supreme Court, the EPA cannot impose sanctions or restrictions or non-attainment areas.

EPA can enforce the new standards until the Court has ruled on the appeal, so this amendment will not save any counties or states from paying federal penalties. This amendment will only prevent us from knowing just how polluted our air really is. . . . And needlessly delay ozone reductions that will improve air quality for every American.

Opponents of tighter standards say that designating non-attainment areas will be too costly.

They say that gathering air quality information is not worth our time or money. But with rising asthma rates and soaring health care costs, delaying tough ozone standards will be far more expensive. Today, 37 million Americans live with lung disease, and their conditions worsen with each breath of unhealthy air.

It costs more than $10 billion a year to treat the 17 million Americans who suffer from asthma.

Asthma rates are growing most quickly among young children, so there is every reason to believe that costs will continue to climb. But health care costs alone don't tell the whole story.

Unhealthy air hurts everyone's quality of life. Last fall, when I introduced a bill to cut toxic emissions from power plants, I was joined at a press conference by Joan Benoit Samuelson, an Olympic marathon gold medalist, and Maribeth Bush, a young woman from Portland, Maine who suffers from chronic lung disease. Ironically, each woman said that she doesn't need to watch the weather report to learn the air quality in Maine that day.

One woman has met challenge as a world class athlete, while the other finds every breath she takes a challenge.

Yet both need only step outside each morning to determine if the air is unhealthy to breathe.

On a bad ozone day, everyone suffers, and this amendment will only delay improvements in air quality that will help us all breathe more freely.

The amendment is unnecessary, it is harmful, and I urge its defeat.

Mr. LINDER for offering this extremely important amendment to stop EPA from implementing the National Ambient Air Quality Standards (NAAQS) until resolution of the matter by the Supreme Court.

The suburbs of Atlanta have, since 1997, been grappling with the problems created by Atlanta's non-attainment of Clean Air Act standards. The EPA has attempted to include these outlying areas in their enforcement of these non-attainment standards, wreaking havoc on the citizens, governments, and industries located in these areas. Last year, a federal appeals court has ruled EPA acted unconstitutionally in proposing the new NAAQS in 1997, because Congress had not empowered EPA to act unilaterally on the matter. The Supreme Court has agreed to hear the case, but it may not issue a decision until early 2001.

The resulting situation is one of increasing uncertainty. First, communities already out of attainment are left shooting at a moving target, because they have no idea whether the changes they are making today will conform with the standards of tomorrow. Secondly, EPA may end up including additional regions of the state in the non-attainment area, in an effort to force them to change zoning and development practices before the Court issues a ruling. Obviously, either situation is extremely unfair, especially since EPA lost the first round of litigation in court.

The Linder-Collins amendment simply states that EPA cannot enforce the new standards until the Court determines whether the federal agency acted constitutionally. By passing this amendment, we can ensure that reasonable, common sense development practices are not supplanted by a last-ditch effort by EPA to enforce its unconstitutional mandates in the face of judicial and congressional opposition. The bottom line is that EPA's games will cost taxpayers dollars, make local planning impossible, create gridlock and increases pollution until idle cars. Let's put a stop to this, and see what the Supreme Court has to say on the issue.

I urge you to support passage of this amendment, to bring fairness and accountability to the process when EPA sets mandated clear air standards. Citizens cannot be allowed to flout the law and judicial process, and neither should a federal regulatory agency.

Vote yes for the Linder-Collins amendment to VA-HUD Appropriations.
The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Pascrell:

At the end of the bill (page 90, after line 16) insert the following new section:

"SEC. . The second dollar amount otherwise provided for in title I under the heading "DEPARTMENTAL ADMINISTRATION—GENERAL OPERATING EXPENSES", is hereby reduced by $100,000 and increased by $100,000."

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from New Jersey (Mr. Pascrell) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. Pascrell).

Mr. PASCRELL. Mr. Chairman, I yield myself such time as I may consume. With this amendment I seek to correct the great neglect, Mr. Chairman, with which the Veterans Administration treats many of our Nation's veterans. The neglect to which I refer is the VA's lack of effort in reaching out to our veterans and informing them what benefits they are entitled to. Too often our Nation's heroes are not adequately informed as to what benefits they are entitled to receive or how to obtain those benefits, and their families are not as well. In fact, a survey conducted by the VA indicated that less than half of the veterans contacted were aware of certain benefits they were entitled to receive, including pension benefits for disabled and low-income veterans.

My amendment is simple. It mandates that whatever amount has been previously earmarked for outreach to veterans must be increased by $100,000 from the general operating fund. This extra funding is desperately needed. It is time for the VA to take seriously its responsibility for informing the veterans community about available benefits.

To further achieve this goal, I have introduced legislation, the Right to Know Act. My bill mandates that the Veterans Administration inform widows and survivors of vets about what benefits and services are available to them. It further requires that the VA develop an annual outreach program designed to help identify veterans who are not registered and devise ways to inform vets of changes to their benefits.

Most importantly, my bill requires that the VA consult with veterans' organizations in developing the plan. That way we know it will work. I am a veteran. I am fully aware of the challenges that we face, the hardships that many of us have endured, and the pride we take in having served our country. Members of our Armed Forces have put themselves at great risk to protect America. In return, the Federal Government has made a commitment to both active duty and retired military personnel to provide certain benefits. Veterans throughout this country deserve these benefits. They have earned these benefits through their patriotism and their courage and their values. It is an absolute outrage that the Government they fought for is not doing a good enough job of informing them of what they are entitled to receive. It is our responsibility to inform our veterans as to what benefits they are entitled to receive. Abraham Lincoln spoke of this responsibility in his second inaugural address, saying we must "care for him who shall have borne the battle, and for his widow and his orphan."

Throughout our Nation's history, millions of men and women have served in our Armed Forces, during times of peace and in times of war. They have defended the very freedoms our country was founded upon. My legislation honors that commitment. I am going to fight to make it the law of the land.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. WALSH. Mr. Chairman, I move to strike the last word, thank the gentleman for his hard work in this area. We share his concerns regarding veterans and their ability to know all their benefits and that their dependents are entitled to that. This legislation is before the authorizing committees. We need to consider it in a timely manner. I thank the gentleman for withdrawing the amendment.

Amendment No. 24 offered by Mr. Hostettler:

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. HOSTETTLER:

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

"SEC. . None of the funds made available in this Act may be used to administer the Communities for Safer Guns Coalition.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from Indiana (Mr. HOSTETTLER) and the gentlewoman from New York (Mrs. McCARTHY) each will control 15 minutes.

The Chair recognizes the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I yield myself such time as I may consume. Today, I offer an amendment that would prohibit the Department of Housing and Urban Development from spending any Federal funds on the Communities for Safer Guns Coalition. This unauthorized program implemented by HUD could have adverse consequences on State and local law enforcement. According to HUD's press releases, coalition members sign a pledge and agree to show buying preferences to gun manufacturers who agree to impose gun control on themselves, their dealers and their customers. In other words, HUD and the communities signing these pledges are willing to sacrifice the requirements of law enforcement in return for profit. The Hostettler amendment will prevent the Department of Housing and Urban Development from working with the Community for Safer Guns Coalition. The coalition consists of more than 411 State and local governments..."
around the Nation that have signed on to reduce gun violence in their communities. Those governments came together following Smith & Wesson’s agreement with HUD in which the manufacturer agreed to make safer guns and to prevent guns from being sold to criminals. Some communities in the coalition include Syracuse, New York; Bloomington, Indiana; Denver, Colorado; Milwaukee, Wisconsin; Bowling Green; Anderson, South Carolina; Brink, New Jersey, and others.

Mr. Chairman, I include the complete list for the RECORD:

**COMMUNITIES FOR SAFER GUNS COALITION**

**ALABAMA**

- Mitchell, Quitman, Mayor, Bessemer.
- Price, Julian, Mayor, Decatur.

**ARKANSAS**

- Hays, Patrick, Mayor, North Little Rock.
- Grijalva, Raoul, Board of Supervisors Chair, Prima County.

**CALIFORNIA**

- Chan, Wilma, President of the Board of Supervisors, Alameda County.
- Rocha, Mary, Mayor, Antioch.
- Shoup, Mark, Mayor, Apple Valley.
- Cruz-Madrid, Christina, Mayor, Azusa.
- Dean, Shirley, Mayor, Berkeley.
- Clegh, Legrand, City Attorney, Compton.
- Wilson, Sharifa, Mayor, East Palo Alto.
- Morrison, Gus, Mayor, Fremont.
- Cooper, Roberta, Mayor, Hayward.
- Van Arsdale, Lori, Mayor, Hemet.
- Dorn, Roosevelt, Mayor, Inglewood.
- Hahn, James, City Attorney, Los Angeles.
- Brown, Jerry, Mayor, Oakland.
- Bogard, Bill, Mayor, Pasadena.
- Gardner, Garth, Mayor, Pico Rivera.
- Corbin, Rosemary, Mayor, Richmond.
- Yee, Jimmy, Mayor, Sacramento.
- Renne, Louise, City Attorney, San Francisco.
- Miller, Harriet, Mayor, Santa Barbara.
- Valles, Judith, Mayor, San Bernardino.
- Carlson, Brenda, County Supervisor, San Mateo County.

**COLORADO**

- Trindle, Greg, LT, San Mateo County Police Chief.
- Andre, Curt, Mayor, Turlock.
- Nolan, Robert, Mayor, Upland.
- Intintoli, A.J., Mayor, Vallejo.

**CONNECTICUT**

- Gamim, J.oseph, Mayor, Bridgeport.
- Eriqez, Gene, Mayor, Danbury.
- Larson, Timothy, Mayor, East Hartford.
- Amento, Carl, Mayor, Hamden.
- Peters, Michael, Mayor, Hartford.
- Marzan, Joseph, Mayor, Meriden.
- Destefano, J.ohn, Mayor, New Haven.
- Malloy, Dannel, Mayor, Stamford.
- Blumenthal, Richard, Mr., State of Connecticut.

**DELAWARE**

- Sills, James, Mayor, Wilmington.

**DISTRICT OF COLUMBIA**

- Williams, Anthony, Mayor, Washington, DC.

**FLORIDA**

- Aungst, Brian, Mayor, Clearwater.
- Hanson, Carol, Mayor, Boca Raton.
- Jackson, Robert, Mayor, Largo.
- Brown, Samuel, Mayor, Lauderdale Lakes.
- Schwartz, Arlene, Mayor, Margate.
- Wolland, Frank, Mayor, North Miami.
- Foster, E., Mayor, Ocala.
- Miller, Alvin, Mayor, Opa-Lacka.
- Hickson, Linda, Deputy Clerk, Palm Beach County.

**GEORGIA**

- Armstrong, Rae, Mayor, Plantation.
- Reeder, Dottie, Mayor, Seminole.
- Anthony, Clarence, Mayor, South Bay.
- Fischer, David, Mayor, St. Petersberg.
- Feren, Steven, Mayor, Sunrise.
- Schreiber, J.oe, Mayor, Tamarac.
- Daves, J.oe, Mayor, West Palm Beach.
- Nefelas, Alexander, Mayor, Miami-Dade County.

**HAIGHT**

- Campbell, William, Mayor, Atlanna.
- Albritten, Robert, Mayor, Dawson.
- Hildard, Patsy, Mayor, East Point.
- Hightower, Michael, County Commissioner, Fulton County.
- Gresham, Emma, Mayor, Keysville.
- Ellis, J ack, Mayor, Macon.
- Adams, Floy, Mayor, Savannah.
- Burris, Chuck, Mayor, Stone Mountain.
- Davis, Willie, Mayor, Vienna.
- Johnson, B.A., Mayor, Waldy.
- Carter, James, Mayor, Woodland.

**ILLINOIS**

- Cayetano, Benjamin, Governor, Hawaii.
- Harris, J ervy, Mayor, City and County of Honolulu.
- Crews, J.on, Mayor, Cedar Falls.
- Clancy, Loretta, Mayor, Cedar Rapids.
- Yerington, Phil, Mayor, Davenport.
- Rooff, J.on, Mayor, Waterloo.
- Koehrsen, Bernai, Chief, Waterloo Police Department.

**INDIANA**

- Williams, Carolyn, Mayor, Alorton.
- Mulder, Arlene, Mayor, Arlington Heights.
- Village of.
- Powell, Debra, Mayor, East St. Louis.
- Bennett, Sillierene, Mayor, Ford Heights.
- Jackson, Linda, Mayor, Glendale Heights.
- Kolb, Ernest, Mayor, Oak Lawn.
- Grieses, Lowell, Mayor, Peoria.
- Box, Charles, Mayor, Rockford.
- Schwiebert, Mark, Mayor, Rock Island.
- Wade, J.r., Mayor, Sun River Terrace.

**MASSACHUSETTS**

- Gallicchio, Anthony, Mayor, Cambridge.
- Menino, Thomas, Mayor, Boston.
- Yunit, John, Mayor, Brockton.
- Raguetti, David, Mayor, Everett.
- Tobe, Bruce, Mayor, Gloucester.
- Rurak, James, Mayor, Haverhill.
- Sullivan, Michael, Mayor, Holyoke.
- Dowling, Patricia, Mayor, Lawrence.
- McManus, Patrick, Mayor, Lynn.
- Howard, Richard, Mayor, Malden.
- McGlynn, Michael, Mayor, Medford.
- Kalisz, Frederick, Mayor, New Bedford.
- Mead, Lisa, Mayor, Newburyport.
- Barrett, J ohn, Mayor, North Adams.
- Higgins, Mary, Mayor, North Hampton.
- Torigian, Peter, Mayor, Peabody.
- Doyle, J .r., Mayor, Pittsfield.
- Sheets, J. , Mayor, Quincy.
- Ambrosino, Thomas, Mayor, Revere.
- Usosznick, Stanley, Mayor, Salem.
- Kelly Gay, Dorothy, Mayor, Somerville.
- Albano, Michael, Mayor, Springfield.

**MARYLAND**

- Carter, Cynthia, Councilwoman, Annapolis.
- O’Malley, Martin, Mayor, Baltimore.
- Dodson, Vivian, Mayor, Capitol Heights.
- Simms, J ack, Mayor, District Heights.
- Williams, Donjuan, Mayor, Glen Arden.
- Beverly, Lillian, Mayor, North Brentwood.
- Krasnow, Rose, Mayor, Rockville.
- Kennedy, Eugene, Mayor, Seat Pleasant.
- Currin, Joseph, State Attorney, State of Maryland.

**MAINE**

- Kane, Thomas, Mayor, Portland.

**MICHIGAN**

- Guido, Michael, Mayor, Dearborn.
- Canfield, Ruth, Mayor, Dearborn Heights.
- Archer, Dennis, Mayor, Detroit.
- Stanley, Woodrow, Mayor, Flint.
- Hampton, Hilliard, Mayor, Inkster.
- Kirksey, J ack, Mayor, Livonia.
- Moore, Walter, Mayor, Pontiac.
- Loster, Gary, Mayor, Saginaw.
- Dumas, Curtis, Mayor, St. Clair Shores.
- Notte, Richard, Mayor, Sterling Heights.
- Piconia, Gregory, Mayor, Taylor.
- Thomas, Robert, Mayor, Westland.

**MINNESOTA**

- Kautz, Elizabeth, Mayor, Burnsville.
- Belton, Sharon, Mayor, Minneapolis.
- Anderson, Karen, Mayor, Minneapolis.
- Canfield, Chuck, Mayor, Rochester.

**MISSOURI**

- Duncan, Phil, Mayor, Belton.
- Deinbo, Babatunde, Mayor, Berkeley.
- Eagan, John, Mayor, Blue Springs.
- Green, Alexander, Mayor, Hayti Heights.
- Stewart, Rondell, Mayor, Independence.
- Shields, Katheryn, County Executive, Jackson County.
- Brooks, Alvin, Mayor Pro Tem, Kansas City.
June 21, 2000  CONGRESSIONAL RECORD — HOUSE  H4889

Bush, Errol, Mayor, Northwoods.
Whitfield, Kennard, Mayor, Rock Hill.
Harmon, Clarence, Honorable, St. Louis.
Hensley, Robert, Mayor, Velda City.
Scott, Alice, Mayor, Canton.
King, Rober, Mayor, Fayette.
Smith, Eddie, Mayor, Holly Springs.
J ohnson, Harvey, Honorable, Jackson.
Phillips, J o, Mayor, J onestown.
Norman, Nerissa, Mayor, Mount Bayou.
Arnold, Amelia, Mayor, Port Gibson.
Otis, Larry, Mayor, Tupelo.
Walker, Robert, Mayor, Vicksburg.
Leach, Wardell, Mayor, Yazoo.
NEBRASKA
Ryan, Jerry, Mayor, Bellevue.
NORTH CAROLINA
Wilson, Frank, Mayor, Bolton.
Lilles, George, Mayor, Concord.
Tennyson, Nicholas, Mayor, Durham.
Holiday, Keith, Mayor, Greensboro.
NEW JERSEY
Tomsak, Paul, Mayor, Alpine.
Russell, Wilbert, City Manager, Asbury Park.
Whelan, James, Mayor, Atlantic City.
Lunn, Scott, Mayor, Barrington.
Doria, Joseph, Mayor, Bayonne.
Escott, Mort, Mayor, Belleville.
Lynch, Richard, Chief of Police, Belmar.
Lowden, Robert, Mayor, Beverly.
Bukowski, J ohn, Mayor, Town of Bloomfield.
 Thatcher, David, Mayor, Borough of Laurel Springs.
Sacco, Nicholas, Mayor, North Bergen.
Scarpetti, Joseph, Mayor, Township of Brick.
Pirro, Michael, Mayor, Bridgetown.
Sandoval, Edward, Borough Administrator, Caldwell.
Milan, Milton, Honorable, Camden.
Kurzenkabne, George, Chief of Police, Chatham.
Poindexter, Arland, Mayor, Chesilhurst.
Ellienport, Robert, Mayor, Clark.
Morin, Ilip, Philip, Mayor, Cranford.
Fisher, Douglas, Chair, Cumberland County.
Muso, Carol, Mayor, Deerfield.
Vittorino, Victor, Mayor, Delanco.
Colasurdo, Lawrence, Mayor, East Orange.
Bower, Robert, Mayor, East Orange.
Bollwage, J ohn, Mayor, Elizabeth.
Jung, Louis, Mayor, Fanwood.
Chizukula, Upendra, Mayor, Franklin Township.
Seaman, Annette, Mayor, Feden Township.
De Rienzo, John, Mayor, Haworth.
Russo, Anthony, Mayor, Hoboken.
Bost, Sara, Mayor, Irvington.
Deluca, J fr, Frank, Mayor, Lindenwold.
Schneider, Adam, Mayor, Long Branch.
Corradino, Angelo, Mayor, Manville.
Dobbie, Richard, Mayor, Middletown.
Thompson, Lewis, City Clerk, Adminis-
trator, Millville.
J ames, Sharpe, Mayor, Newark.
Gailh, James, Mayor, New Brunswick.
Morgan, Allen, Mayor, New Providence.
George, Randy, Mayor, North Haledon.
Weldon, T errance, Mayor, Ocean.
Letts, Mimi, Mayor, Parsippany.
Barnes, Martin, Mayor, Paterson.
Wyant, J fr, Mayor, Phillipsburg.
McWilliams, Albert, Mayor, Plainfield.
Kennedy, James, Mayor, Rahway.
Nolan, Brian, Mayor, Rocky Hill.
DeBell, Louis, Mayor, Roseland.
Gage, Earl, Mayor, Salem City.
Harelk, Clara, Mayor, Springfield.
Adams, Frank, Mayor, Spring Lake.
Palmer, Douglas, Mayor, Trenton.
Garcia, Raul, Mayor, Union City.
Force, Maria, Mayor, Verona.
Riga, Raymond, Chief of Police, Wayne Township Police Department.
Wright, David, Mayor, Winfield.
McGrevey, J ames, Mayor, Woodbridge.
Higgins, J osphine, Mayor, Woodcliff Lake.
NEW MEXICO
Baca, Jim, Mayor, Albuquerque.
Smith, Ruben, Mayor, Las Cruces.
Hunting, Louis, Mayor, Los Lunas.
Delgado, Larry, Mayor, Santa Fe.
NEVADA
Mack, Michael, Mayor, Las Vegas.
Griffin, J eff, Mayor, Reno.
NEW YORK
Charles, Michael, Mayor, Akron, Erie County.
J ennings, Gerald, Mayor, Albany.
Breslin, Mike, County Executive, Albany.
Duchessi, J ohn, Mayor, Amsterdam.
DeAngelis, Christopher, Mayor, Auburn.
Cayuga County.
Schaffer, Richard, Mayor, Babylon Township.
Englebracht, J C., Town Attorney, Baldwinville, Onondaga County.
O'Hara, Mayor, Baldwinville, Onon-
da County.
Hollwedel, J ohn, Town Supervisor, Town of Bethany.
Fiala, Anthony, Majority Leader, Bing-
hamton.
Fiala, Barbara, County Clerk, Binghamton.
Harder, D avid, Sheriff, Binghamton.
Broome County.
Pasquale, Vincent, Minority Leader, Bing-
hamton.
Whalen, Mark, Binghamton, Broome Coun-
ty.
Frankel, Sandra, Ms., Brighton Township.
Engel, Eliot, Congressman, Bronx.
Espada, Pedro, County Council, Bronx.
Ritz, Felix, State Assembly, Bronx.
Rivera, J ose, NY County Council, Bronx.
Brennan, J ames, State Assembly, Brook-
lyn, Kings County.
Cymbrowitz, Lena, Assembly Member, Brooklyn, Kings County.
Jacobs, Rhoda, State Assembly, Brooklyn, Kings County.
Perry, Nick, State Assembly, Brooklyn, Kings County.
Masiello, Anthony, Mayor, Buffalo.
Hoyle, Sam, Village Assembly, Buffalo.
Eichenberger, Robert, Supervisor, Town of Byron.
Bilow, Donald, Supervisor, Chauteaugay.
Battisti, Joseph, Mayor, Chestert.
Kobre, J erome, Mayor, Village of Chestnut Ridge.
Deno, George, Town Supervisor, Chozey.
Leak, Frank, Mayor, Village of Colonie.
Phillips, Harold, Supervisor, Town of Con-
able.
O'Shea, Donal, Supervisor, Town of Cov-
erty.
Elliott, Robert, Mayor, Croton-on-Hudson.
Drew, K .J ohn, Mayor, Darien.
Schneiderman, J ay, Supervisor, East Hampton, Suffolk County.
Hughes, Stephen, Mayor, Elmir.
Clark, Frank, District Attorney, Erie County.
Catalano, Robert, Supervisor, Town of Evans.
Glacken, William, Mayor, Village of Free-
port Incorporated.
Kennison, Brian, Supervisor, Gen-
esee, Livingston County.
Feiner, Paul, Supervisor, Greenburgh, Westchester County.
McNulty, J ack, Mayor, Green Island, Al-
bany County.
Suozzi, Thomas, Mayor, Glen Cove.
Garnier, J ames, Mayor, Hempstead.
Donley, Frances, Supervisor, Town of Rus-
sela, Herkimer County.
Passarelli, Lewis, Mayor, Holley, Orleans County.
Hogan, Shawn, Mayor, Hornell.
Cohen, Alan, Mayor, Ithaca.
Blumenthal, Susan, Alderperson, Ithaca.
Wade, George, Mayor, Ladora.
Taylor, Ronald, Town Supervisor, Leray.
Mullen, Kevin, Mayor, Village of Liberty.
Crystal, J oel, City Council Vice President, Long Beach.
Salone, J ohn, Mayor, Village of Lyons.
DiVeronica, Rocco, Mr., Madison County.
Gottfried, Richard, State Assembly, Manhat-
tan.
Miller, A. Gifford, Council Mbr, Manhat-
tan.
DeStefano, J ospeh, Mayor, Middletown.
George, Thomas, Supervisor, Town of Monlius.
Christiano, J ospeh, Mayor, Mount Morris.
Davis, Ernest, Mayor, Mount Vernon.
Altmann, Lisanne, Legislator, Nassau County.
Idoni, Timothy, Mayor, New Rochelle.
Spitzer, Israel, Deputy Mayor, New Square.
Carrion, Adolfo, Council Mbr, New York.
Michals, Stanley, Council Mbr, New York.
Chen.
Stringer, Scott, Assembly Mbr, New York.
Vallone, Peter, City Council, New York.
Spitzer, Eliot, Mr., State of New York.
Keller, J ohn, Chief, Niagara Police Depart-
ment.
Newburger, Mayor, Supervisor, North Hemp-
stead Township.
Kabasakalian, Mary, Mayor, North Tona-
wanda.
Leifeld, Berndt, Supervisor, Town of Olive.
Muller, Kim, Mayor, Oneonta, Otsego County.
Kleiner, Thom, Mr., Orange town.
Cudney, Toni, Town Supervisor, Orchard Park, Erie County.
Cambariere, Thomas, Mayor, Ossining.
Eiser, Bonnie, Council Mbr, Town of Oyster Bay.
Venditto, J ohn, Supervisor, Town of Osy-
ter Bay.
Mayle, J udith, Town Supervisor, Plattekill.
Stewart, Daniel, Mayor, Plattsburgh.
Marshall, Herbert, Mayor, Village of Po-
mona.
Clark, Barbara, Assemblywoman, Queens.
Queens County.
Cohen, Michael, State Assembly, Queens,
Queens County.
Pheffer, Audrey, State Assembly, Queens.
Queens County.
Scabarborugh, William, Assembly Member, Queens.
Reisman, Herbert, Town Supervisor, Ram-
apo/Rockland County.
Murray, Eugene, Mayor, Rockville Center.
Kloetz, Kenneth, Mayor, Saratoga Springs.
Jurczynski, Albert, Mayor, Schenectady.
Carrion, Vincent, Supervisor, South-
ampton, Suffolk County.
Cochran, J ean, Supervisor, Town of South.
Armstrong, Thomas, Town Supervisor, Town of Springfield, Erie County.
Thompson, Alan, Mayor, Spring Valley.
Rockland County.
Patterson, Mark, Mayor, Troy.
Ludwick, Richard, Mayor, Village of Unionville.
Hanna, Edward, Mayor, Utica.
Spence, Andrew, County Executive, West-
chester County.
Klein, J ohn, Mayor, Wurtzburg.
Chairman, I rise in strong support of this amendment. They oppose any legislation which would limit the sources from which firearms could be procured. They are procuring them without any political pressure, to give preference to a company that has been coerced into a settlement with the government to avoid a long and expensive lawsuit.

Furthermore, what this does is to clearly violate longstanding Federal procurement regulations, which require that what we are doing to purchase is going to be the best value for the dollar, not something that supports a political agenda. What this amendment does is to make sure that the best firearms are going to be procured to meet the requirements of those who are procuring them without any political pressure, to give preference to a company that has been coerced by the Federal Government into agreeing to something to avoid a lawsuit which would cost them a lot of money.

This could just be the first step. What next? Will the FBI and other law enforcement agencies follow HUD if we permit this to go forward. I would hope not, because I am sure that what every one of these agencies wants, what every one of their members wants is the best firearm, the safest firearm to prevent gun injuries and keeping gun criminals from getting guns. It simply says if firearms are the same in price and quality, then the locality would give a preference to the manufacturer that makes safer guns. This is a preference, not a straitjacket. It is up to the locality to determine how to implement it. This is really a matter of local control.

If Members believe their local officials in Nassau County, New York, or Knox, Indiana, should have the option to promote gun safety through participation in the coalition, which they have, then they will oppose the amendment. This amendment says that communities cannot come together to stop gun violence. I again say this amendment states the status quo is acceptable. The amendment says that it is permissible to ignore the gun violence that has affected our schools and made our communities into killing zones. The Congress should not micromanage our communities into killing zones.

The Congress should not micromanage how 411 communities around the Nation fight gun violence. The Congress should not be able to mandate how a locality does business. If a city wants to conduct its business in the society in a responsible way, that is the city’s business, not the Congress. We do the right thing and vote no on the amendment.

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

Mr. HOEPTLTER. Mr. Chairman, I yield 4 minutes to my colleague, the gentleman from Maryland, (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in strong support of this amendment.

Mr. Chairman, I would first like to note that LEAA is in support of this amendment. They oppose any legislation which would limit the sources from which firearms could be procured.

If this is really gun safety, the police should be the first in the country to want this. I understand that a third of the policemen who are shot are shot with these kinds of weapons. When this technology is mature, the police will be the first to support it. The fact that they are not supporting this should send a message to us that we do not need to be supporting planning in this bill which the Secretary of Housing and Urban Development could use to require or influence the purchase of guns only from those companies that have been coerced into a settlement with the government to avoid a long and expensive lawsuit.

When this technology is mature, it will be there. And us passing silly legislation that this amendment would be is not going to hasten the orderly development of that technology. There is nobody that I know of who does not want safe guns, and the police should be the first who would want this, because it would assure their safety because a third of them when they are shot are shot with these kinds of weapons.

Furthermore, what this does is to clearly violate longstanding Federal procurement regulations, which require that what we are doing to purchase is going to be the best value for the dollar, not something that supports a political agenda. What this amendment does is to make sure that the best firearms are going to be procured to meet the requirements of those who are procuring them without any political pressure, to give preference to a company that has been coerced by the Federal Government into agreeing to something to avoid a lawsuit which would cost them a lot of money.

This could just be the first step. What next? Will the FBI and other law enforcement agencies follow HUD if we permit this to go forward. I would hope not, because I am sure that what every one of these agencies wants, what every one of their members wants is the best firearm, the safest firearm to protect them.

We cannot just legislate safety. Safety has to come from development. And when that development is over, the first people who are going to support this are the law enforcement officials themselves. They are now opposing what is in this legislation. They are supporting this amendment. That should send a clear message to us that the right vote on this amendment is a yes vote.

Mrs. McCARTHY of New York. Mr. Chairman, I yield 4 minutes to my distinguished colleague, the gentleman from Massachusetts (Mr. NEAL of Massachusetts).

(Mr. NEAL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Chairman, quickly in reference to what the previous speaker, the gentleman from Maryland (Mr. BARTLETT), said before I enter into my formal remarks, the gentleman said we cannot legislate safety. We do with automobiles. We dictate what kind of sheets and pillow cases infants sleep on.

We make sure that all sorts of precautions are taken every day for the youngest among us, to ensure their
safety. The argument we somehow cannot legislate safety.

Let us be clear about the purpose of this amendment that is offered by the gentleman from Indiana (Mr. HOSTETTLER). His objective is very simple and that is to put Smith & Wesson out of business.

I represent the city where Smith & Wesson is located. They essentially are being punished for doing the right thing. This is sound public policy, not policy that was put upon them. It was negotiated after months of intense conversations back and forth.

What Smith & Wesson said in this historic agreement is this, and I want everybody to listen to this, they want to change the way guns are designed, distributed and marketed.

They want to add locking devices and other safety features, and they wanted to develop landmark smart gun technology. We ask ourselves in this Chamber what is against all that? Then we look to the other side; and we see who could be against this sensible public policy position, for their courage, Smith & Wesson is now being penalized by the gun lobby, House Republicans who adamantly oppose common sense legislation, legislation that the vast majority of the American people overwhelmingly support. Every year, 30,000 Americans including almost 12 children a day are killed by gun violence.

Why do Members of this House fear the advancement of smart gun technology? Who could be opposed to the meaningful development of a firearm that can only be used by its rightful owner, and who would prevent children in the end from accidentally discharging these weapons? Why are the people on the other side of the aisle in this Chamber trying to thwart the unprecedented agreement between Smith & Wesson and the Clinton administration?

Many times I have found myself on the other side of an initiative that Smith & Wesson would not be comfortable with, but I want to tell my colleagues something, they are a great employer. And that term Smith & Wesson is synonymous over many, many years of American history with a quality product that they, indeed, want to make better to speak to the concerns of the American people.

It is the second amendment, which we frequently hear in this Chamber, and the Clinton administration has proceeded with wise and warranted public policy that speaks to the concerns of the American people in advancing what most people would believe to be a highly sensible initiative, smart gun technology, trigger locks.

But the idea that Smith & Wesson would enter into protracted negotiations with the administration, come up with a solution good or bad, we would think everybody in this Chamber could come to agreement upon, they find themselves isolated. They find themselves set upon by the gun lobby. They find themselves up against an element that wants no sort of gun legislation in this country.

In the end, all of us this evening have an opportunity to vote up or down on what is perhaps the most sensible initiative that has come forth over many years on the whole question of how to deal with guns in this society, and we will have a chance to be recorded later on, and that is the vote that people ought to be tallying up.

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

Mr. Chairman, I would like to address some comments that have been made by the other side in this argument, and that is that Congress should not micromanage local law enforcement. I would agree with that 100 percent, but neither should HUD, and that is exactly what is happening in this process; that is why this Congress is defunding the micromanagement of local law enforcement by HUD through this amendment.

Secondly, the argument is made that Congress should not tie the hands of local government, and that is not what this amendment does either. This amendment merely states that Federal taxpayers will not give money to HUD to micromanage local law enforcement. We are simply taking that complaint that if local government wishes to deprive their law enforcement personnel of the best equipment and, therefore, compromise the safety of their law enforcement officers and the public safety, they are the people who do so. I just do not believe and I think a majority of this House does not believe that the Congress should be a party to that.

Thirdly, the gentleman from Massachusetts (Mr. NEAL) just spoke just said that as a result of this amendment, we are going to run Smith & Wesson out of business. It could not be further from the truth. In fact, Smith & Wesson will still be able to continue to compete and potentially win contracts.

We simply do not believe there should be a preference in those contracts; and if Smith & Wesson does indeed have the best product at the best price, they will win these competitions and win these contracts.

I would say to the gentleman with regard to that issue, if Smith & Wesson is the only company that enters into this type of agreement, which they are at this point, and they are the preferred contractor, what incentive will be there for Smith & Wesson to create a better quality product if there is no competition to obtain a higher quality product? And if the Smith & Wesson could quite simply produce a much lower quality product as a result of a political agenda that is being forwarded and not the consideration of law enforcement safety and public safety, Smith & Wesson will get the agreement with the lower quality product.

Mr. Chairman, I think that this is a very common sensical amendment. I think the Law Enforcement Alliance of America believes the same thing. The Fraternal Order of Police believes this is common sensical, and I would ask the majority of the House to support my amendment.

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

Mrs. McCARTHY of New York. Mr. Chairman, I yield 2½ minutes to my colleague, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I am here to express my opposition to the Hostetlter amendment. To me, this is the most mean-spirited amendment I have ever seen on this floor. It cuts to the chase. It is this the Office of Housing and Urban Development from using funds to administer HUD's Community for Safer Guns Coalition.

What does the gentleman from Indiana (Mr. HOSTETTLER) have against the Community for Safer Guns Coalition? Can I not figure it out.

First the gentleman was against every legislative mandate. The gentleman is against it. Now, we do not have a mandate, what we are saying is we have an agreement between the administration and a company. We did not pass any legislation for the Clinton administration to come to that agreement. This is something the gentleman should support. The gentleman is proactive about it.

The Communities for Safer Guns Coalition keeps guns out of the hands of criminals and children. I know the gentleman supports that. How can the gentleman support that? It does not cut down on straw purchasing. It mandates full background checks for all purchases. I think these are important steps towards making our streets safer. Does it take one gun away from anybody? One of the programs' strengths is that it starts in the community and stays in the community. This is a movement of local and State leaders who have pledged to support giving a preference in firearm purchases to companies who follow a code of responsible conduct.

These advances that you have heard on the floor just a few moments ago all help law enforcement by making guns less attractive to criminals and making it harder for bad apple dealers to supply criminals. After all the ATF report just this past December, 13 percent of dealers account for 57 percent of gun crime traces to active dealers. There is 411 communities at this point, at this very moment that have signed on. A vote to stop the coalition is a vote to support less responsible gun makers and less responsible dealers.

Mr. Chairman, I urge everyone of us to vote against this ill-conceived amendment.

Mr. HOSTETTLER. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from South Carolina (Mr. SANFORD).
Mr. SANFORD. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I would respectfully disagree with my colleague from New Jersey (Mr. PASCRELL). I guess the gentleman can see the equation from the other side. I guess the way that I would see it, and some on this side of the aisle would see it, would be that by prohibiting local law enforcement agencies from choosing I guess the equipment or the gun manufacture of their choice, it seems to me to be more coercive and it seems to be a case rather than a local choice being made, it is actually a case of being directed from above.

Two, I would say to me this is about the whole fundamental breakdown of government that our Founding Fathers intended with the legislative branch being responsible for one area of government, the executive branch being responsible for another, and the judicial finally for another. We have a very strict time agreement. I have to object.

What we have here with this agreement is the executive branch going into the business of creation of laws or lawmaking, because there are two new Federal programs, the Communities for Safer Guns Coalition and the Oversight Commission, both of which would be created by executive branch activity without the authorization of Congress, without the Hostetler amendment.

I simply rise in support of his amendment. Frankly, I would make the point in that there are different perspectives on this thing, and I come from down South and I guess we have a different take on the whole gun equation down there, but for me, I do not like the idea of smart technology because the idea of an intruder breaking into our house and my fingerprint being the only one that could stop that intruder with a given handgun, to me it is not a good idea.

I would like the idea of being able to hand the gun to my daughter or to my young son or to the neighbor who is visiting to help stop that intruder. I think there is a legitimate difference of opinion on this.

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

1900

Mr. NADLER. Mr. Chairman, I ask unanimous consent that the gentleman be granted one additional minute.

Mr. WALSH. We have a very strict time agreement. I have to object.

The CHAIRMAN. Objection is heard.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise in strong opposition to this amendment because this amendment runs counter to what the American people have repeatedly asked Congress to do, make our children and our communities safer.

This amendment just does not make any sense. The Smith & Wesson agreement includes common sense measures, like internal safety locks, development of smart gun technology to ensure that only a gun owner can discharge the firearm, child safety trigger locks, and other provisions aimed at reducing the tragic accidental shootings and deaths due to gun violence. Smith & Wesson has also pledged to cooperate with Federal, State and local law enforcement to ensure that its products are used safely and legally.

Agreements such as these should be encouraged and supported. This irresponsible amendment, in my judgment, sends the wrong message to manufacturers trying to demonstrate their own accountability for the safety of those who use their products.

Codes of conduct by firearm manufacturers will make our communities and streets safer. They will strengthen law enforcement’s efforts to enforce our Nation’s firearms laws by ensuring that background checks are performed and improving ballistics technology; and they will protect our children from the tragic accidental shootings that end far too many innocent lives.

Congress should heed the call of the American people, who have told us loud and clear that they demand common sense initiatives to make firearms safer and to keep them out of the hands of children. I urge my colleagues, listen to your neighbors, listen to our friends. Let us defeat this amendment.

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

Mr. Chairman, I would simply say that the naming of this coalition, The Communities for Safer Guns Coalition, is simply a name given to it by an entity which seeks to forward a political agenda. If the truth be told, according to our correspondence from the Law Enforcement Alliance of America and the Federal Bureau of Investigation, that act which the coalition has written the Congress, a more appropriate name would be something like this, and I apologize for its length. It would probably be The Communities for Compromising Law Enforcement Personnel and Public Safety in Order to Forward a Political Agenda Coalition. That is what the true name of the coalition should be.

We should not forward that political agenda and we should not run around with the intent. Congress by doing so. I would have to say I will be offering an amendment subsequent to this discussion, Amendment No. 25, that will actually talk about the Smith & Wesson agreement itself. We have heard a lot of discussion about the Smith & Wesson agreement, but this amendment is actually to stop HUD from creating this environment of preferences for purchase of firearms for local law enforcement.

The gentleman talked about various issues that we should all commonly be opposed to, and he made some points; but some of the points that he made were a little bit outdated in that the gentleman from New Jersey said we should all be opposed to straw purchases. Straw purchases are actually in opposition to Federal law today; and, in fact, we know a young lady in connection to the Columbine tragedy actually had a straw purchase and broke the law. It stands today.

So this agreement is not going to stop criminals that will break the law anyway. That is why we call them criminals. It will simply create an environment whereby local law enforcement agencies will feel compelled to purchase equipment that may or may not be in their best interests; and as a result of that, they may compromise not only the safety of their personnel, which is heinous enough, but it would also compromise the safety of the public at large.

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

Mrs. McCARTHY of New York. Mr. Chairman, one thing I will say, this is not a local issue. We will come forward freely on this; and this, in my opinion, will help and save police officers.

Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I am not surprised that the gentleman from Indiana (Mr. HOSTETTLER) is offering amendments to weaken HUD’s ability to fight crime in our neighborhoods. The Republican leadership in the House has done everything in its power to promote the NRA agenda. They have killed the common sense gun safety measures that the American people have demanded for over a year. They have blocked trigger locks and failed to close the gun show loophole. They have blatantly ignored the request of the Million Mom March for licensing and registration of all hand guns. Now the Republicans are trying to prevent gun makers from making safer firearms. The gentleman from Indiana (Mr. HOSTETTLER) wants to prevent Smith & Wesson from developing safer guns with internal trigger locks and safe gun technology. I guess the purpose must be the guns should be as unsafe and dangerous as possible. It is truly unbelievable.

Over 400 communities are participating in HUD’s Communities for Safer Guns Coalition, working to make our streets a little safer. Because of their actions at local levels, Smith & Wesson agreed to require their dealers to close the gun show loophole, require background checks for all sales, limit the delivery of multiple purchases, limit children’s access to weapons, and a few other things. The gentleman is actually worse than anything else the Republican leadership has proposed this year in this respect. In the past, we were fighting for additional protections to
save our people from gun violence. Today, we are fighting to preserve what little protections we have managed to achieve already.

This is a dangerous proposal, and I fear the American people will pay for it dearly. As a previous speaker has said, this Nation. Secretary Cuomo and HUD should be commended, and this amendment should be defeated.

Mrs. McCarthy of New York. Mr. Chairman, I yield such time as he may consume to my good friend, the gentleman from Massachusetts (Mr. Frank).

The CHAIRMAN. The gentleman is recognized for 2 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I appreciate the leadership once again of the gentleman from New York.

I was surprised by this. We have debated gun regulation, and the arguments have always been we should not interfere with the right of an individual to own a gun. This has got nothing to do with what. That is what we now see is what we have got is an animus against trying to improve gun technology.

This does not interfere with anybody's right to own a gun. This is not an amendment; it is a danging participle. It rewrites the second amendment. The second amendment will now say, "A well-regulated militia being necessary for the security of the people, let's not have any smart guns in local police forces.

This is a disconnect between all of the previous arguments about gun regulation. Individual will be totality free to buy guns. What this says is HUD will not coerce, but will work with and cooperate with local police department regulation and local governments that want to purchase safer guns.

It is not an accident that two of the previous speakers against this amendment were former mayors of tough urban areas, who understand the importance of law enforcement. The cooperative effort, and as my colleague, the gentleman from Massachusetts, said, there is an animus against Smith & Wesson.

The gentleman from Indiana said, "Well, you won't have competition if this happens, because if Smith & Wesson gets a preference for selling smart gun technology, where will the incentive be to improve it?"

I will tell you where it will be, from all of the other manufacturers. That is precisely what we want. We want to encourage a competition for the best smart gun technology. One way you do that, one way to increase that supply, is to let us have competition.

So what this is is a cooperative effort, led by HUD but fully voluntary on the part of the cities, to increase the demand for smart gun technology, knowing that that will lead to an increase in communities across the country.

Mr. HOSTETTLER of Indiana. The question was taken; and the Chairman announced that the noes appear to have it. Mr. HOSTETTLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 525, further proceedings on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) will be postponed until 11:00 a.m. on the following day.

AMENDMENT NO. 4 OFFERED BY MR. NADLER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. NADLER:

At the end of title IV (relating to General Provisions), add the following new section: Sec. 426. The amounts otherwise provided by this Act are revised by reducing the amount made available for "INDEPENDENT AGENCIES—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT", and increasing the amount made available for "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—PUBLIC AND INDIAN HOUSING VACATION ASSISTANCE FUND (HCA)" for use only for additional assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), by $34,000,000.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER), Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from New York (Mr. NADLER). Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from New York (Mr. NADLER) and I are offering this amendment to increase funding to provide for 60,000 new section 8 vouchers to help low-income families afford safe, decent housing. The bill before us provides for zero new section 8 vouchers.

The need for housing assistance remains staggering. The Nation's robust economic growth has sent housing prices soaring. Today, a record 5.4 million low-income families pay more than 50 percent of their income for rent, or live in severely substandard housing. Not one of these 5.4 million families receives any Federal housing assistance. Their needs are desperate, and we must not ignore the severity of these needs any longer.

I challenge anyone to argue that tenant-based section 8 vouchers do not achieve their goal. The approximately 3 million families, that is almost 7 million Americans, receive section 8 vouchers. For these families, section 8 is more than a contract or a subsidy, it is often the foundation upon which they build lifelong economic self-sufficiency. Section 8 allows families to enter the private housing market and choose where they want to live, helping them to escape from the cycle of poverty and creating better income mixes throughout our communities. As was said yesterday, section 8 is a free-market approach pioneered by the radical Nixon administration.

The bill in its current form does a terrible disservice to those most in need. The administration's request for 120,000 new section 8 vouchers has been ignored, and there is not one dollar in this bill for new vouchers to address the worst case housing needs of our most vulnerable citizens. The bill merely holds out the hope of 20,000 vouchers, unlikely to be funded since they are contingent on overly optimistic levels of section 8 recaptures.

Rather than building on the successful provision of 50,000 or 60,000 incremental vouchers the past 2 years, this bill would contribute to the growing backlog of families who cannot afford decent, safe and sanitary housing, by going from 60,000 new housing vouchers last year to zero this year, this at a time of incredible prosperity and huge budget surpluses.

Let me mention one other point. Some may ask why we ought to provide new housing for vouchers when existing funding is not spent quickly. What is desperately needed money not spent right away? The answer is that the housing crisis is so severe right now that many families are having real difficulty using vouchers because they cannot find any apartments to rent that are affordable, that are within the limits of the voucher.

The Federal Government should be doing more to build affordable housing, but this bill actually reduces Federal assistance for production of new low-income housing. But that is beyond the scope of this amendment.

Our amendment will allow 60,000 more families to live in safe, affordable, decent housing. It is not asking for much. We only ask that we meet about 1 percent of the need for affordable housing in our Nation.

The money is there. In fact 100,000 new section 8 vouchers have been authorized for this coming fiscal year. The bill as currently written reneges on the national commitment to create decent, affordable housing, and fails to fulfill the promise Congress made to poor families in the Housing Act of 1998, which authorized 100,000 new section 8 vouchers for next year.

Mr. Chairman, we must house our people. We ought to fulfill that promise and adopt this amendment.

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

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) claim the time in opposition?

Mr. WALSH. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from New York is recognized for 15 minutes.

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

Mr. Chairman, I rise in strong opposition to the gentleman's amendment, which is a proposed reduction of $344,
Affordable housing is not a problem that exists in a vacuum, and it will negatively affect our economy if we do not ensure that all Americans have effective housing. We need more section 8 vouchers, not less. Now, we have heard how much we need the Space Station; and I always point out to the gentlewoman that we voted a little while earlier this evening, to support the Space Station, unlike many of my colleagues on this side of the aisle.

However, if we have to make the choice between our citizens, our lower-income citizens living in housing and housing section 8 vouchers, we ought to spend a little money away from the Space Station, The international Space Station is $2.1 billion, and this offset is $344 million. We do not kill the Space Station with this amendment. Rather, what we say is, we will move it a little bit more slowly so that we can give the millions of low-income Americans that need them section 8 vouchers. I say to my colleagues, the majority that are here that the majority have put us in this situation of having to make this very real and very tough choice; and the reason is because they put nothing in the bill to fund the section 8 vouchers that are needed.

Mr. Chairman, I urge support of the Nadler-DeGette amendment.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume to point out to the gentlewoman that we put $13 billion in this bill for section 8 vouchers.

Ms. DeGETTE. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Mr. Chairman, I yield to the gentlewoman from Colorado.

Ms. DeGETTE. Mr. Chairman, the gentleman would agree, I would assume, that none of the money in the bill is for new section 8 vouchers.

Mr. WALSH. Mr. Chairman, reclaiming my time, we put in 10,000 additional vouchers by using the recapture money from last year.

Mr. Chairman, I yield 4 minutes to the gentleman from West Virginia (Mr. Mollohan).

Mr. MOLLOHAN. Mr. Chairman, I appreciate the gentleman yielding me this time. I would like to, in part, associate myself with the remarks of the gentlewoman from Colorado. While I do not agree with her ultimate position, I would suggest that the reason we are in this tough position is because of the budget that the majority has come forward with and the stingy allocation that it results in for not only this subcommittee, but for all appropriation subcommittees. That is what the distinguished gentleman from Wisconsin (Mr. Obey), the ranking member, has spoken to so eloquently throughout this process, the fact that we have a budget agreement supported and written by the majority which is totally unrealistic and totally impossible when we come over to the other part of the budget process, and that is the appropriation process. That is why we do not have enough money in
Mr. WALSH. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas (Ms. JACKSON-LEE). 1930

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the chairman for yielding time to me. Mr. Chairman, this is an uncomfortable position when we have to match oranges and apples, and we have to stretch a penny for programs that we advocate for. Let me also acknowledge that this debate on the appropriations bill for VA-HUD has left the field of more civil debates, because there is a lot of agreement on money issues. One is we need more money for needed programs.

I happen to be a very strong supporter of what Section 8 vouchers do. In fact, I was on the floor recently saying that the provision that allows Section 8 vouchers to be utilized for the purchasing of homes is a very important new feature of this housing program to allow low-income to buy homes.

But I am saddened to rise to oppose this amendment because of the $344 million that is taken out of the International Space Station. I think this again raises the question, and I do not know if we will ever get to do this, of separating out these independent agencies from these very large programs like VA and HUD; not to say that these other independent agencies are not important, but they have a narrow focus, and their focus is important.

HUD is suffering from the fact that these other agencies have funding and HUD does not have enough. However, the Space Station funding and the NASA budget has been flat for almost 5 years. In fact, it has a flat 5-year budget, to a certain extent.

The Space Station has been on an orderly funding cycle. It has utilized the money efficiently. It is almost completed. It is a project that most Americans would support or do support, believing that it does provide the kind of research that we ultimately need in finding cures for diabetes, heart disease, and stroke; and other difficult diseases, so there is a viable role for the Space Station. It helps us with creating work for the 21st century in the research that can be done there.

This $344 million, 20 percent of its budget would literally kill that program. This is not to say that there is not a need for Section 8 vouchers. I do recognize the need for Section 8.

Mr. Chairman, what I would hope is that we will find our way in conference to be able to respond to the needs for affordable housing for Americans. I will support that effort. That should be the commitment of this House. But I also believe, Mr. Chairman, that to cut an independent agency program that has been efficient and consistently doing its job with the monies that have
been allocated would be unfair and would be ill-timed, at this time. I support the Space Station. I unfortunately have to oppose this amendment. I would ask my colleagues to vote no on this amendment, and let's work on a final VA-HUD bill that puts more money for housing in the Conference Report.

Mr. Chairman, I rise today to oppose the Nadler-DeGette amendment to H.R. 4635, the VA-HUD-Independent Agencies Appropriations Act.

We cannot squander this historic opportunity to invest in America's future; if approved, this amendment to the VA-HUD Appropriations measure would risk doing just that.

Despite the shortcomings of the VA-HUD appropriation measure, there are some commitments that have been secured and need to be preserved. Our ability to reach the stars is an important priority, which will ensure that America remains the preeminent country for space exploration.

Although this measure is destined to be vetoed in its current form, I believe the $13.7 billion appropriation, $322 million less than requested by the administration, could have been even more productive.

The Nadler-DeGette amendment seeks to appropriate $344 million for 120,000 Section 8 incremental (new) vouchers to provide assistance to low-income families. Regrettably, the amendment offsets this appropriation by slashing funding for the international space station by an equal amount. Mr. Chairman, the adoption of such a funding decrease for the international space station would essentially destroy the program.

Although many of us would have clearly preferred to vote on a bill that includes more funding for vouchers to provide assistance to low-income families, the Veterans Administration and National Science Foundation programs, such increases should not offset the money appropriated for our international space station.

The measure provides $2.1 billion for continued development of the international space station, and $3.2 billion for space shuttle operations. We need to devote additional personnel at NASA's Human Flight Centers to ensure that the high skill and staffing levels are in place to operate the Space Station safely and to launch, as well as assemble the International Space Station.

Mr. Chairman, I am proud the Johnson Space Center and its many accomplishments, and I promise to remain a strong supporter of NASA and its creative programs. NASA has had a brilliant 40 years, and I see no reason why it could not have another 40 successful years. It has made a tremendous impact on the business and residential communities of the 18th Congressional District of Texas, and the rest of the nation.

In closing, I hope my colleagues will vote against this amendment and the bill so that we can get back to work on a common sense measure that invests in America's future, makes affordable housing a reality across America, and keeps our vital NASA program strong well into the 21st century.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Ms. Pelosi).

Ms. Pelosi. Mr. Chairman, I rise very enthusiastically to support the Nadler-DeGette amendment to increase funding for incremental Section 8 housing vouchers.

President Clinton requested 120,000 new or incremental Section 8 housing vouchers to alleviate America's housing crisis. The majority's 2001 appropriations bill provides zero funding for new this-year vouchers. Given America's shortage of affordable housing, this bill should provide funding to expand the amount of Section 8 housing assistance available to America's families.

I know that the gentleman from New York and the distinguished ranking member, the gentleman from West Virginia (Mr. Mollohan), have both spoken against this amendment because the gentleman from New York (Mr. Walsh) did the best he could with what he had.

However, sadly, the budget figures that went into this produced a bad result. As I have said over and over again in this appropriations process, the reason for the fact that so many great mathematicians come out of MIT is that so many great mathematicians go into MIT. If we have a bad budget allocation that goes into the bill, we can only come out with a bad appropriations bill. That is just most unfortunate.

What is the need for this? This amendment adds 60,000 incremental Section 8 housing vouchers, half of what the President requested, for a total of $344 million. HUD estimates the need for being more than 4 million Americans who suffer worse-case housing needs, pay more than half their income for rent, or are living in substandard housing.

This amendment will assist only a small percentage of those in worst-case households. We should do more. Nonetheless, this amendment is very important and would help low-income renters afford rental housing.

According to HUD's most recent 2000 Survey of the States, the State of California is experiencing an inequitable economic growth and an inequitable distribution of wealth. As the gentleman from Colorado pointed out, we are having problems with our success. As our economy flourishes, our housing costs rise, making problems for those who need affordable housing. This amendment would go a long way to help them.

Mr. Walsh, Mr. Chairman, I yield myself some time to this amendment. Mr. Chairman, I will stress on the assumption that there is some misunderstanding, as opposed to the direct attempt to confuse. I really believe that.
Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I would just ask the gentleman rhetorically if he would consider the Administration use those recaptured funds for Kosovo, like they did last year?

Mr. NADLER. Reclaiming my time, I am not here to defend the Administration, whatever it uses or does not use recaptured funds for. I am simply saying, 60,000 new Section 8 units, even if we could recapture some and get 10,000 more, that is little enough, a piddling sum. We should not be in the position of having to choose between the Space Station and 60,000 new vouchers.

Mr. WELDON of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON), and then I will close.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to this amendment. I understand very well the gentleman’s concerns from New York City, but if we take this amount of money out of the Space Station program, we are effectively going to kill it all to a degree, and there is operating on absolutely no margin. It has been cut repeatedly by this Congress.

We have a load of hardware built and ready to fly. The Russian module was supposed to launch next month. The missions are essentially stacked up. Cutting this amount of money in my opinion is going to be potentially lethal to the program. The gentleman has admitted that he voted against the Space Station, so a cutting amendment like this that is going to kill it I am sure is no offense to him.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York. Quite simply, they threaten our long-term future. This amendment will transfer $344 million out of NASA’s Human Space Flight account and put it in HUD’s Section 8 program.

The space program is part of our national science and technology enterprise. We all know that our current economy owes much of its success to forty years of federal investments in science and technology. That federal effort generates the pre-competitive breakthroughs in science and technology that make day-to-day applications possible in the future. Because that benefit is long-term, most of us will not be in this Chamber to see the benefits of the decisions we make today, just as the Members who nurtured our science and technology program forty years ago have left this body to enjoy the political benefits of their support for the space program. Thus, there’s little political payoff in advocating science and technology.

That’s why science and technology demand statesmanship and long-term vision. Federal investments serve the good of the country and the future of our grandchildren. Fortunately, this Chamber has repeatedly demonstrated its long-term vision for our nation’s science and technology programs in space. It did so last year by rejecting similar amendments and preserving funding for the space program. It should do so again this year, by maintaining the space program as a high priority and voting against the Nadler amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong support of the Nadler/DeGette Amendment to increase funding for new Section 8 housing vouchers. HUD estimates that over 5.4 million low-income renter families spend more than half of their incomes on housing or live in severely substandard housing. The Nadler/DeGette Amendment would contribute to the growing backlog of families who can’t afford decent, safe and sanitary housing.

In New York City we are experiencing a severe shortage of affordable housing. The need for the Section 8 vouchers is so overwhelming that the New York City Housing Authority has closed the waiting list for this program in December of 1994. No other applications have been accepted for 66 months. Yet despite this drastic measure, as of January 1st of this year, there were still 215,385 families on the Section 8 waiting list in New York City.

We are experiencing a housing crisis in our nation’s urban communities. Section 8 vouchers serve as a safety net for thousands of working families. The Nadler/DeGette Amendment ensures that this safety net continues to be available. In a time of unprecedented economic prosperity, it is shameful to continue to ignore the basic needs of our poorest citizens. I strongly urge all of my colleagues to vote in favor of the Nadler/DeGette Amendment.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendments offered by the gentleman from New York. Quite simply, they threaten our long-term future. This amendment will transfer $344 million out of NASA’s Human Space Flight account and put it in HUD’s Section 8 program.

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Mr. WELDON of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would strongly urge we reject this amendment. The Space Station is ready to go. This 20 percent cut in the program would kill the program, and all the science and good will that goes with the program.

It is a very important program. As I mentioned, we have young people all over the world who will participate in this. Seeing their parents and their countries cooperating globally to conduct a major science project is an inspiration.

We need to inspire young people today, especially certainly towards idealism and altruism, but also towards math and science, which is what this program is all about.

Lastly, to take the funds out of a program that needs the money and put it into a program that is, for all intents and purposes, fully funded is a mistake. So I would strongly urge that we reject this amendment.

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

Ms. VELAZQUEZ. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the Nadler/DeGette Amendment to increase funding for new Section 8 housing vouchers. HUD estimates that over 5.4 million low-income renter families spend more than half of their incomes on housing or live in severely substandard housing. The bill would contribute to the growing backlog of families who can’t afford decent, safe and sanitary housing.

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Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong support of the Nadler/DeGette Amendment to appropriate $344 million for 60,000 section 8 incremental (new vouchers) to provide housing assistance to low income families.

First of all Mr. Chairman, we know that the overall appropriation recommended for VA-HUD is too low, which forces us into an either-or situation. Either we shortchange some of the pressing needs which are most immediate, or we delay development of new horizons and new opportunities like space exploration; and I tell you Mr. Chairman, I, like countless others want to see us is space as much, as often and as many ways as possible. But Mr. Chairman, I also recognize that there are thousands of people in my district alone who live in dilapidated buildings with vermin, termites, and hopelessness all around them. I know that there are more than 165,000 people in my district who live at or below the poverty level and I know, I know Mr. Chairman that they need relief; they need help, they need a chance to live decently and they need it now.

I met last week with a group of residents at Boulevard Commons on the Southside of Chicago. Boulevard is a project based section 8 program where the building is going to be vacated because of need for repair. They are frustrated, filled with uncertainty, and not sure about what their future will be. I am also working with a group of senior citizens on the near North Side of Chicago. We have a lot of people in the Commons where they are being told that they no longer have section 8, one can imagine the consternation being experienced by this group.

And so, Mr. Chairman, I urge passage of this Amendment to add 120,000 new section 8 vouchers for low income families.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. NADLER). The question was taken; and the Chairman announced that the noes have it.

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

The CHAIRMAN. Pursuant to House Resolution 525, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 25 OFFERED BY MR. HOSTETTLER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. HOSTETTLER:

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

Sec. 17. None of the funds made available in this Act to the Department of Housing and Urban Development may be used to enforce, implement, or administer the provisions of the settlement document dated May 17, 2000, between Southside Neighborhood and the Department of Housing and Urban Development (among other parties).

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from Indiana (Mr. HOSTETTLER) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I yield myself such time as I may consume.
Mr. Chairman, on April 7 I joined with 62 other Members in a bipartisan fashion to write to the chairman of the Subcommittee on VA, HUD and Independent Agencies and the Subcommittee on Treasury, Postal Service and General Government of the Committee on Appropriations to ask that they prohibit HUD and the BATF from using taxpayers’ money to implement a settlement agreement entered into between HUD and Smith & Wesson.

As we said in our letter, this settlement agreement sets terms for the continued operation of Smith & Wesson that affect many retail customers and wholesale distributors. This agreement has been widely touted in the media as an agreement for Smith & Wesson to include trigger locks with the firearms they sell.

In reality, however, this agreement is much, much more. This 22-page settlement agreement requires Smith & Wesson to implement gun control measures, and for Smith & Wesson to require their dealers to implement the same gun control measures. Smith & Wesson receives an exchange HUD’s promise not to sue.

The last time I checked, Mr. Chairman, the Congress is the legislative body of the United States government. I support former Labor Secretary Robert Reich was prophetic in his statement in USA Today when he said in February of 1999, “The era of big government may be over, but the era of regulation through litigation has just begun.”

Let me give a few examples of this new regulation, or, more properly defined as legislation, contained in this agreement. Keep in mind that this body did not agree to these provisions, and in some cases we have rejected similar provisions.

Also keep in mind that in the agreement, Smith & Wesson agrees to bind all of its dealers who wish to sell Smith & Wesson products to the restrictions in the agreement. In other words, Smith & Wesson dealers must include the following restrictions on all firearms sales, regardless of make. This includes Smith & Wesson, Ruger, Beretta, Colt, and so on.

In order to continue selling Smith & Wesson products, dealers must agree to, one, impose a 14-day waiting period on all purchases, who wants to buy more than one firearm; again, all makes. Did Congress authorize such a restriction?

Two, transfer firearms only to individuals who have passed a certified safety examination or training course. Once again, all makes are covered. Did Congress authorize this restriction?

Three, the agreement authorizes the Bureau of Alcohol, Tobacco and Firearms to sit on an oversight commission to enforce provisions of the coerced agreement. When did Congress authorize the BATF to enforce private civil settlement agreements?

Four, this agreement requires the BATF or an agreed upon proofing entity to test firearms. Did we do this in this Congress?

Five, the agreement mandates that Smith & Wesson commit 2 percent of their revenues to develop authorized user technology and within 36 months, not immediately, 36 months to incorporate this technology in all new firearm designs.

I would say as an aside, with regard to the debate that happened concerning my previous amendment, some speaker said, “This would happen immediately.” But, in fact, the agreement says that 36 months from now this must happen.

It appears HUD likes unfunded mandates. Did Congress authorize this unfunded mandate? I could go on and on, but time prevents me from doing so.

What is the result of this legislation through litigation tactic employed by HUD? Well, a few days ago, Smith & Wesson announced that it would shut down two of its plants for a month, leaving 500 employees on an unscheduled vacation. But is this not really what HUD wants? We should not allow HUD to legislate through litigation.

I ask my colleagues to support my amendment, to take the power of legislation out of HUD’s hands, and return it where the Constitution requires, the Congress.

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

The CHAIRMAN. The gentleman from Indiana (Mr. Hostettler) is recognized for 15 minutes.

Mr. HOSTETTLER. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. Blumenauer).

Mr. BLUMENAUER. Mr. Chairman, the gentleman from Indiana (Mr. Hostettler) references the problems that Smith & Wesson is facing as a result of, not HUD’s activity, but retaliation against an industry leader that has been willing to be courageous in being part of a long overdue effort to reduce gun violence in America. A part of the retaliation is here on the floor today.

For far too long, we have drug our feet in simple common sense steps to make gun safety a part of an overall strategy. Things like trigger locks, gun lockboxes, smart weapon technology, making a better gun is a prudent thing to do.

On out of six of our law enforcement officers who die in the line of duty are killed with their own service revolver. But it is not good enough for the gentleman from Indiana. He wants to try and get the amendment to make real progress towards eliminating this problem. This is using the private sector to produce safer weapons, have a code of conduct that would help end the scandal that we have in this country, that there are more consumer protections for water pistols than for real guns, that this Congress has the courage to make an asprin bottle difficult for a 2-year-old to open, but this Congress does not have the courage to make this law for that 2-year-old to kill his baby sister.

This amendment is a disgrace. I have in the foyer of my office a picture of Kevin Imel, a young child of a friend of mine who was killed by a classmate in an angry moment. It is time for us to stand up to the tyranny of the gun lobby and the people who would pandier to them, and we can start by rejecting this amendment tonight.

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

Mr. Chairman, I would simply say, if there is retaliation that is going on as a result of the agreement that Smith & Wesson has taken place, if the gentleman from Oregon (Mr. Blumenauer) talk to us, he would find out who it is doing that, and that is gun owners, gun purchasers, or his constituents who do not want Smith & Wesson to bring in more gun control through the back door by legislation through the executive branch.

I would say with regard to the comment of the gentleman from Oregon about law enforcement, having the ability to use proper guns, I think the gentleman has probably seen the newspaper clip of Governor Glendenning’s attempt to try to get a firearm to become unlocked so that the Governor could use it. The Governor was unable to do so. I am afraid it was very possible that a police officer who would likewise run into similar situations on the job.

Likewise, the gentleman from Oregon said that there is more regulation for a squirt gun than for the purchase of a real gun. Well, that is intriguing. My 3-year-old recently purchased a squirt gun. I should say his mother did. It was not a straw purchase. But his mother purchased a squirt gun for him. In doing so, my 3-year-old son did not have to fill out paperwork asking if he had committed a crime or if he was an alien of the United States of America. So I am not quite sure that that is accurate.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. Doolittle).

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

Mr. DOOLITTLE. Mr. Chairman, I commend the gentleman from Indiana (Mr. Hostettler). He is highly principled and has the courage to do what I think is clearly right by the people of the United States in offering this amendment. The points that he has made I agree with completely.

The Clinton administration and the liberals could not get through the Congress what they wanted to, so they
June 21, 2000

CONGRESSIONAL RECORD—HOUSE

H4899

tried to do it through a settlement using the power of the Government, suing the gun manufacturer, and then securing a whole raft of restrictions entered into supposedly voluntarily as part of the settlement. It affects the gun manufacturer's autonomy. I just think it is terribly misplaced.

I hope we approve the amendment of the gentleman from Indiana that will, in essence, gut the settlement, because it deserves to be set aside. If we are going to adopt legislation or policies of this type, then bring them here to the Congress of the United States. Let us debate them and let the people's Representatives make the decision about this rather than simply having this done off to the side in the secrecy of settlement agreements that are entered into.

The thing that bothers me the most, though, Mr. Chairman, is this constant focus of liberals on the gun, the instrumentality, rather than on the people who are misusing the instrumentality. I mean, we have seen this time and time again. It is just a diversionary tactic because it is covering up the fact that the Clinton administration, Federal prosecution of gun crimes has dropped precipitously.

When we had a great program that we knew worked, like Project Exile in the Commonwealth of Virginia, and we tried to expand that to the rest of the country, the administration would not do it. Only this year under extreme pressure did they finally have to relent and start that program in other parts of the country where we have seen dramatic reductions in gun violence because the Federal Government, through the U.S. attorney in cooperation with local law enforcement, is prosecuting vigorously and to the fullest extent of the law the misuse of a firearm.

That is the direction we ought to be heading in, punishing the misuse of the firearm, not trying to achieve through stealth, in my judgment, what cannot be done by getting a majority of the House and Senate to go along with these very same policies when they are put to a vote here.

The gentleman from Indiana (Mr. HOSTETTLER) has a great amendment. I hope people support it.

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

Mrs. McCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from New York for yielding me this time, and I thank her for her leadership.

Mr. Chairman, it seems to be a little extreme to suggest that the Clinton administration that spear-headed the passage of the Brady bill that has caused thousands of criminals not to have guns in their hands and the passage of the ban on assault weapons.

But I rise in opposition to this amendment, because I do not believe the gentleman from Indiana (Mr. HOSTETTLER) understands the premise of what he intends to do. The Housing and Urban Development had every right to make a freestanding contract with Smith & Wesson, and that is what they did.

The retaliation comes from the underlying advocacy and opposition to the agreement by the National Rifle Association. But to encourage a gun manufacturer to have trigger locks and to be able to adhere to a code of conduct that would close gun loopholes so that children 6 years old do not kill children and that a distraught young man does not kill his teacher, I think HUD should be applauded. Smith & Wesson should be applauded.

This amendment should be voted down. We should go on with the business of saving lives in America.

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

Mr. Chairman, I respond to the gentlewoman from Texas (Ms. JACKSON-LEE) in her assertion that I do not understand what I am doing. I think I understand what I am doing perfectly well, and that is reasserting the Congress' authority under article I, section 1 of the Constitution; and that simply states that all legislative powers shall be vested in a Congress.

When HUD entered into the settlement agreement with Smith & Wesson, creating all these gun control measures that not only affect Smith & Wesson's relationship to its dealers and to its customers, but the relationship of all gun manufacturers, all retailers, all customers in every transaction, that it takes place in an authorized dealer of Smith & Wesson, they did take a back door to the legislative process.

It is my desire, through this amendment, to once again reassert the legislative prerogative of this body, and that is to have the people's House determine what the legislation should be, what the direction of course should be in this policy-making arena, and not to allow unelected bureaucrats to do that.

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

Mrs. McCARTHY of New York. Mr. Chairman, I yield 2 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Chairman, I thank the gentlewoman very much for yielding me this time.

Mr. Chairman, it is most unfortunate and unwise to sit here on the floor and hear all of the rhetoric from the proponents of this amendment try to align its substance as being anti-Clinton and anti-liberals. When children pick up guns, they are not political. They do not know who manufactures a gun. They do not know whether or not it has a trigger lock on it. They just know they pull the trigger.

I think it is most unfortunate, given the outbreak of violence around this country where innocent people have died at the hands of an innocent person until they pull the trigger, it would be most unfortunate if we supported this amendment.

I want to applaud Smith & Wesson, even though I am not a gun owner and a gun user, for exerting corporate responsibility. That is what a company is supposed to do.

If my colleagues adopt the Hostetller amendment, with all deference to the gentleman from Indiana, if my colleagues adopt his amendment, however, it would have a chilling effect on the companies who are willing to take steps in the right direction in promoting gun safety.

We talk about the bureaucracy in the Clinton administration and Big Brother government; but as I recall, even before I got here, we talked a lot about public safety, air bags in automobiles, safety belts in cars, to keep people from dying accidentally.

We should talk about imposing training on people when people have to be trained to even get their license to drive an automobile, which if used recklessly and wantonly, will kill people.

We require airline pilots who take the gentleman from Indiana (Mr. HOSTETTLER) and I back and forth to Indiana on a weekly basis, to have a certain amount of training. I would hate for us to get on an airplane with an untrained pilot. We both would be in trouble regardless of whether we are Democrat or Republican or conservative or liberal.

Mr. Chairman, I urge a defeat, respectfully, of the amendment of the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I yield 5 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

(Mrs. CUBIN asked and was given permission to revise and extend her remarks.)

Mrs. CUBIN. Mr. Chairman, I rise in very strong support today of the Hostetller amendments, both this one and the one that we debated earlier. I want to just stand up and take a look at our country. Every single day, there are men and women in our country that get up, most of the time they are in uniform, fire fighters, police officers, men and women in the military, and they get up, they button their uniform on; and when they do that, they are saying to us, today I will die if I need to to protect your freedom.

Well, we owe those people something. If the Communities for Safer Guns Coalition gets everything that they want, then what they are doing is they are taking the maximum security that those people could have away from them.

This would never in this body attempt to regulate the kind of ropes that fire fighters might be able to use while they do their job to try to save their life. We would never ask for lower quality guns and ammunition or tanks for our military people just because it was the political action of the day or the political discussion of the day.

So why should we, why should we take the right of chiefs of police in
local communities away from them to get the equipment that they think gives their force the greatest possibility of success. God forbid they should come into a situation where they needed to use that equipment, where they needed to use those weapons.

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That is unthinkable. And that is really what the Communities for Safe Arms is about. It is about diminishing the safety of those people who say they will die for us if they have to do that. It is not about saving lives.

Let me talk about the other issue, of whether or not we should be spending Federal funds to implement and enforce the agreement with Smith & Wesson. As my colleagues know, I represent the great State of Wyoming. I am a gun owner. I have a permit to carry a concealed weapon in the State of Wyoming, and I do. I am trained in the use of this gun. I am trained in the use of rifles. My husband and I together trained our children. We took them hunting. We took them target practicing. We taught them to respect what a gun is and to respect the way to handle it. And we also taught them to respect the law and that if they did not respect the law and obey the law, there would be consequences to pay.

Well, what this administration needs to do with their time and with their money is to enforce the laws that we have and make sure that people who break the law using guns suffer the consequences. President Clinton brags that about 50,000 felons who tried to purchase weapons illegally were prevented from doing so under the Brady bill. Do my colleagues know how many of those people were prosecuted? Fewer than 200.

I would say that if the President really wants to stop death and violence, that he should see to it that we start punishing criminals, locking them up, and letting law-abiding citizens own their guns, be responsible, and protect themselves.

In Australia, just lately, not too long ago, the government took the guns away from all the citizens. The crime rate skyrocketed because only the criminals have guns. I want to have a gun, to be able to defend myself or defend my most of all, my family. I want to defend not just the second amendment but all of them, and I ask my colleagues to vote in favor of the Hostettler amendment so that we can do that.

Mrs. McCarthy of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. Moran).

Mr. Moran of Virginia. First of all, in response to my friend from Wyoming, the number of arrests and prosecutions are up significantly since 1992. They are obviously not adequate enough, but if we had more BATF enforcement officers, that would help that situation.

Certainly public safety officers are not endangered when they can obtain guns, when they are licensed, when they are trained. And I would think that the law-abiding citizens should have a child safety lock on their gun when it is at home and their kids might have access to it.

But, Mr. Chairman, I want to try to paraphrase from Dante's Inferno. He talks about the lowest level and the depths of hell is reserved for those who, knowing the difference between good and evil, choose not to become involved, thereby letting evil prevail. In fact, Rabbi Saperstein, in his letter to all of us, urging rejection of the Hostettler amendment, quotes Leviticus and Jewish tradition that we should not sit idly by the blood of our neighbors.

How can we not get involved when our neighbor has lost a child, losing a loved one, losing of firearms. Maybe we do not believe that. Maybe we do not care, because most of those deaths are in urban minority low-income communities. When it happens in a white suburban middle-class community we read about it at least. Or, maybe we do not even read about it; maybe we do not care about it. But the fact is we ought to do something about it. It is wrong. These children are losing their lives because guns are all over the place. They are pervasive in our society, and that is wrong.

When 411 communities try to get together to do something about it, to try to protect the kids in their communities, what do we do? We try to stop them. We do not let them get away with that interfering. Let us see what constructive alternatives our colleagues have, because what we are doing today is not enough: 300,000 deaths, a dozen kids a day. Show us what those on the other side of the aisle would do about it, more than rhetoric.

Mr. HOSTETTLER. Mr. Chairman, I yield myself the balance of my time. I would simply call to point that this is a very passionate debate that has taken place tonight, and that is exactly what the framers of the Constitution intended to happen. They intended to have passionate debate on issues relating to things as important not only as the second amendment and the right to keep and bear arms that all need not be infringed, but as well the ability for the legislative branch to maintain its prerogative to do just that, and that is to legislate.

What this amendment will do is simply stop the legislative activity on the part of the administration in this one small particular area so that the gentleman from Virginia, the gentlewoman from New York, everyone else involved in this debate can have that passionate debate based on the understanding of the Constitution, public safety, and all other things, separation of powers. Federalism and all that, according to what the legislation should be and what their elected representatives should do.

These people in HUD, the BATF, they are there to faithfully execute the laws of the United States. They are not there to faithfully create the laws of the United States. That is what they did in this agreement.

Mr. Chairman, I simply ask for Congress to once again assert our legislative prerogative. Defund this agreement, if the other side wants to create another debate about gun control, they can do that. But that should happen in the halls of this building, the Congress, and not behind closed doors in the bureaucracy.

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

Mrs. McCarthy of New York. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. Pelosi).

Ms. Pelosi. Mr. Chairman, I would like to take this time to commend the gentlewoman from New York for her extraordinary leadership and her extraordinary courage. She has become the personification in this country of gun safety, and to the mothers and families of America she is a leader and a source of hope and inspiration.

It seems the least we can do here, out of respect for the concerns that parents in America have about gun safety, is to defeat the Hostettler amendment. This amendment, and the one that preceded it earlier regarding the coalition, are really unnecessary and they fly in the face of incremental and reasonable and common sense attempts to protect our children from guns.

This code of conduct really should be serving as a model; and, instead, this House of Representatives is considering eliminating it, taking a step backward. Who can oppose the idea of HUD engaging in an agreement for a code of conduct for gun safety? HUD should be commended, the gentlewoman from New York should be commended, and we should defeat the Hostettler amendment.

Mrs. McCarthy of New York. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. Maloney).

Ms. Maloney. Mr. Chairman, I thank the gentlewoman for yielding me this time and for her extraordinary leadership. I minute to commend the gentlewoman from New York for her extraordinary leadership.

Mr. Chairman, I rise in opposition. Why are we attacking companies trying to do the right thing? This amendment would defund the settlement reached between Smith & Wesson and HUD to reduce handgun violence. Smith & Wesson agreed to develop safer handguns, install child safety locks, and to sell only to vendors who require background checks. All reasonable, common sense gun safety actions.

Mr. Chairman, I will oppose the Hostettler amendment, and I ask my colleagues to join me in support of the Hostettler amendment.
prevents Smith & Wesson and other responsible companies from working to make our communities safer. This amendment will do nothing but appease the NRA and some members of the gun industry.

I urge a "no" vote, Mr. Chairman. Mrs. MCCARTHY of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Ms. DeLAURO).

Ms. DeLAURO. Mr. Chairman, the Hostettler amendment is another example of how far out of step the Republican leadership is with the American people. They refuse to move ahead with gun control, and now they have gone out of their way to punish Smith & Wesson simply because Smith & Wesson wants to include a child safety lock with their handgun. It is mind-boggling.

Further, they would gut the Communities for Safer Guns Coalition. This is 411 cities and towns across the country who have agreed to purchase handguns for their police officers from gun makers that agree to include child safety locks with the guns they sell and to keep a close eye on the gun dealers that sell to criminals.

Let me tell my colleagues that if they go forward and support this amendment, they turn their backs on the values of this country and on the American people. This is the people's House. Overwhelmingly this country wants to see gun safety legislation. And what is more, those who vote for this amendment will be living up to the old saying that "no good deed goes unpunished." They will be telling people that they not only oppose mandatory child safety locks but they are going to punish companies who voluntarily include child safety locks with their guns.

What is next? Shall we punish car manufacturers who make safe cars, pharmaceutical companies that put child safety locks on aspirin bottles? Smith & Wesson, my colleagues, have done the right thing. They have agreed to include a child safety lock with the guns they sell. They have agreed to help ensure that dealers who sell their guns will only sell to law-abiding citizens. We should be thanking them. Instead, the gun lobby and the Republican leadership of this House want to prevent local efforts to make our communities, our neighborhoods safer, and to punish the gun makers that act responsibly.

This is so wrong, it is unbelievable. We should reject this kind of revenge by legislation. Let us defeat the Hostettler amendment tonight.

Mrs. MCCARTHY of New York. Mr. Chairman, may I ask how much time is remaining?

The CHAIRMAN. The gentlewoman from New York (Mrs. McCARTHY) has 4 minutes remaining.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. HOSTETTLER).

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

Unfortunately, Mr. Chairman, we are having this debate on this bill, and I would like to clarify a couple of points. First of all, our staff has checked and, according to HUD's records and their budget office, there are no funds being spent to implement this agreement. The amendment really has no practical impact on HUD and is, therefore, unnecessary.

The problem is, for us, with this bill, it creates real difficulties. It creates a diversion away from the real issues of the bill. Much like the Kyoto debate on report language, we are trying to anticipate what the administration might do when no funds are actually being expended.

So I would urge that Members vote against this amendment. It really is not, in my mind, germane to this bill; and for that reason, I would urge a "no" vote.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, obviously, I stand against this amendment for many reasons. Unfortunately, we have heard an awful lot, in my opinion, on not understanding exactly what the agreement was. We have heard Members talking about gun control. This is not gun control. It is not even near gun control. What we are talking about is child safety, safety and guns. And our police officers across this Nation certainly have the opportunity to either reject or not accept this agreement when they buy their guns.

Let me say something to my colleagues. Across this Nation all of our communities, all of our cities are trying to figure out how to reduce gun violence in this country. Secretary Cuomo, with HUD, has come up with an agreement with Smith & Wesson, which has taken on the responsibility of trying to make safer guns. Not eliminate guns, make safer guns. Safer guns for our police officers and certainly, hopefully, safer guns for our citizens.

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Yes, they want background checks. Well, I think almost everybody should agree that we do not want to sell guns to criminals, so people should go for background checks. Smith & Wesson has agreed to do this. Guns cannot be marketed to children.

Wow, that is some sort of gun control, is it not? Guns cannot be marketed to children. The smart guns again.

We talk about using taxpayers' money. My colleague from New York (Mr. Walsh), the chairman, has said no monies have been appropriated for this. But let me tell my colleagues what we spend on health care in this country every single year because of gun injuries in this country. It is over $2 billion a year.

If our communities and certainly the housing that we are putting people in can be made safer, that is what we should be doing. This is not a Republican issue. This is not a Democratic issue. As far as I am concerned, this is part of a health issue. Smith & Wesson, certainly Secretary Cuomo of HUD, have tried to do something to try to make this country safer. I applaud him for this.

I wish we could get past this thing of gun control. There is not one person, no one person in this Congress that is trying to take away the right of someone owning a gun. That is something everyone should start to remember. I am tired of hearing that. I will never try to take away the right of someone owning a gun. That is not what I am here for. But I am certainly trying to keep health care costs down. I am certainly trying to save lives.

I think that Smith & Wesson has done the right job, and I say let us support them for a change.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

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

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

The CHAIRMAN. Pursuant to House Resolution 525, proceedings on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 525, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 23 offered by the gentleman from New York (Mr. HINCHHEY); amendment No. 35, as modified, offered by the gentleman from New York (Mr. HINCHHEY); the amendment offered by the gentleman from Georgia (Mr. COLLINS); amendment No. 24, offered by the gentleman from Indiana (Mr. HOSTETTLER); amendment No. 4, offered by the gentleman from New York (Mr. NADLER); amendment No. 25, offered by the gentleman from Indiana (Mr. HOSTETTLER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 23 OFFERED BY MR. HINCHHEY

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 23 offered by the gentleman from New York (Mr. HINCHHEY) on which further proceedings were postponed and on which the noes prevailed by the voice vote.

The Clerk will redesignate the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.
CONGRESSIONAL RECORD—HOUSE

June 21, 2000

A recorded vote was ordered. The vote was taken by electronic device, and there were—ayes 145, noes 277, not voting 12, as follows:

[Roll No. 303]

AYES—145

Ackerman
Aderholt
Allen
Andrews
Baladaci
Balladaci
Barrett
Barrett
Bass
Bereuter
Biggs
Blagojevich
Boehlert
Bonior
Borski
Bowser
Bradley
Camp
Capuano
Carson
Castle
Chabot
Clay
Conyers
Costello
Coyne
Crane
Crowley
Danuser
Davis
Delahunt
DeLauro
Dingell
Doyle
Ehlers
Engel
English
Ewing
Fatolah
Forbes
Franks
Frelinghuysen
Ganske
Gejdenson
Gilman
Goodling
Green

Noes—277

Abercrombie
Aderhold
Aher
Arney
Armey
Arroyo
Baca
Bachus
Baird
Baker
Ballenger
Barr
Bartlett
Barton
Bartlett
Becerra
Benten
Berkeley
Berman
Berry
Billikas
Bishop
Blumenauer
Blunt
Bonilla
Bonehler
Boucher
Boyd
Brady
Brown
Bryant
Burton
Buyer
Callahan
Calvert
Canada
Cannon
Chastetter
Chesler
Hunt
Hutchinson
Insko
Jackson-Lee
Johnson
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Kaiser
Kauger
Kilpatrick
Knollenberg
Kolbe
Lampson
Lantos
Largent
LaTourette
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Lewis
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Linder
Lofgren
Lucas
Lucas
Luther
McCarthy
McCrery
McDermott
McIntyre
McKeon
McKinney
McKeel
Macca
Mica
Millender
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Million
Moran
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Moran
Moody
Moore
Mollel
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Obama
Oge
Owens
Packard
Parker
Pease
Pelosi
Peterson
Phillips
Pickett
Pombo
Portman
Price
Price
Rahall
Ramstad
Regula
Reyes
Riley
Rogers
Rothschneider
Royal
Ryyn
Sabot
Santacruz
Sanchez
Sandlin
Sanford
Sawyer
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The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The result of the vote was announced.

The vote was taken by electronic device, and there were—ayes 225, noes 199, not voting 10, as follows:

AYES—225

[Roll No. 365]

July 21, 2000

CONGRESSIONAL RECORD—HOUSE

The Clerk will redesignate the numbers of AYES, NOES and NOT VOTING.

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. Collins) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

Mr. PEASE and Mr. BARR of Georgia changed their vote from "aye" to "no." So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. COLLINS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. Collins) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

Mr. PEASE and Mr. BARR of Georgia changed their vote from "aye" to "no." So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 20 OFFERED BY MR. HOSTETTLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. Hostetller) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

Mr. WELCH, DEUTSCH, WELLER and CALVERT changed their vote from "aye" to "no."

The result of the vote was announced as above recorded.

NOT VOTING—10

NOT VOTING—10

NOT VOTING—10
Mr. WELLER changed his vote from "aye" to "no."

Mr. SMITH of Texas and Mr. TAYLOR of North Carolina changed their votes from "no" to "aye." So the amendment was agreed to. The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. NADLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. Nadler) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded. A recorded vote was ordered.

Mr. TAYLOR. A recorded vote has been ordered.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—aye 138, noes 296, not voting 10, as follows:

AYES—138

[Roll No. 307]

Mr. TAYLOR. A recorded vote has been ordered.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—aye 138, noes 296, not voting 10, as follows:

AYES—138

[Roll No. 307]
The vote was taken by electronic device, and there were—ayes 206, noes 219, not voting 9, as follows:

[Roll No. 308]

*AYE'S—206*

Aderholdt
McKeon
McKnew
Mohlenpudder
Molle
Morella
Murtha
Moyle
Netercutt
Neal
Nedder
Nichols
Jackson-Lee (TX)
Jefferson
Enkin
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (NY)
Jones (WY)
Johnson (MN)
Kline
Klober
Kolbe
Kucinich
LaHood
Lampson
Largent
Larson
Lafouette
Levi
Lewis (KY)
Linder
Litvak
Lipinski
lobbiando
Logfren
Lucas
Lucas (OK)
Maloney (CT)
Martinez
Matsui
McArdle
McCarthy (MO)
McCarthy (NY)
McCollum
McGee
McGovern
McInnis
McIntosh

NOT VOTING—10

Campbell
Cook
Delay
Horn

2111

Mr. GEJDENSON and Mr. KLINK changed their vote from "aye" to "no," Mr. Berman changed his vote from "no" to "aye." So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 25 OFFERED BY MR. HOSTETTLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redescribe the amendment. The Clerk redescribes the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

The CHAIRMAN. This will be a 5-minute vote.
Mr. POMEROY. Mr. Chairman, I rise today to express my support for the increase in funding included in this measure for many veterans' programs. One of my most important duties as a Member of Congress, and one of which I am most proud, is to honor the men and women who have served our Nation in uniform. I remain committed to the interests of our Nation's veterans and their families. I believe that Congress bears a special responsibility to protect those programs which serve our veterans' health and welfare. Our veterans have given so much to our Nation; we can only hope to give them as much in return.

I am pleased, therefore, that this measure includes an increase for veterans' medical care, service-connected compensation benefits and pensions, and realignment benefits. While there are some shortcomings in the allocations for other veterans' programs, I am confident that my colleagues will address these provisions in conference committee. As the appropriations process moves forward, I will continue to fight for healthy funding levels for all veterans programs.

Unfortunately, while the bill provides important increases in funding for veterans' programs, it falls far short in meeting one of our most basic needs—housing. The bill before us today is $2.5 billion less than the Administration's request for housing and other community development programs. This is unacceptable.

I would like to take a moment to focus on funding for the Community Development Block Grant (CDBG). As many of my colleagues can recall, CDBG funds were used to assist the city of Grand Forks in rebuilding after the devastating flood in 1997. The funds provided the city with needed flexibility to address both urgent and long-term needs. The successful recovery of Grand Forks was due in large part to the assistance from HUD. Under this bill, however, funding for CDBG is cut by $295 million from last year's funding level. Additionally, the bill does not provide any funding for Round II Empowerment Zones. In my State of North Dakota, the Griggs/Steele Empowerment Zone was designated as such in 1999. At that time, a commitment was made by the Federal Government to assist this area and others in economic opportunity. That commitment, however, goes unfulfilled in this legislation.

Mr. Chairman, at a time of unprecedented economic prosperity, we should not be turning our backs on those who need help the most, the poor and homeless, our Nation's most vulnerable citizens. While I stand in strong support of our Nation's veterans, as a result of these cuts in the housing program, I will be voting against the bill.

Mr. HOLT. Mr. Chairman, I rise today to speak on behalf of the health and safety of our children, our families and our communities. I rise today to call for increased funding for our environment.

H.R. 4635 is the Environmental Protection Agency at $199 million or nearly ten percent below the Administration's request for basic environmental and public health protection. These programs are considered the backbone of the Agency's work.

A cut of this magnitude would seriously affect EPA's ability to provide American communities with cleaner water, cleaner air, and an improved quality of life.

Toxic air emissions (e.g., benzene, formaldehyde, lead, gasoline, smoke, etc.) and toxic pollutants, such as nitrogen oxides (NOₓ), will not be reduced. This will expose approximately 80% of the American people to greater risks of developing cancer and other serious health problems (birth defects, reproductive disorders, and damage to the nervous system).

By delaying implementation of new standards for high-risk chemicals such as arsenic, radon, and radionuclides, public health and safety will be jeopardized for 240 million Americans who get their drinking water from EPA-regulated public water systems.

Finally, as we enter the summer, millions of American's visiting beaches will be at increased risk because there will be significant delays in the Agency's ability to monitor and collect adequate information about beach contamination.

Let me encourage my colleagues to protect their communities and reject this anti-environment bill.

Mr. UDALL of Colorado. Mr. Chairman, the Veterans Affairs, Housing and Urban Development, and Independent Agencies Appropriations Bill simply does not do enough. The Mahon Amendment delivered a bill that changes many valuable programs. Not only is the core bill underfunded, but today's amendment process has forced Members to vote on amendments that simply shift already-limited resources from one important program to another. This "robbing Peter to pay Paul" approach doesn't satisfy the real needs of these programs or the needs of the citizens of this country.

This bill does not make adequate strides to ensure that affordable housing can be a reality in our country and the dream of first-time home ownership is attainable. This bill fails to fund the Administration's request for 120,000 incremental rental assistance vouchers, including 10,000 vouchers for housing production of the first new affordable housing for families since 1996. The bill slashes HUD's Community Development Block Grant (CDBG) program by $395 million from the President's request. This cut in funding restricts communities' abilities to redevelop downtown areas, open after-school recreation programs, and shelter the homeless.

In recent weeks, President Clinton and Speaker HASTERT announced that they had reached a bipartisan agreement on the New Markets and Community Renewal legislative initiative. This agreement would increase funding for "brownfields" redevelopment and for housing and economic development in rural communities, key provisions of the New Markets Initiative. But the bill before us today doesn't adhere to the spirit or the letter of this agreement. I am troubled by the Republican Majority's decision to cut more of the elements of this rare bipartisan agreement reached by the President and the Speaker.

The bill falls also far short of providing the level of funding needed for the Environmental Protection Agency's basic environmental, public health, and other programs. I am particularly concerned about the bill's cuts to EPA's Climate Change Technology Initiative, which is made up of voluntary programs designed to mitigate global climate change, improve energy efficiency, reduce our dependence on foreign oil, and save consumers money. In addition, this bill includes language that limits EPA's activities relative to climate change.

In the realm of science, this bill will jeopardize our investment in the future by cutting NSF funding for science and engineering research and education by over $500 million, or 11% below the requested level. This reduction will seriously undermine priority investments in cutting-edge research, and eliminate funding for almost 18,000 researchers and science and mathematics educators — so many of whom live and work in my district in Colorado.

The bill before us also leaves NASA programs $322 million below the budget request. It eliminates almost all of the funding for the
Small Aircraft Transportation System and the Aviation Capacity programs, both of which are intended to make use of NASA’s technological capabilities to reduce air traffic congestion. It eliminates all of the funding for NASA’s Space Launch Initiative, a program to help maintain American leadership in space transportation. And it reduces my Appropriations account in the district. Investing in NASA is a wise decision. The advancement of science and space should concern us all. Yet this bill doesn’t fund science and space programs at levels that would indicate this concern. On the contrary—many Members were forced to seek offsets in NASA programs in order to increase funding for other worthwhile programs. For example, cutting funds for the International Space Station—a traditional target for offsets—makes even less sense this year, as we’re on a position to reap the return on our past investments in that program. NASA estimates that the U.S. portion of the Space Station development program is over 90 percent complete. The first segments of the Space Station are already in orbit and operational, and additional elements of the Space Station are awaiting launch from Cape Kennedy. Under the current schedule, crews will start the permanent occupation of the Space Station this fall, and the U.S. Laboratory will be fully functional early next year.

Members who would cut Space Station funding argue that this funding should be redirected to all of the other underfunded accounts in this bill. Their argument is borne out of the justifiable frustration with the Majority’s Budget Resolution, which set unrealistic—and ultimately untenable—caps on the various appropriations accounts. The solution is not to ask Members to make false choices among programs—it is to seek to increase the overall allocation for the VA-HUD-Independent agencies subcommittee so that all of the worthwhile activities can be funded at reasonable levels. Mr. Chairman, I plan to work to restore FEMA funds and permit the federal government has a responsibility to assist communities respond to emergencies. Relying on emergency spending accounts to meet this responsibility is unacceptable. It cannot be done on an ongoing basis.

I will not vote for a Conference Report that fails to restore the Office of Long Island Sound Programs. I will vote 391 to 29 to reauthorize the program at an $80 million level. Over the past decade, the Long Island Sound Office has been an essential partner with Connecticut and New York. Together we have made enormous progress in the cleanup of Long Island Sound. But, we still have much work to do and many challenges to face. It is critical the Long Island Sound Office funding be restored and increased significantly so we may succeed in cleaning up, preserving and protecting Long Island Sound for future generations.

This bill also eliminates additional Federal Emergency Management Agency (FEMA) funding for disaster relief, providing only $300 million, a decrease of $24 billion from FY 2010. It is fiscally irresponsible for this House to neglect to appropriate money for disaster relief. Natural disasters cannot be prevented, and the federal government has a responsibility to assist communities respond to emergencies. Reliance on emergency spending appropriation bills to respond to inevitable disasters is simply not good budgeting.

It is my hope the Conference Committee will work to restore FEMA funds and permit the agency to adequately prepare for natural disasters and fulfill its responsibility to those whose lives are affected. I plan to vote for final passage of this legislation because I want to keep the process moving forward, but I would like to make clear I will not vote for a Conference Report that fails to restore the Office of Long Island Sound Programs.

Mr. HOEFFEL. Mr. Chairman, I rise in opposition to the HUD/VA appropriations bill. I am opposed to cuts in the HUD budget, especially with regard to the Community Development Block Grant Program, which is cut by about $300 million from last year’s level, and the HOME investment program.

The Community Development Fund provides funding to states and local governments, with a particular emphasis that carry out community and economic development activities. The HOME investment partnerships program provides grants to states and units of local government through formula allocation for the purpose of expanding the supply of affordable housing. As a former Montgomery County Commissioner, I know how heavily local communities rely on these funds.

These cuts block efforts by our communities to create desperately needed affordable housing and jobs and curtail efforts to expand housing opportunities in the nation’s poorest communities. These programs are a key investment in our communities in Montgomery County, Pennsylvania. According to local officials who have contacted me about these critical programs, these reductions mean that even new needed development work may be delayed or canceled.

Other objectionable provisions in this bill include the anti-environmental riders, new funding for additional Section 8 vouchers, and no funding for the President’s National Service Corporation. Overall spending for the bill is more than $2 billion below the President’s request. I will vote against this legislation in the hope that the conference committee will improve on the work of the House.

Mr. Blumenauer. Mr. Chairman, the United States is facing an affordable housing crisis. While the American dream has always included homeownership, the price of the average home has surpassed the financial reach of many Americans, with housing values even outpacing the national inflation rate. This VA-HUD bill disregards the critical housing needs that our nation is experiencing. Despite an unprecedented era of national economic prosperity, the gap between affordable housing and accessibility for both homeowners and renters is widening.

Families who have worst-case housing needs as defined by HUD are those who receive no government housing assistance, have incomes less than 50 percent of local area family income, and pay more than half their income for rent or mortgage and utilities. Based on this criteria, the number of families with worst-case housing needs has reached an all-time high of 5.4 million families, an increase of 12 percent since 1991. This constitutes a staggering figure—it means that one out of every seven American families is experiencing a critical housing situation. In the United States maintained a housing surplus. In 1970, a market of 6.5 million low-cost rental units was available for 6.2 million low-income renters. By 1995, the surplus disappeared and 10.5 million low-income renters had to vie for 6.1 million available low-cost rental units on the market.

This housing crisis is not just an inner-city problem. In the suburbs throughout the last decade, we saw a decline in the number of
units affordable to low-income families. Today, over one-third of households facing worst-case needs are in the suburbs. Affordable housing is an essential component of a livable community. Communities that support residents of varying income levels and choose to house are sustainable. These communities support a diverse body of workers, both service-oriented and professional, that responds to the employment needs of the local economy.

This bill before us cuts $303,000 funding for my district from the Administration’s request level. The reductions are in a number of HUD programs—among them Community Development Block Grants, Homeless Assistance, public housing operating subsidies, and Housing Opportunities for People with AIDS.

Last year, the House passed H.R. 202, “Preserving Affordable Housing for Seniors in the 21st Century” by a margin of 405–5. It included provisions that would have meant additional funding for service coordinators, assisted living, congregate housing services, and capital improvements. No funding for this legislation was included in this appropriations bill. This means the needs will go unmet for services that will enable many of our seniors to age in place rather than face homelessness or premature institutionalization. And the Housing Authority of Portland tells me that without this funding, they will find it extremely difficult to meet its needs for basic repairs such as roofs, sprinklers and heating and cooling systems.

Section 8 is the federal government’s primary mechanism for meeting the housing needs of low-income households. One strength of this program is that it allows the recipient a choice of which community in which to live. This approach is different from public housing in that it disperses recipients into economically diverse communities and avoids the undesirable social effects of clustering of low-income residents. Funding for the Section 8 program needs to be strengthened. Not a single additional person is given Section 8 assistance with this bill; the “increases” proponents claim are merely gimmicks.

The budget for low-income affordable housing programs in particularly Section 8 vouchers and Public Housing, needs to be increased. Housing authority waiting lists are longer than at any time in the past. Approximately 25,000 households in Oregon are waiting for housing assistance. These people are elderly, disabled, or single parents with children.

So I ask my colleagues to consider these items as we each return tonight to the comfort of our homes. Think of the Americans who are honest and hard-working, yet still are having difficulty providing adequate shelter for their families. Help make the American dream obtainable to them. We need to increase funding for federal housing programs.

The CHAIRMAN. Are there further amendments?

There being no further amendments, under the rule, the Committee rises.
Mr. INSLEE and Mr. DOOLEY of California changed their vote from "nay" to "yea." So the bill was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WITHDRAWING APPROVAL OF UNITED STATES FROM AGREEMENT ESTABLISHING THE WORLD TRADE ORGANIZATION

The SPEAKER pro tempore (Mr. LAROY). The pending business is the question of the passage of the joint resolution, H. J. Res. 90, on which further proceedings were postponed earlier today.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 363, nays 36, answered "present" 3, not voting 12, as voting and would like to place in the RECORD my position on these issues:

Mr. PITTS. Mr. Speaker, the Supreme Court began every session every day with a prayer that goes something like this, "God save the United States and this honorable court." This Congress, every Congress begins every session every day with a prayer by a chaplain paid with tax dollars.

The First Amendment to the Constitution prohibits the Federal government from creating any law prohibiting the free exercise of religion, yet the Supreme Court ruled on Monday that students vote to do so.

PRAYER AT FOOTBALL GAMES

(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, the Supreme Court begins every session every day with a prayer that goes something like this, "God save the United States and this honorable court." This Congress, every Congress begins every session every day with a prayer by a chaplain paid with tax dollars.

The First Amendment to the Constitution prohibits the Federal government from creating any law prohibiting the free exercise of religion, yet the Supreme Court ruled on Monday that students may not give voluntary prayers before football games even if students vote to do so.
In issuing this football prayer decision, the Supreme Court fumbled. They fumbled before. There is nothing sacrosanct about the Supreme Court decision. They reversed themselves over 100 times in our Nation’s history.

They fumbled in 1857 when they said Dred Scott was not a person because of the color of his skin. The Supreme Court fumbled Monday when it ruled against free voluntary speech. Rather than preserving our rights, the court eroded them, and they ensured years of costly lawsuits.

But I hope, yes I pray, if I am allowed to do so, that one day this decision will be overturned also.

MEDICARE RX MEETS INDIVIDUAL NEEDS

(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, there are almost 40 million Medicare beneficiaries in the United States, and I can say with confidence that no two beneficiaries are just alike. So why would this administration want to create a one-size-fits-all Medicare prescription drug program?

Our seniors should not be forced into a big government Washington-based drug benefit program, a program run by Washington bureaucrats that do not know the difference between Motrin and Retin-A. Our seniors and disabled Americans deserve and want a better plan.

The House bipartisan prescription drug benefit plan will provide an affordable, available, and voluntary drug benefit program allowing each Medicare beneficiary to choose which program best serves their individual needs.

Mr. Speaker, the American people cannot afford the $100 billion Clinton-Gore cookie cutter prescription drug plan scheme, whatever you call it, which thoughtlessly neglects individual health care needs of our seniors.

GARY GRAHAM

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

Mr. RUSH. Mr. Speaker, today, I rise to speak out against murder. In the past few weeks, there has been a ground swell of support for Gary Graham, a man placed on death row in Texas at the age of 17.

This case and others have drawn public attention to the death penalty in this country and especially in Texas where Governor Bush says that he is confident that each of the 134 people killed under his watch were guilty. But we must be mindful that confidence of one man or 1,000 men cannot right a wrong.

In a case where a man will die because of suspect eye witness testimony, Governor Bush’s confidence is not enough. In a case where already two witnesses who said the man was not the killer, Governor Bush’s confidence is not enough. In a case where those two witnesses were not even called to the stand by the defense to testify, Governor Bush’s confidence is not enough. Mr. Speaker, in a case where the gun found at the arrest was not the gun used to kill the murder victim, Governor Bush’s confidence is not enough.

I urge Governor Bush to remember that simply saying that one is confident is not enough to right a wrong.

GARY GRAHAM

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

Ms. MCKINNEY. Mr. Speaker, in the Bible, justice rolls down like water and righteousness like a mighty stream. But in Texas, it is just a trickle. Is it not ironic that, in the State of Texas, a juvenile is tried as an adult, but in Connecticut, an adult is tried as a juvenile?

Texas has executed more juvenile offenders than any other State in America. Another 26 juvenile offenders now sit on Texas’ death row.

George Bush boasts of his international experience. Well, his death row experience has put Texas right in line with Iran, Nigeria, Pakistan, Saudi Arabia and Democrat Republic of Congo as executionists of juvenile offenders.

A Federal court has already stated that there is significant evidence to support Gary Graham’s claim of innocence.

Why not let the Texas Board of Pardons and Paroles review the new evidence?

Should George Bush kill Gary Graham? He could very well be killing an innocent man. Or does George Bush want to follow in the footsteps of his “Willie Horton” father to win brownie points in a close election?

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. TOOMEY). 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 Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

RESPONSIBILITY OF HIGH GAS PRICES FALLS WITH THE WHITE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, many Americans are becoming very upset about the great and tremendous rise in gas prices around the country, and certainly they should be upset about this. Let me just point out a few things though.

The price of gas could be and should be much, much lower than it is; and in 1995, the President vetoed legislation passed by this Congress that would have allowed oil production in less than 3,000 acres of the 19.8 million acre Arctic National Wildlife Refuge.

I represent a big part of the great Smoky Mountains National Park, which is by far the most heavily visited national park in the country. Ten million visitors come there each year, and they think it is huge and beautiful, and it is. It is only about 600,000 acres in size.

This Arctic National Wildlife Refuge is 36 times the size of the Great Smoky Mountains, 19.8 million acres. Of that 19.8 million acres, 1.5 million acres is a flat brown tundra without a tree or bush or anything growing on it. It is called the coastal plain of Alaska.

The U.S. Geologic Survey says, if we drill for oil on less than 3,000 acres of that 1.5 million acre coastal plain, that there is potentially 16 billion barrels of oil there, which is 30 years of Saudi oil, yet the President vetoed that even though it can be done in an environmentally safe way.

We started years ago drilling for oil at Prudhoe Bay. The environmental extremists opposed that at that time saying it would wipe out the caribou herd. There were about 6,000 caribou at that time. Now there is over 20,000. It has been a great thing for this country.

We are far too dependent on foreign oil. Over half of our oil has come from foreign countries now. Yet the President vetoed this which would have allowed us to get potentially 16 billion...
barrels of oil. In addition to that, he signed an order putting 80 percent of that Continental Shelf off limits for oil exploration and drilling. That is billions more barrels.

The price of gasoline could be much, much lower. If the American people, like high gas prices, they should write the White House and thank them, because that is where the responsibility or that is where the fault lies for the high gas prices that we have in this country today.

I know there are some people who want higher prices. I know some of the environmental extremists want the gas price to go to $3 or $4 a gallon because then people would drive less and there would be less pollution. Some people really believe that would be a good thing.

But I can tell my colleagues it would put the final nail in the coffin of the small towns and rural areas if we let these gas prices go to those kinds of levels.

Some people say, well, that is what they are paying over in Europe. But the Europeans and all the others pay the same oil prices that we do, they just add all kinds of taxes.

So we should drill and explore for much more oil in this country, try and become much less dependent on foreign oil, and we could easily bring down the price of gas in this country. But this administration will not do it because they are too controlled by these environmental extremists who almost always are real wealthy people, so they are not hurt by high gas prices as much as the poor and lower income and the working people of this country.

SUPREME COURT DECISION ON SCHOOL PRAYER

Mr. DUNCAN. Mr. Speaker, let me mention one other unrelated that the gentleman from Pennsylvania (Mr. PITTS) got into, and that is the Supreme Court decision on school prayer that was issued a couple of days ago.

In fact, the Supreme Court in the case of Zorach v. Clauson said there is "no constitutional requirement which makes it necessary for government to be hostile to religion and throw its weight against efforts to widen the effective scope of religious influence."

I remember, about 3 years ago, William Raspberry, the great columnist for the Washington Post, wrote a column and he asked a question. He said, "Is it not just possible that antireligious bias, masquerading as religious neutrality, has cost us far more than we have been willing to admit?"

And that is a good question, tonight, Mr. Speaker. Is it not just possible that anti-religious bias, masquerading as religious neutrality, has cost us far more than we have been willing to acknowledge?

The gentleman from Pennsylvania (Mr. PITTS) pointed out this Congress opens every session with prayer, and yet we will not allow this to be done at school events. There was a very poor decision by the Supreme Court a couple of days ago, and I think our founding fathers would be shocked if they knew the extent to which people are going to in this country to keep people from saying voluntary prayers.

PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, on April 12, I led an hour of debate on the topic of prescription drug coverage for senior citizens. I read three letters from around the state from seniors who shared their personal stories. On the 12th, I made a commitment to continue to read a different letter every week until the House enacts reform. This week I will read a letter from Crystal Pearl Beaudry of Marquette, Michigan.

Text of the letter: "Mrs. STABENOW, We are an elderly couple—76 and 76 years "young," and we sure do complain about the costs of [prescription] drugs.

Our pension is only $1,200 [per month] and [by] the time we pay for our rent and food, eye glasses and dental work, etc., then try to pay for our drugs—which rise every time we need a refill—there is not much left! It seems that every time we have a doctor appointment, they either add a new prescription or change it. Also, at [my husband's] place of employment, if you retired before the age of 62, you lost $200 a month. He was "laid off" at 61 and a half. So again, we lost more income. It doesn't seem fair for the elderly! We have worked all of our lives and end up this way and this is our beloved U.S.A."

Below is a list of drugs:

<table>
<thead>
<tr>
<th>Drug</th>
<th>Cost per Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Novosac</td>
<td>$37.99</td>
</tr>
<tr>
<td>Prilosec</td>
<td>$106.00</td>
</tr>
<tr>
<td>Allegra</td>
<td>$33.29</td>
</tr>
<tr>
<td>Nitrax</td>
<td>$7.00</td>
</tr>
<tr>
<td>Premarin</td>
<td>$22.97</td>
</tr>
<tr>
<td>Toprol</td>
<td>$33.29</td>
</tr>
<tr>
<td>Indur</td>
<td>$43.94</td>
</tr>
<tr>
<td>Mysolog</td>
<td>$18.99</td>
</tr>
<tr>
<td>Premarin Cream</td>
<td>$40.99</td>
</tr>
<tr>
<td>Lipitor</td>
<td>$49.99</td>
</tr>
<tr>
<td>Synlar</td>
<td>$9.14</td>
</tr>
<tr>
<td>Aclovate</td>
<td>$15.89</td>
</tr>
</tbody>
</table>

Total cost ................................ 419.48

Plus—coated aspirin—Vitamin C, Vitamin E, calcium pills, multivitamins, etc.

We hope that you can succeed in your campaign. Sincerely, Crystal Pearl Beaudry.

Seniors want and deserve a voluntary Medicare prescription drug benefit that is genuinely available to any senior who wants or needs it. That is why I will continue to read a letter from Michigan seniors until the House enacts real prescription drug legislation.

LACK OF SECURITY OF NUCLEAR SECRETS AT LOS ALAMOS MUST BE ADDRESSED BY CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I wanted to address something that has been in the paper a pretty good bit lately, the Los Alamos nuclear secrets that have apparently been missing. The reason I want to do this, Mr. Speaker, is because I am very concerned about it, and I just want to sort of retrace the steps.

If my colleagues will remember, during the Clinton administration it became apparent that this gentleman named Wen Ho Lee was stealing secrets, very important nuclear secrets from the Los Alamos lab. Because of a number of, I would say, bureaucratic hesitations, he was not investigated for a long time. They finally did investigate him and then found out that I think he had over a thousand illegal entries on his computer. At that time Congress, in a bipartisan fashion, moved together to try to give the Department of Energy the resources that they needed to improve security at Los Alamos.

Well, after a long exercise and a lot more funds had been expended, 1 year ago, on May 26, 1999, the Secretary of Energy made this statement to the United States: ``I can assure the American people that their nuclear secrets are now safe."" A very explicit thing, and it was the right thing for the head person to be saying. And we have felt like, okay, we went through this very bad period, but we have addressed it.

Now we find out that two computer disks, which contained information on how to disarm nuclear bombs and how to build nuclear bombs, were last seen back in January. Now, that was verified April 7. Then on May 7 it was apparent that they were missing. So we go from this period of maybe January, maybe April to May 7 finding out that these two vital computer disks on very, very sensitive nuclear secrets are missing. But the Secretary of Energy was not informed for 24 more days. As I understand it, he is supposed to be notified within 8 hours. He was not told from the period of May 7 until June 1, and yet nobody has been fired because of that. There is no protocol, apparently, it is easier to get nuclear secrets than it is to take a tape out of Blockbuster Video. If my colleagues do not believe me, I challenge them, I challenge anybody within the sound of my voice, to go to Blockbuster Video, there is one in everyone's neighborhood, to see if they can get a tape out. I am certain they will not be able to. Yet our sensitive nuclear secrets, I understand from a hearing, are left unattended for as long as 2 hours a day when the attendant in this vault goes to lunch.

Now, if my colleagues feel comfortable with Barney Fife guarding our
nuclear secrets, then this is a great system. But if other Members are like me and the majority of Americans, then they are very, very concerned. What are we thinking? How do we lose nuclear secrets? They show up magically behind a Xerox machine, a Xerox machine that has already been searched twice? And everybody is supposed to feel good about the fact that they did not leave the building?

Maybe there was not espionage. We do not know that yet. But what we do know is that a total incompetence, and we as Congress cannot have much confidence in the way our nuclear secrets are being guarded. I think it is incumbent on this Congress to put pressure on the Department of Energy and the Secretary of Energy to make some very, very drastic changes to get this addressed, because we simply cannot misplace nuclear secrets.

Just think about the time frame: from as long as April 7 to May 7 they were unaccounted for; and then from May 7 to June 1 no one even told the Secretary of Energy they were gone. Yet not one person has been fired because of that. This is an outrage. This is scary.

This is not partisan rhetoric. I am glad to say a number of Democrats, including the ranking member of the committee, the gentleman from Missouri (Mr. SKELTON), has said the Keystone Kops are guarding our nuclear secrets. I am sure this gentleman from Michigan (Mr. DINGELL) has passed a letter which has been signed by 50 Democrats saying fire the University of California, who is involved in the security of that. I probably would have signed that letter, given the opportunity.

So I am glad to see that this is not getting trapped into some situation where it is Republican versus Democrats, because when it comes to the security of the United States of America, it does not matter which party we are a member of; it only matters that our shores are secure and safe. So I just wanted to bring that up, Mr. Speaker.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, a very sad and tragic thing happened today, and I think the American people need to know about it. But before I explain that in detail, I would like to give a little history regarding this occurrence.

From the mid-1950s, there have been two facilities in this country that have produced enriched uranium, first of all for our nuclear arsenal and, more recently, for fuel for our nuclear power plants. Approximately 23 percent of our Nation's electricity is generated through nuclear power, and most of the fuel that generates that electricity is produced at these two facilities.

A couple of years ago, this Congress and the administration unwisely decided to privatize this vital industry. At the time of privatization, the privatized company and their irresponsible and parasitic leadership and their board of directors decided to close one of those two facilities. I would like to share with my colleagues why that is so unwise and so unacceptable.

We know what happens to our country when we are overly dependent upon foreign sources for energy. We see that in the high gas prices that we are all experiencing today. What will it be when 23 percent of the electricity in this country is dependent upon foreign sources?

To their credit, the Department of Energy and the member of the board of directors today explicitly asking them not to take this action. I would read from the letter from Under Secretary Gary Ginsler. He said, "I am sure the other members of the board not to vote to initiate a plant closing at today's board meeting."

In addition to this letter, Secretary Richardson sent a very strongly worded letter to this CEO and to the members of the board asking them that they not proceed. Unbelievably, unbelievably, this industry, which was privatized less than 2 years ago, and has very definite public policy purposes and obligations, has decided to close. The Department of Energy, the governor of Ohio, multiple Members of this House, and Ohio's two Senators and they proceeded to vote to close this vital facility.

USEC's announcement that it will seek to close this facility is unwise, unwarranted and unacceptable. I will fight this plant closure with every fiber of my being. The thousands of working families in our part of Ohio who depend on this industry for their livelihood deserve much better. For generations these brave, hard-working men and women have sacrificed for our national security. Now they are being abandoned by a USEC management that is driven more by short term profit and self-preservation than by common sense. USEC appears to be dead set on decimating America's ability to produce the fuel that supplies 23 percent of our nation's electricity. There is a clear solution to this problem: I will introduce legislation in this Congress to direct the Federal Government to buy back USEC and to continue operating both the Portsmouth, Ohio, and Paducah, Kentucky, plants. I am also calling for an Inspector General investigation into this decision and into USEC's privatization. It is becoming more and more apparent that national security, energy security, and thousands of hardworking southern Ohioans are suffering as a result of the decisions of this corporation. I cannot overstate my ironclad commitment to protect our workers and to make sure that all responsible parties are held accountable.

Earlier today, after USEC made this announcement, the Gentleman from Michigan (Mr. PAUL) responded, and I read from his response. He says, "I am extremely disappointed by the United States Enrichment Corporation's decision to close the uranium enrichment plant in Portsmouth, Ohio. First and foremost, I am very concerned about the effect of this closure on the workers. They deserve better treatment than they are getting from USEC."

Mr. Speaker, this is a serious matter. I called to address this House, and I am submitting for the Record additional documents relating to this topic.

[News Release from Congressman Ted Strickland, June 21, 2000]

STRICTLAND STATEMENT ON URANIUM PLANT CLOSURE

WASHINGTON, D.C.—USEC's announcement that it will seek to close the Portsmouth Uranium Enrichment Plant is unwise, unwarranted and unacceptable. I will fight this plant closure with every fiber of my being. The thousands of working families in our part of Ohio who depend on this industry for their livelihood deserve much better. For generations these brave, hard-working men and women have sacrificed for our national security. Now they are being abandoned by a USEC management that is driven more by short term profit and self-preservation than by common sense. USEC appears to be dead set on decimating America's ability to produce the fuel that supplies 23 percent of our nation's electricity. There is a clear solution to this problem: I will introduce legislation in Congress to direct the Federal Government to buy back USEC and to continue operating both the Portsmouth and Paducah plants. I will also call for an Inspector General investigation into this decision and into USEC's privatization. It is becoming more and more apparent that this is simply a case of insider enrichment for USEC's management—enrichment at the expense of national security. These courageous families in my part of Ohio who depend on this industry for their livelihood deserve better from this government and from this corporation. For generations these brave men and women have sacrificed for our national security, and now they are being abandoned by a USEC management that is driven more by short term profit and self-preservation than by common sense. USEC appears to be dead set on decimating America's ability to produce the fuel that supplies 23 percent of our nation's electricity. There is a clear solution to this problem, however. I will introduce legislation in this Congress to direct the Federal Government to buy back USEC and to continue operating both the Portsmouth, Ohio, and Paducah, Kentucky, plants. I am also calling for an Inspector General investigation into this decision and into USEC's privatization. It is becoming more and more apparent that national security, energy security, and thousands of hardworking southern Ohioans are suffering as a result of the decisions of this corporation. I cannot overstate my ironclad commitment to protect our workers and to make sure that all responsible parties are held accountable.


Mr. JAMES R. MELLOR, Chairman of the Board, USEC, Inc., Bethesda, M.D.

Mr. WILLIAM H. TIMBERS, President and Chief Executive Officer, USEC, Inc., Bethesda, M.D.

DEAR MESSRS. MELLOR AND TIMBERS: I have received your letter dated Friday, June 16, 2000, in which you wrote to inform Treasury that the Board of Directors, of
June 21, 2000
Congressional Record — House

U.S. Energy Sec. William Timbers, in a press release, said, “I am writing to urge that you and the other members of the Board vote not to initiate a plant closing at today’s Board meeting. I am reporting that the USEC Board is even considering the precipitous step of initiating a plant closing less than two years after USEC privatization. Before any decision is made, we must be assured that all possible avenues should be pursued. The Board should give full consideration to the impact of its actions on affected communities and USEC’s employees."

Chairman and CEO, United States Enrichment Corporation

Mr. WILLIAM TIMBERS,
Chairman and CEO, United States Enrichment Corporation

Dear Mr. Timbers: I am in receipt of a copy of your response of June 20 to my recent letter concerning the HEU agreement, the impacts of the proposed commercial SWU deal on domestic production, your ability to sustain the Treasury agreement, and USEC’s need for a future enrichment technology.

While I have yet to receive a formal reply to my letter, I received the copy of your response from the press constituting your views on these matters. As such, I would like to comment on some of your key points.

Firstly, the privatization of USEC in 1998 was premised on USEC’s judgment that the HEU Agreement was an asset to USEC, that it would keep two plants open until 2005, and that it would sustain future enrichment technology. USEC was provided many assets to this end. Your letter, in contrast, now reports that you consider the HEU Agreement to be a burden of investment in a coming-templated closing plant, and that you require substantial federal assistance for a different enrichment technology.

I am pleased that you share our views about the national security importance of the HEU Agreement. I am confused, however, by the assertion in your letter that the important nonproliferation objective of the HEU agreement “…has succeeded at the expense of USEC.” Last December, USEC made a decision to continue as sole executive of the HEU Agreement. Presumably this reflected your judgment that continuing on as the executive agent was in the best business interests of your company and USEC stockholders. Actions speak louder than words.

DOE remains concerned about the impacts of the proposed commercial SWU deal on our domestic industry. As you know, the HEU Agreement was put together to balance carefully national security and energy security objectives. The HEU contract was upset by the proposed commercial SWU side deal. While DOE supports the effort to move toward a new pricing mechanism with Russia for the HEU Agreement, given the potential impacts, we continue to maintain that the commercial SWU proposal deserves serious and thoughtful review.

Also, I must make clear that we do not agree with your characterization of the commercial SWU proposal as conforming to guidance from the subcommittee of the EOC this spring. The specific SWU levels that could be upset by the proposed commercial SWU side deal.

In my view, your meeting with me last January in no way provided a justification for early plant closure for the potential energy security impacts of such an action, I remain deeply concerned about its local employment and economic impacts. The same meeting that led you to notify Treasury of USEC’s downgraded credit rating, and your lack of follow through on the very commitments that engendered broad support for USEC privatization in the first place, could ultimately mean ongoing efforts on USEC’s part to receive open-ended federal assistance without reciprocity on significant public policy concerns.

On the development of enrichment technology, I would note that DOE has never been provided two technical reports supporting the discontinuation of AVLS, in which, as a government-owned corporation, USEC spent several hundred million dollars of public money. I would note that DOE is currently pursuing a new path of public investment but has yet to receive a comprehensive proposal from USEC, let alone a strategic plan on its proposed path forward for centrifuge technology development.

While we do not know how you specifically intend to proceed on technology development, this is what we do know: USEC wants DOE to invest outright $50 million in centrifuge technology development; USEC wants $1.2 billion in federal loan guarantees for building a centrifuge facility; USEC wants use of DOE’s GCEP facility (which would have USEC $300 million but cost DOE $550 million); and, USEC wants a gas centrifuge CRADA with DOE (which I note our organizations have been negotiating for at least two years).

USEC’s list of “wants” from the federal government is a long one and is not backed up by a reasoned plan to justify such a significant investment of the public’s money. Surely you must acknowledge that if DOE and other agencies in the federal government are going to invest substantial public funds in a private enterprise, we are owed more than piecemeal requests for federal assistance.

Many of the questions I asked in my original letter to you remain unanswered or were answered as indirectly as the avenue through which I received your response. I hope to receive more enlightening answers to these concerns and ask that the views I expressed in this letter will be shared with your board members immediately.

Yours sincerely,

Bill Richardson.

The Speaker pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. Metcalf) is recognized for 5 minutes. (Mr. Metcalf addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

Revisions to Allocation for House Committee on Appropriations

The Speaker pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Kasich) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 310 of the Congression, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocations for the House Committee on Appropriations printed in House Report 106–683.

Floor action on H.R. 4635, the bill making fiscal year 2001 appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies, removed the emergency designation from $300,000,000 in budget authority contained in the House-reported bill. Outlays from the House bill for the Departments of Veterans Affairs, Housing and Urban Development, and Independent Agencies were reduced to $601,180,000,000 in budget authority and $625,735,000,000 in outlays. Budgetary aggregates become $1,529,385,000,000 in budget authority and $1,494,956,000,000 in outlays.

India is Victim of Pakistani-Exported Terrorism

The Speaker pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Pallone) is recognized for 5 minutes.
Mr. PALLONE. Mr. Speaker, it is with a sense of disappointment and concern that I rise tonight to respond to a misguided initiative that some of my colleagues in this House are involved with. Several Members of Congress have written a letter to President Clinton that makes some outrageous and false charges about recent events in India. I believe these claims cannot go unchallenged.

The letter repeats the malicious claims that the massacre of 36 Sikh villagers in the Chittisinghra, in the Indian state of Jammu and Kashmir, was the work of Indian security forces. That massacre occurred on March 20, at the beginning of President Clinton's historic trip to India. I had the opportunity to take part in the President's trip, and this tragic and shocking massacre did cast a shadow over the trip. It left a deep sense of sadness among all of us in the American delegation and among all the people of India that we encountered. President Clinton condemned the attack in the strongest terms.

Less than a week after the attack, Indian investigating agencies in Jammu and Kashmir made an arrest in the case, apprehending one Yakub Wagey, a terrorist belonging to the Hizbul-Mujahideen. Mr. Wagey, a resident of Chittisinghra, revealed that the massacre was the work of a group of 16 to 17 terrorists, including six militants of Hizbul-Mujahideen and 11 to 12 foreign mercenaries owing allegiance to Lashkar-e-Toiba, the LeT. Both of these terrorist organizations are on the long list of terrorist organizations that receive support from Pakistan.

This terrible incident was the first large-scale attack against the Sikh community in Jammu and Kashmir, but it is consistent with the ongoing terrorist campaign that has claimed the lives of thousands of peaceful civilians in that state. This terrorist campaign by various groups has not only been linked to elements operating within Pakistan, often with the direct or indirect support of Pakistan's government.

As I discussed in this Chamber earlier this week, the Pakistani-supported terrorist campaign has ethnically cleansed Jammu and Kashmir of its indigenous Hindu community, the Kashmiri Pandits.

Mr. Speaker, absolutely nothing could be more detestable than what Pakistan is doing to the Kashmiri people. Pakistan has been seeking to generate an opportunity to take part in the President's trip, and this tragic and shocking massacre did cast a shadow over the trip. It left a deep sense of sadness among all of us in the American delegation and among all the people of India that we encountered. President Clinton condemned the attack in the strongest terms.

What better time to perpetrate a high-profile atrocity like this than when the President of the United States is in the region with all the attendant diplomatic and media attention that such a visit brings with it.

What makes the claim that India was behind the massacre all the more absurd, I mean this is why it is absurd. At a time when India was before the world stage, what possible motive would there be for such an ugly incident to detract from all the positive publicity India was trying to generate. It does not make any sense.

Mr. Speaker, this allegation really makes no sense at all when we look at the record of the two South Asian neighbors, India and Pakistan. India is a secular, pluralistic democracy that seeks to promote civil and human rights for all of its many ethnic, linguistic and religious communities. Pakistan is a military dictatorship that has a long record of fomenting instability in neighboring countries by denying human and civil rights at home.

One of the motives behind trying to link India to the attack against the Sikh villagers in Kashmir is to try to generate consensus against India's Sikh community. Indeed, I understand that an organization based here in this country that seeks to promote the Sikh separatist cause has lent its support to the letter circulating on Capitol Hill.

The reality is that, in India's State of Punjab, where the Sikhs constitute a majority, Mr. Prakash Singh Badal, who happens to be a Sikh, has been elected as Chief Minister of the State. The predominantly Sikh Akali Dal Party holds a majority in the State's legislature. The State government has set up the Human Rights Commission whose primary purpose is to investigate claims of human rights abuses by government security forces, just as India has done on the national level.

The democratically-elected Sikh political leaders in Punjab are not buying the claims of Indian Government responsibility for the atrocity that took place in Kashmir this past March.

Mr. Speaker, finally I want to say, India's Democratically-elected leaders will admit that there have been abuses by security forces. There is also violence between various religious and ethnic communities which is not officially reported. Indeed, India has sought to crack down on these kinds of acts in an honest and effective way that makes it a model among the nations of Asia.

Mr. Speaker, I sometimes believe that some of my colleagues declare India a terrorist nation is completely unreasonable. Indeed, following from the President's recent trip, cooperation against terrorism is one of the major areas of U.S.-India bilateral cooperation.

The idea of cutting off aid to India, an approach that has repeatedly been tried and failed here in the House, is even more absurd, seeking to send a message by cutting vital nutrition and health care.

TRIBUTE TO DR. WALTER D. "WALLY" WILKERSON

The SPEAKER pro tempore (Mr. TOOMEY). Under a previous order of the House, the gentleman from Texas (Mr. BRADY) is recognized for 5 minutes.

Mr. BRADY of Texas. Mr. Speaker, I rise tonight to pay tribute to one of my constituents, a very special man, Dr. Walter Wilkerson, Jr., who, on June 24 of this year, will be stepping down as Chairman of the Texas Board of Health.

Dr. Wilkerson was appointed to the Texas Board on June 7, 1995, and shortly after that, on September 1, Texas Governor George W. Bush named him chairman. We are fortunate in Texas that, although his term as chairman is ending, he will continue to serve on the Board of Health.

Mr. Speaker, Dr. Eriksson took on the health care needs of every single Texan, building an awareness that public health is for everyone, every day, and everywhere. He has been a listener who steered his board and agency to consensus on almost every difficult issue that came before it.

Furthermore, under his tenure, the Texas Board of Health has had a strong relationship with the Texas Medical Association, made significant strides in developing a partnership with local health directors and local health policymakers. He has made a significant effort to maintain an open and respectful dialogue with the business communities. And all of Dr. Wilkerson's efforts have been designed at building a cooperative environment for the betterment of the health of every Texan.

At the beginning of his tenure on the Board, he retired from private practice in Conroe, Texas, to be joined in 1998 after graduating from University of Texas Southwestern Medical School in 1955. In 1951, Dr. Wilkerson received his Bachelor of Science degree from Texas A&M University, which I am proud to represent.

Mr. Speaker, if I may, I offer a few words. While a practicing physician in Conroe, though he sought no honors, Dr. Wilkerson was named Outstanding Citizen of Montgomery County in 1974 and in 1991 was the Texas Family Physician of the Year and named by the Texas Academy of Family Physicians. Dr. Wilkerson is a man of integrity and dedication; and Texas is a much better place because he agreed to answer the Governor's call and provide us leadership. I am honored to call him my friend.

ENVIRONMENTAL PROTECTION AGENCY IS OUT OF CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

Mr. BERRY. Mr. Speaker, I rise this evening to call attention to the fact...
that the Environmental Protection Agency is absolutely out of control. They have adopted a policy of any means is justified by its political ends. They seem absolutely determined to destroy the family farm as we know it today. They have cast aside the abandoned sound science, or any science, for that matter. They pursue the idea that any regulation is a good regulation as long as it causes a lot of chaos and economic disruption.

Earlier this year, EPA attempted to regulate as a point source silviculture in the forest. They have pretty well been falled by that effort. But now they are attempting, in a rather secretive way, to try to regulate aquaculture, another very important agricultural pursuit in this country.

They have absolutely no scientific data indicating that there is a problem with pollution with aquaculture industry. After all, these farmers raise fish, they do not want their produce growing in polluted water.

The Environmental Protection Agency, as part of their plan to implement their regulatory process based on the economic success of their producers, they have this form that they are asking our aquaculture producers to fill out. And if they do not fill it out, there will be a penalty and they will be in violation of a Federal law and there is a severe threat.

One of the questions they ask, and they do not ask any questions in this form, not one, about water quality or how they treat your water. What they do ask, Mr. Speaker, is, If this company borrows money to finance capital improvements, such as waste water treatment equipment, what interest rates would they pay? In the event that this company does not borrow money to finance capital improvements, what equity rate would it use? When you finance capital improvements, what is the relationship of that debt and equity? What are your revenues from aquaculture? The revenue from other agriculture activities that are co-located with aquaculture? What are other farm facility revenues? Do you get Government payments and how much are those Government payments? Is there other non-farm income? What are the total revenues? And the list goes on and on, Mr. Speaker.

This is not a questionnaire to help improve the water quality of this country or the areas where aquaculture is located. This is an attempt to destroy an industry, one more attempt by the Environmental Protection Agency to destroy agriculture in this country as we know it.

It is time for it to stop. Enough is enough.

The Environmental Protection Agency should be the premier scientific agency of this Nation. And yet, it has turned itself into nothing more than a political yardage to pursue perfectly legitimate and harmless industries.

NATIONAL INSTITUTES OF HEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GILMAN) is recognized for 5 minutes.

Mr. GILMAN. Mr. Speaker, I rise today in support of the federal government’s commitment for increased funding for the National Institutes of Health (NIH) and urge the appropriators. As a member of the Congressional Diabetes Caucus, Alzheimer’s Task Force, Biomedical Research Caucus and Working Group on Parkinson’s Disease, I have met with countless individuals who ask each year that Congress invest more money into research funding at NIH. And each year I am proud to be able to report back to the House has been able to fulfill this request. More than half of my constituents who visit my office each year, come to discuss research funding and the budget request for NIH. Scientists are confident that with recent dramatic developments in technology over the past decade, that they are on the verge of making significant discoveries for both cures and vaccines for a number of diseases from diabetes and cancer to AIDS and Parkinson.

With the continued support from this Congress by way of dollars for research, NIH will be able to continue making advances toward eradicating countless diseases that afflict millions of Americans and countless others around the world. I am pleased to report back to my constituents that this Congress is continuing its support of medical research and that we have before us, and especially in Texas and to form a commission to review the administration of the death penalty.

The moratorium would give the commission time to review the adequacy of both legal representation, the advances in DNA technology, and the possible biases in the capital sentencing process.

The support of the use of the death penalty, in appropriate cases, I support. But we must make sure that we impose the capital punishments fairly and without bias. That is basic to our sense of justice.

In light of recent events, I am no longer confident that we in Texas are administering the death penalty with the highest standards of justice in mind. We should not tolerate the possibility of executing an innocent person, especially when we have the means to avoid it.

Recent reports in the media, other reports and studies that have been conducted, have highlighted the mistakes made in capital cases both in Texas and throughout the country and in other States around the country.

As my colleagues well know, concerns with the administration of death penalty and the adequacy of legal representation prompted Governor George Ryan of Illinois to declare a moratorium on executions.

We have asked Governor Bush and I am pleased that Governor Bush recently made a decision to pardon a man wrongly convicted of being sentenced for 99 years in prison. His release came, however, after he had served 36 years and was determined that he had been innocent after DNA studies had been conducted.

With recent efforts to expedite executions and remove many cases for appeal, it is possible that similar convictions in Death Row equally might be overturned. These executions could be postponed so that we would be able to assess those three specific areas that I have mentioned. And that is to make sure that we have had adequate legal representation for these individuals; second, to make sure that we have the new technology and with the new advances in forensic technology, the DNA analysis in particular, that we have the best opportunity in our history to rule out, or, at least, to have serious doubts, concerns, and possibilities that the defendant or convict in fact committed the specific crime in question.

As we look in terms of the situation where we find ourselves in, I ask the Governor to help out in the process of asking the Board of Pardon and Paroles to seriously look at assessing our process in Texas. And yes, we might have a great operation in San Antonio, but I know that each county and each community operates differently.

I know that a lack of money or of cases in Houston, over 70, that a particular district attorney used to brag about the number of people that he was sentencing into Death Row. Those types of things need to be questioned.

We have had specific situations where psychologists have utilized stereotypes and racial profiling to determine some of those decisions. So those biases need to be looked at very carefully. Not to mention, and I stress the importance of the technology that we have before us, especially in those cases that there is some sufficient DNA that is available where we can go to reaffirm our decision to make sure that in those cases we will not be making a mistake.

I fully understand the plea of victims for the swift administration of justice, but justice requires that we know for sure that we are applying the ultimate earthly penalty fairly and properly. I am not sure that we are doing this at the present time.

I, therefore, call upon the Governor to help and assist on the Texas Board of Pardon and Paroles to look at a
commission that would look at the process in Texas that is being utilized in each of our communities throughout the State. I would ask that we look in terms of what is actually occurring and that in those capital cases that we make an attempt to make sure we streamline the process.

Again, I would ask that they look in terms of the legal representation that these individuals have received after the indications that have come out; secondly, in the new technology and the DNA; and thirdly, on the possibility of biases.

I do the best I can. What is left, I try to spend on food.”

Well, Ms. Daley, we have been fighting for almost 2 years now to try to help you pay for your prescription drugs, and we are going to find out in just a few hours what the Committee on Ways and Means does to help you. I am hopeful that the outcome will be good, but, based on what I will share with you tonight, I have serious doubts as to whether we can report to Ms. Daley that we have a good bill and a good plan.

One letter I got some months ago was from some constituents of mine by the name of Joe and Billie O’Leary. They live down in Silsbee, Texas. I know Joe. I have talked to him several times at town meetings. His wife Billie wrote me a letter. Joe and Billie spend more than $400 a month for their prescription medications. They wrote me a 3 page letter, and I want to share with you a little bit of what Ms. O’Leary said. It speaks, I think, volumes about the problems that our seniors face.

She wrote, “Most of the elderly have several ailments that require several prescription medications and the latest treatments for some ailments and diseases are priced out of range for many on Medicare. Some treatments are available only for those who can afford it. I have found,” she says, “the problem is not that older people want free medicine. They want medicine that is reasonably priced so they can afford to buy it. What good,” Ms. O’Leary says, “what good is research and finding cures for diseases if a larger part of our population cannot afford the medicine for the cure?”

She goes on to write, “The people who are having to pay the high costs are the ones least able to pay. Let’s be fair to all,” she says, “please try to cap the price the pharmaceutical companies are allowed to charge. Then we all can afford to pay for our own medicine.”

This is the part that was most moving to me. Ms. O’Leary writes, “Our generation worked hard. We, through our taxes and efforts, helped to pay for schools, public buildings, highways, bridges, and helped pave the way for those now young. In the prime of our lives, we fought in the wars for this country to keep our country free. We believe our country is big enough with our resources to provide reasonable health care and affordable medicine for all.”

Ms. O’Leary, I agree, and I hope that the majority of this Congress will also agree.

The big drug companies have been engaged in a campaign to try to defeat efforts to provide prescription drugs and to provide some affordable prescription drug coverage. No one can dispute the fact that drugs are too expensive, and I think many of our senior citizens are asking the question, why are prescription drugs so high, and why does the price continue to go up? One-third of all of our seniors on Medicare cannot afford any prescription drug coverage at all, and another one-third has only unreliable, incomplete or very costly coverage. That means there are 15 million of our mothers, fathers, grandparents, neighbors and friends who must go without the prescription drugs they so desperately need, and the costs are continuing to rise.

In 1998 the prices of the 50 most popular prescription drugs among seniors rose by more than four times the rate of inflation. Every 2 years to my district in Texas, I hear from seniors who must make the choice that Ms. Daley was talking about, the choice between food and filling their prescriptions. We all hear the stories from seniors who only take half of their daily dosage or seniors who take only every other dose in a sad attempt to try to manage those skyrocketing costs. The problem is particularly bad for seniors who live in rural areas. Rural seniors are 60 percent less likely to get the drugs they need, and, in fact, people in the South, the drugs are 25 percent more expensive.

Study after study shows that seniors are paying too much for their drugs. In my district and in the district of those who are gathered here tonight to talk about this issue, seniors paying 80 percent higher than their counterparts in Canada and about 80 percent higher than their counterparts in Mexico pay for the very same prescription medicine.

That means for some commonly used drugs, our senior citizens in our great country are paying as much as $1,000 a more year than their counterparts in Canada and Mexico. And you do not have to go across the border to find lower prices. The big drug companies cut a special deal for the big HMOs and the big hospital chains. In fact, those big HMOs, they are paying about half what our seniors have to pay when they walk in to their local pharmacies.

A study in a major study in government reform that verified these numbers, and we also found out, to our dismay, that even cats and dogs get drugs cheaper than our senior citizens. The same drugs that both humans and animals take cost 150 percent more for humans. That is outrageous.

So why is this? Why are these drug prices out of control? Well, for one thing, the companies that manufacture these prescription medications are exorbitant profits. The drug industry sets at the top of every single profit category in Fortune Magazine’s list of industries for the year. As the chart shows, they earned over $26.2 billion in profits in the year 1998. Prescription drugs are the fastest growing component of our health care costs, and the CEOs of those big drug companies measure their annual salaries in the hundreds of millions of dollars, and their stock options they measure in the billions of dollars.”

The 12 biggest drug makers paid their top executives over $545 million in 1998, and $2 billion in stock options. The drug companies pull in tens of billions
of dollars in profit, and they pay their CEOs hundreds of millions of dollars, and now they are complaining to this Congress that if we lower drug prices, it will cut into research and development. It is a lie. It is simple greed. The big drug makers are not about to let these profits slip away, and that is why they are spending billions of dollars on marketing and lobbying in this Congress. In fact, nine out of the ten top drug makers spend more money on marketing and research and development, and four of the top five have a marketing budget over twice as big as their research and development budget.

In 1998, the drug companies spent $1.3 billion in tax deductible product marketing to consumers. That is $1.3 billion in marketing, advertisement, to entice consumers to buy those prescription drugs at those high prices. They spent $7 billion more advertising directly to the health care professionals.

In 1999, the trade association for the drug manufacturers, called PhRMA, increased its marketing budget, 54 percent higher than the previous year. But despite the profits of the drug makers, their research and development increased by less than half of that.

Another very, very important issue for all of our seniors to understand when they ask the question why are drug prices so high is to understand that the drug manufacturers are spending just over $2 million a year lobbying this Congress. They spent $2 million in direct political contributions and almost $150 million in lobbying expenditures in the 105th Congress. That is a lot of money. They are one of the biggest spenders of any industry group on lobbying and in political contributions.

"Should we ask why is it difficult for this Congress to deal with this issue in the best interests of our senior citizens? It is not hard to answer the question. When we see the amount of millions that the drug manufacturers are spending, trying to preserve their preferred position with regard to pricing."

Now, the drug companies we know in recent months have gone even further than the expenditures that we see here. They are using lies, deceptions, secrecy, and attacks to confuse and to confuse and to confuse and to confuse and to confuse and to confuse and to confuse and to confuse and to confuse and to confuse.

This group, Citizens for Better Medicare, is really a secret interest group that uses tax loopholes to cover up the sources of their funding and their real purpose. They clearly want to keep drug prices high. They want to pass legislation in this Congress that will let them share the millions of dollars of taxpayer dollars with the insurance companies and the greedy HMOs, rather than giving the money back to our seniors in the form of lower drug prices.

Here is what the report revealed about the interests for Better Medicare. Its director, it was revealed, a fellow named Tim Ryan, is the former marketing director for PhRMA, the industry trade group for the pharmaceutical manufacturers. The report also revealed that the Members of this Citizens for Better Medicare include other interest groups who have been denounced by Republicans and Democrats alike for their scare tactics to try to persuade seniors to oppose the efforts that are being made in this Congress to lower prescription drug prices.

It is their goal to avoid any kind of Medicare drug coverage that has the effect of reining in the skyrocketing drug costs. This campaign has targeted many Members of Congress, particularly those on the Democratic side of the aisle.

In fact, this interest group has sent telegrams into my own district and called on my constituents with information that is clearly deceptive and urged them to call me to tell me to oppose the very legislation that would genuinely help lower prescription drug costs.

My colleagues can see here on the chart one of the telegrams that my constituents handed me when I was at Wal-Mart just a couple of weekends ago. He came up to me quite disturbed and he says, I want you to give me this. They have written me this, sent me this telegram and they have urged me to call you, but now that I have seen you here at Wal-Mart, I will just give you the telegram. This telegram, and I quote from it, says, "Government bureaucrats under the democratic plan could control which medicines you receive instead of you and your doctor."

Clearly, an absolute lie. The plan that we propose is completely voluntary. Government bureaucrats would not control the prices, and specifically under our plan, it promises that any drug a doctor determined to be medically necessary will be covered under our plan.

Thetelegram attempts to confuse senators by referring to the Gehrhardt-Daschle bill and urges seniors to call our offices and tell us to be against that bill. Well, interesting, there is no such bill. There is no Gehrhardt-Daschle bill. Another attempt simply to confuse and to confuse and to confuse and to confuse and to confuse and to confuse and to confuse and to confuse and to confuse and to confuse.

Frankly, the truth is that the Republican leadership in this Congress is cooperating with this group, Citizens for Better Medicare. As we can see, this group has not only sent out telegrams, but they have run full-page ads in the newspapers all around the country suggesting that the way to lower prescription drug prices is to turn this effort over to private insurance companies because, as the ad depicts, they say, those who are enrolled in private insurance get lower prices. Well, why should everybody get lower prices whether they have insurance or not? So Citizens for Better Medicare, a front group for the drug manufacturers, is saying just this to the American people. And according to the Washington Post just to try to persuade this Congress to be against plans that would genuinely bring prices down for our senior citizens.

How can we do? First of all, we have to have our senior citizens clearly understand who is on their side. We have to have them understand that these letters, these television ads that have been running for months in many districts that try to suggest that they should call their Congressman and tell them to be against some plan, is most likely, for paid by the pharmaceutical industry that is trying to preserve their ability to charge the outrageous prices that our seniors are currently paying for prescription drugs.

Our democratic plan has been clear. It is part of Medicare, a plan that our seniors trust. It is a plan that is universal, completely voluntary, and most importantly, it is affordable. It is a plan that would be available to every senior, and every senior today has a problem when they get sick paying these high prices. Does one have to be just at the poverty level to have a problem with the price of prescription drugs? No, to see me the other day, she is not at the poverty level, but she had been put on a new medication and she said it was going to cost her $400, and she was outraged.

All seniors want help with the price of prescription drugs. Our plan would do that. It does not give the money to private insurance companies as the Republican plan would, but it is true, because the private insurance companies are very interested, because the private insurance companies that are going on tonight have testified, some of their representatives, that the insurance companies really do not think they can offer this plan, because they cannot figure out how to make any money off of it. Even if we pour this money into them, they say, well, we would probably not be able to do it for the seniors.

What we need is a Medicare benefit for all of our seniors that is affordable, completely voluntary, and fully voluntary. I say, well, I have already some other insurance coverage and I like it, then they do not have to pay the premium that is offered under the Medicare plan. But all of our seniors need this relief.

I am glad to have tonight with me 3 other Members of Congress who have fought very hard on the issue that I am talking about. One of them whom I want to recognize first is the gentleman from Arkansas (Mr. BERRY). The gentleman co-chairs the Prescription Drug Task Force with me along with the gentleman from Maine (Mr. ALLEN). The gentleman has fought long and hard on this issue for our seniors.
Mr. BERRY. Mr. Speaker, I want to thank the gentleman from Texas. The gentleman has provided outstanding leadership on this matter and I think he has done a fine job of explaining this entire issue that I have ever heard, and I want to thank the gentleman for that. I want to thank the gentleman from New Jersey (Mr. PALLONE) for his leadership and all of the other members of the Prescription Drug Task Force for the effort that they have put into this.

As the gentleman has said, Americans pay outrageously high prices for prescription drugs. Over and over and over we hear it from our constituents. They must make the choice between food and medicine. There is no way that the greatest Nation in the history of the world should allow something like this to go on. It just simply is not fair that our senior citizens and all Americans must pay more than any other country for medicine; they pay more than the big HMOs and the big hospitals pay for medicine, and even though it sounds ridiculous, they pay more than animals have to pay for medicine. The sad thing is, the same things have allowed this to go on long only in the name of preserving the profits of the prescription drug manufacturers of this country. That is the only reason, is just for money, just for profits.

Mr. Speaker, the need for an optional, meaningful and defined Medicare prescription drug benefit that is available to all seniors if they want it is absolutely without question. Under the Republican plan, Medicare would not provide a single dollar of premium assistance for middle class Medicare beneficiaries. Instead of offering the defined benefit under Medicare, Republicans want to force our seniors to have to go into HMOs, into private plans that make profits by restricting access to their prescription medicines. The unworkable Republican scheme would give money directly to participating HMOs and insurance companies for part of the cost of the most expensive enrollees, hoping that this will result in lower premiums. The plain and simple difference is that the Republicans want to take our tax dollars and give that money to the insurance companies, and hope that something good is going to happen when, in fact, the insurance companies say they do not want it. They do not want any part of it. This is only a shameful attempt to trick our senior citizens and, once again, protect the outrageous profits of the prescription drug manufacturers of this country.

Mr. Speaker, it is very unlikely that private insurers will even offer these plans that the Republicans are talking about. I was one of the few job insurance association of America testified before the Committee on Ways and Means last week that it would be virtually impossible for insurers to offer coverage to seniors at an affordable premium.

Mr. Speaker, the next time anybody goes to the pharmacy to pick up a prescription, I would suggest that they look at the people who are waiting there to get their prescription and try and pick out the person who is paying the minute top dollar for their prescription. One might think, well, it could be that well-dressed business executive who is going to be paying the most, or that kind of upscale-looking young working woman who is going to be paying the most. But the truth of the matter is, one has to pick out the oldest, the frailest, the poorest looking person in that line, probably a woman, and that is the person that is going to be paying the most for prescription drugs, and that is simply not fair.

That is based on a very conscious decision by the wealthiest industry in the world, the pharmaceutical companies. To figure out how to boost their profits, they are going to go after the people who need those medications the most, those medicines the most, and who are going to do everything they can to try and pay for them, those are the people they are going to try and squeeze out the most money from.

Seniors make up about 12 percent of the population, but they use about a third of the prescription medication, so it is, of course, a logical target group, the most logical prey for the pharmaceutical industry. Most of them have little or no insurance, or their insurance is inadequate. So that means they do not have anybody on their side to bargain for them for lower prices.

The gentleman referred to a study that was done under the jurisdiction of the Committee on Government Reform on which I sit, and I did that study in my district.

I found that uninsured, uninsured for prescription drugs, uninsured senior citizens were paying, on average, 116 percent more than the most favored customers of the pharmaceutical companies, the HMOs, the Veterans Administration. Those were paying 116 percent less than our senior citizens were.

Then we did another study. We looked at what about if they went to Canada or to Mexico, and just as the gentleman said earlier, in my district, just like in the gentleman's district or in Arkansas or in any district around the country, it was about 80 percent less for those same drugs that they paid to save their Senate lives, to extend their lives. If they went there they would pay 80 percent less.

Then my dog Bo and I did a press conference together. Bo sat down next to me. I made up the dog. I said that a drug, one of the drugs actually that I take, Vasotec, for high blood pressure, that same drug for Bo, and it is a drug that is used on animals, would be about 80 percent less. If I could send Bo to the drug store to get the drugs, I would be better off too.

That is not right. I did the press conference at a senior citizen center, and...
they were offended by that, and they should be offended by that. This is not because there is less research done on the drug for Bo, this is not because it is a different drug that is cheaper, it is because they charge what the market will bear, and they know that the seniors are going to have to pay for those drugs if they do not want to have a stroke.

Mr. Speaker, the drug companies say to us, look, if we are not allowed to charge these prices, then we are just not going to be able to do the research and development and you are simply not going to have the drugs.

Again, as the gentleman pointed out, if that money is so scarce for research and development, then tell me why we can hardly turn on the TV anymore without seeing, one after another, an ad by the drug companies for a drug. They are spending far more on their advertising budget than they are on their research and development budget.

Let me just tell you this. One of the ads that they have, they used to have, I do not know if she is on TV anymore, I have not seen her lately, is this nice-looking elderly woman called Flo. She looks very fit. Flo goes bowling. She ends her ad, "We want to keep government out of our medicine cabinet," is what Flo says. No, no government program to lower prices.

I would like to just tell the gentleman that I have worked with seniors for years and years, I was the executive director of the State Council of Senior Citizens in my State before I ran for public office. I have been talking to senior groups ever since I have been a public official. I have never once heard a senior citizen tell me, keep government out of my medicine cabinet.

It is the opposite. They are saying, please, Representative, help me. Do something. Government has to be part of the solution here. I love my Medicare, but it is not helping me when it comes to prescription drugs. I need you now.

They need us now. We have to come up with an answer. The answer is having a prescription drug benefit under Medicare giving affordable, accessible prescription drugs for our senior citizens. I appreciate the gentleman's leadership in getting us there.

Mr. TURNER. Mr. Speaker, I thank the gentlewoman from Illinois. I appreciate what the gentlewoman has given to this issue. She is a most effective spokesperson on behalf of senior citizens. I am sure that seniors in the gentlewoman's district fully recognize the battle that the gentleman is waging on their behalf.

Mr. Speaker, yield to my dear friend, the gentleman from San Antonio, Texas (Mr. RODRIGUEZ), who has been a warrior fighting on behalf of seniors on this issue.

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman from Texas. I think the gentleman has done a tremendous presentation with the data that the gentleman has before him.

There is no doubt, as I was listening to the gentlewoman talking about Flo, the woman out there advertising on behalf of the pharmaceutical companies, when she talks about keeping government out, she is talking because she is an individual apparently not on Medicare, and receiving that 39 or 40 percent cut that is displayed, that the gentleman has that very vividly shows the disparity that we are talking about.

That particular advertisement says that if someone is in a HMO, or private, that the pharmaceutical companies will give a 40 percent credit on prescriptions, but if someone is on Medicare, tough luck. They are going to pay not only the 40, but also the profits that they have to make that they did not make on those other individuals. That is what is wrong. As the gentleman has indicated so clearly, why should not everybody get that opportunity to get that 40 percent cut? It is not right.

When we did those studies, and I did them in my district, also, in my district, it showed that our senior citizens, and I went across with all my pharmacists and they reported to us. The pharmacies that are out there recognize that they have to charge 122 percent for our senior citizens on Medicare for the same prescriptions.

What we are talking about is if someone is on Medicare, they have to pay in my district 122 percent to 150 percent more for the same prescription than someone who is on an HMO. The only reason is that the pharmaceutical companies have chosen not to provide that.

Now they expended that money and are using people like Flo and talking about keeping government out, because, after all, they are making huge profits on our senior citizens. That should be a crime, to be going after those individuals who need the medication, and the money that is sent up to the pharmaceutical companies continues going to the expenditures that are running out here.

We need to make the changes that are needed in this country. One of those changes is to make sure that we provide the prescription coverage for our senior citizens. That is one thing that we need to do, an obligation that we have, because a lot of these senior citizens do go without eating.

I have heard testimony after testimony where one of the spouses decides not to buy her prescriptions because she is getting it for her husband. That is unfortunate. Or they decide to buy one prescription, not the second one, because they do not have sufficient money. That is unfortunate. That should not be happening.

It is time that we can do that now. We have the resources to do that now. We have the surplus. If not now, when? I say that again: If not now, when? We cannot afford for us to continue to go on in this way.

I want to thank the gentleman from Texas (Mr. TURNER) for his efforts and for continuing this fight. We are not going to let up. We are going to continue this effort. If it does not happen this session, we are going to be back the next session.

I know the gentleman has been at it for the last two sessions, and we have been trying to make some things happen. Hopefully, we will be able to do it, because it is the right thing to do, to make sure that, if nothing else, that people pay the right prices and are not gouged the way they are being gouged now at the expense of other senior citizens, and now using those senior citizens that have the private insurance against the senior citizens that are on plain Medicare. That is unfortunate that that is happening.

I appreciate the gentleman allowing me the time to be here.
hundreds of millions of dollars in ad campaigns to try to preserve the status quo, which has resulted in our senior citizens, our most vulnerable portion of our population, paying the highest prices of anyone in our society and anyone in the world for prescription medications, I think and I know the gentleman from Texas (Mr. RODRIGUEZ) thinks that we need to talk about it on the floor of this House.

This ad campaign must be exposed, the hundreds of millions of dollars that the big drug companies are spending by try to be sure that they defeat our efforts to pass meaningful prescription drug coverage for our seniors as a part of the Medicare program. That effort that they are making is wrong, and I hope that our seniors will see through it when they get these telegrams, when they see these newspaper ads, when they watch the television screens with characters like Flo that the gentlewoman from Illinois (Ms. SCHAKOWSKY) can tell and understand that they are seeing an ad that is designed to perpetuate a system that makes senior citizens of this country pay the highest prices in the world for prescription drugs that they need.

I call all my colleagues for joining with us tonight and being a part of this effort to talk about this important issue. I am looking forward to hearing from the gentleman from Iowa (Mr. GANSKE), our next speaker in the last portion of our Special Orders, who has been a leader on this issue and has a unique insight as a medical doctor into the problem of prescription drugs for seniors.

PRESCRIPTION DRUG COVERAGE

The SPEAKER pro tempore (Mr. TOOMY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized until midnight as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, this is a photo of William Newton, age 74, of Altona, Iowa, a constituent in my district whose savings vanished when his late wife Waneta, whose picture he is holding, needed prescription drugs that cost as much as $600 per month.

"She had to have them. There was no choice," Mr. Newton said. "It's a very serious situation and it isn't getting any better because drugs keep going up and up."

When James Weinmann of Indianola, Iowa, and his wife, Maxine, make their annual trip to Texas, the two take a side trip as well. They cross the border to Mexico and load up on prescription drugs, which are not covered under their Medigap policies. Their prescription drugs cost less than half in Mexico than what they cost in Iowa.

Mr. Speaker, this problem is not localized to Iowa. It is everywhere. The problem that Dot Lamb, an 86-year-old Portland, Maine, woman who has hypertension, asthma, arthritis and osteoporosis has paying for her prescription drugs is all too common. She takes five prescription drug that cost over $200 total each month, over 20 percent of her monthly income. Medicare and her supplemental insurance do not cover prescription drugs.

Mr. Speaker, recently received this letter from a constituent senor citizen who volunteers at a hospital that I worked at before coming to Congress.

"Dear Congressman GANSKE, after completing a University of Iowa study on Celebrex 200 milligrams for arthritids, I got a prescription from my M.D. and picked it up at the hospital pharmacy. My cost was $2.43 per pill with a volunteer discount.

"Later on the Internet I found the following:"

"I can order through Pharmaworld in Geneva, Switzerland after paying either of two American doctors $70 for a phone consultation, these drugs, at a price of $1.05 per pill plus handling and shipping.

"I can order these drugs through a Canadian pharmacy if I use a doctor certified in Canada, or my doctor can order it on my behalf through his office for 96 cents per pill plus shipping.

"I can send a fax and get a phone number at a Mexican pharmacy which will send it without a prescription at a price of $1.50 per pill."

"This constituent closes his letter to me by saying, "I urge you, Dr. GANSKE, to pursue the reform of medical costs and stop the outlandish plundering by pharmaceutical companies."

Well, Mr. Speaker, I want to be very clear, I am in favor of prescription drugs being more affordable, not just for senior citizens, but for all Americans.

Let us look at the facts of the problem and then discuss some of the solutions.

There is no question that prices of drugs are rising rapidly. A recent report found that the prices of the 50 top-selling drugs for seniors rose much faster than inflation. Thirty-three of the 50 drugs rose at least one and a half times inflation. Half of the drugs rose at least twice as fast as inflation. Sixteen drugs rose at least three times inflation. Twenty percent of the top 50 selling drug for seniors rose at least five times inflation.

The prices of some drugs are rising even faster. For example, a generic diuretic, rose 50 percent just in 1999. Klorcon 10, a brand-name drug, rose 43.8 percent.

This was not a 1-year phenomenon. Thirty-nine of these 50 drugs have been on the market for at least 6 years. The prices of three-fourths of this group rose at least 1.5 times inflation. Over half rose at twice inflation. More than 25 percent rose at three times inflation. Six drugs rose at over five times inflation. Lorazepam rose 27 times inflation and Fusidic rose 14 times inflation.

Prilosec is one of the two top-selling drugs prescribed for seniors. The annual cost for this 20-milligram gastrointestinal drug, unless one has some type of drug discount, is $1,455. For a widow at 150 percent of poverty, that means she is living on $12,525 a year, the annual cost of Prilosec for acid reflux disease alone will consume more than one in 50 of this senior's total budget.

What about a woman who has diabetes, hypertension and high cholesterol? She requires these drugs. Her drug costs would consume up to 18.3 percent of her income.

My friend from Dubuque, the Iowa Lutheran Hospital volunteer senior citizen, knows, as do the Weinmans from Indianola, from their shopping trips in New Mexico for prescription drugs, that drug prices are much higher in the United States than they are in other countries. A story from USA Today comparing U.S. drug prices to prices in Canada, Great Britain, and Australia for the 10 best selling drugs verifies that drug prices are higher here in the U.S. than they are overseas.

For example, Prilosec is two to two-and-a-half times as expensive in the U.S. as it is in Canada, Britain or Australia. Prozac is two to two-and-three-quarter times as expensive in the United States, at $2.27 per pill, as compared to Canada at $1.07, Britain at $1.08, and Australia 82 cents. Lipitor was 50 to 92 percent more expensive. Prevasid was as much as four times as expensive in the United States, at $3.13 per pill, than it was in Britain or Australia. Look, the drug only costs 83 cents in Australia. Only one drug, Epogen, was cheaper in the U.S. than in the other countries.

Now, high drug prices have been a problem for almost a decade. Two General Accounting Office studies from 1992 and 1994 showed the same results. Comparing prices for 121 drugs sold in the U.S. and Canada, prices for 98 were higher in the United States. Comparing 77 drugs sold in the United States, 86 percent of the drugs were priced higher in the United States. And three out of five were more than twice as high.

Now, drug companies claim that drug prices are so high because of research and development costs, and I do want to say that there is great need for research. For example, around the world we are seeing an explosion of antibiotic resistant bacteria, like tuberculosis, for which we will need research and development for new drugs. A new report by the World Health Organization outlines this concern about infectious diseases.

Moreover, data from PhRMA, the pharmaceutical trade organization that I saw presented in Chicago about 1 month ago, showed little increase in research and development, especially in comparison to significant increases by the pharmaceutical companies in advertising and marketing. Since the 1997 FDA reform bill, advertising by drug companies has gotten so ubiquitous that the news line, Healthline,
recently reported that consumers watch on average nine prescription drug commercials a day.

Look at this chart, which shows 1998 figures for the big six drug companies. In every case marketing, advertising, sales, and profits occur after research and development. So, for example, if we look at Merck, Merck had, as a percent of revenue, 15.9 percent go to marketing. They only had 6.3 percent of their income go to research and development. So, for example, if we look at Merck, Merck had, as a percent of revenue, 15.9 percent go to marketing. They only had 6.3 percent of their income go to research and development.

In 1999, of the five companies with the highest revenues, four spent at least twice as much on marketing, advertising, and administration as they did on research and development. Only one of the top 10 drug companies spent more on research and development than on marketing, advertising, and administration. So, for example, if we look at Merck, Merck had, as a percent of revenue, 15.9 percent go to marketing. They only had 6.3 percent of their income go to research and development. So, for example, if we look at Merck, Merck had, as a percent of revenue, 15.9 percent go to marketing. They only had 6.3 percent of their income go to research and development.

Furthermore, as recently cited in The New York Times, of the 14 most medically significant drugs developed in the past 25 years, 11 had significant government financed, government financed, research. For example, Taxol is a drug developed from government-funded research which earns its manufacturer, Bristol-Myers-Squib, millions of dollars each year.

Now, Mr. Speaker, as I said at the start of this special order, I think the high cost of drugs is a problem for all Americans. But the elderly are in a much worse position because many nonseniors are in employer plans and get a prescription drug discount. In addition, there is no doubt that the older one is the more likely the need for prescription drugs. So let us look at what type of drug coverage is available to senior citizens today.

Medicare pays for drugs that are part of treatments when the senior citizen is a patient in a hospital or in a skilled nursing facility. Medicare pays doctors for drugs that cannot be self-administered by patients, i.e. drugs that require intramuscular or intravenous administration. Medicare also pays for a few other outpatient drugs, such as drugs to prevent rejection of organ transplants, medicine to prevent anemia in dialysis patients, and oral anticancer drugs. The program also covers pneumonia, Hepatitis and influenza vaccines. The beneficiary is responsible for 20 percent coinsurance of these drugs.

About 90 percent of Medicare beneficiaries have some form of private or public coverage to supplement Medicare. But many with supplementary coverage have either limited or no protection against prescription drug costs, those drugs that one buys in a pharmacy with a prescription from their doctor.

Since the early 1980s, Medicare beneficiaries in some parts of the country have been able to enroll in HMOs which provide prescription drug benefits. Medicare pays the HMOs a monthly dollar amount for each enrollee. Some areas, like my State, Iowa, have had such low payment rates that no HMOs have entered the market. This is typically a rural problem, but some metro areas also have inequitably low reimbursements.

And I should say that, parenthetically, I have led the fight to improve these unfair payment rates, which allow seniors living in Miami, for example, to get drug benefits that seniors living anywhere in Iowa or Nebraska or Minnesota do not. But I will return to this issue a little bit later in this talk.

Medicare's deductibles and coinsurance may be complicated, but only three of the ten standard plans offer drug coverage. All three impose a $250 deductible. Plan H and I impose 20 percent of the charges up to a maximum benefit of $1,250. Plan J covers 50 percent of the charges up to a maximum benefit of $3,000. The premiums for these plans are significantly higher than the other seven medigap plans because of the cost of the drug benefit.

This chart shows the difference in annual cost to a 65-year-old woman for a Medigap policy with or without a drug benefit. For a Medigap policy with drug benefit, the annual premium would be $1,524 for a policy without drugs but she would pay $3,252 in premiums for insurance with drug coverage.

Why is there such a price gap between policies that offer drug coverage compared to those that do not? Well, it is because the drug benefit is voluntary. Only those people who expect to actually use a significant quantity of prescriptions purchase a Medigap policy with drug coverage.

For extensive coverage, she pays $1,524 for a policy without drugs but she would pay $3,252 in premiums for insurance with drug coverage.

So what is the lesson we can learn from the current program? Adverse selection tends to drive up the per capita cost. Unless the Federal Treasury simply subsidizes lower premiums. The very low income elderly and disabled Medicare beneficiaries are also eligible for payments of their deductible and co-insurance by their State's Medicaid program.

For these dual-eligibles, the most important service paid for by Medicaid is frequently the prescription drug plans offered by all States under their Medicaid plans.

There are several groups of Medicare beneficiaries who have a more limited Medicaid protection. Qualified Medicare beneficiaries, QMBs, otherwise known as QMs, have incomes below the poverty line, that is $8,240 for a single person, $11,060 for a couple, and they have assets below $4,000 for a single person and $6,000 for a couple. QMBs pay the Medicaid premium and their premiums. Specified low income Medicare beneficiaries, known as SLIMBs, have incomes up to 120 percent of the poverty line and Medicaid pays their Medicare Part B premium. Qualifying individuals, one, have income between 120 and 135 percent of poverty. Medicaid pays only their Part B premium but not deductibles. And qualifying individuals, two, have income between 135 and 195 percent of poverty. Medicaid pays part of their Part B premiums.

Why am I going into these details? Because in a little bit I want to describe a way to help these people who are low income but not so low that they qualify for Medicaid drug benefit. These QMBs and SLIMBs are not entitled to Medicaid's prescription drug benefit unless they are also eligible to future Medicaid drug coverage under their State's Medicaid program. QI-1s and QI-2s are never entitled to Medicaid drug coverage.

A 1999 Health Care Financing Administration report showed that, despite a variety of potential sources of coverage for prescription drugs, beneficiaries still pay a significant proportion of drug costs out of pocket and that about one-third of Medicare beneficiaries had no drug coverage at all.

It is also important to look at the distribution of Medicare enrollees by total annual prescription drug expenditures. This information will determine, based on the cost of how many Medicare beneficiaries will consider the premium cost of a voluntary drug benefit insurance program worked it.

This chart from the Medicare Payment Advisory Commission, known as MPAC, in a report to Congress in 1999 shows that 14 percent of Medicare beneficiaries have no drug expenditures, 36 percent have expenditures of one dollar to $200 a year, 19 percent had drug expenditures of $201 to $500 a year. 14 percent had drug expenditures of $501 to $1,000 a year, 14 percent had drug expenditures of $1,001 to $1,500 a year, 14 percent had drug expenditures of $1,501 to $2,000 a year, and 6 percent over $3,000.

But please note that 14 percent plus 36 percent means that 50 percent of Medicare beneficiaries today have less than $500 drug expenses annually. And if you add another 19 percent, 69 percent had drug expenses of less than $500 a year.

As we look at plans to change Medicare to better cover the cost of prescription drugs, we face some difficult
choices for which there is currently no consensus in the population or, for that matter, among policymakers.

There are many questions to answer. Here are a few: Should the coverage be for the entire Medicare population or for higher income enrollees? Should it be comprehensive or for catastrophic? What should be the level of benefit cost sharing by the recipients? Will there be any cost controls on the cost of drugs? Should we deal with this problem about drug costs for the Medicare population only or should we try to figure out some provisions for everyone? How much money can the Federal Treasury afford? Should we really predict the cost of the benefit?

Nominee Mr. Speenher, the desire to add a prescription drug benefit is not new. It was discussed at the inception of Medicare back in 1945 and many times since then. The reason why adding a prescription drug benefit is such a hot issue now is that there has been an explosion in new drugs available, huge increases in demand for these drugs, and significant increase in the cost of these drugs in just the past few years. Many of these drugs are life-preserving, such as some of those that my own father takes.

Before I discuss the Democratic and Republican proposals, I think it is instructive to look at what happened the last time Congress tried to do something about prescription drugs and Medicare. This is because the outcome of reform in 1988 has seared itself into the minds of the policymakers who were in Congress then and who are committee chairmen now.

The Medicare Catastrophic Coverage Act of 1988 would have phased in catastrophic prescription drug coverage as part of a larger package of benefit improvement and prescription drug coverage. The act was substantially modified by the Clinton administration before it was signed into law.

The drafters of the Democratic and Republican bills agree with me, because the key point the spokesmen for each of these bills makes to seniors is that their respective plans are voluntary.

While there are shortcomings in both plans, I think before I briefly describe each plan let me acknowledge the hard work that some members have put into these bills. The House Republican plan is estimated to cost seniors $35 to $40 a month in 2003, rising to $2,500 for $5,000 worth of drugs in 2009. Under the Clinton plan, Medicare would pay half the cost of each prescription, and there would be no deductible. Maximum Federal payment would be $1,000 for $2,000 worth of drugs in 2003, rising to $2,500 for $5,000 worth of drugs in 2009.

The government would assume the financial risk for prescription drug insurance, but it would hire private companies to administer benefits and negotiate discounts from drug manufacturers. It would aid the poor similar to the GOP plan and try to control costs by the use of pharmaceutical benefit managers. As pharmaceutical companies buy up these benefit managers, one wonders about conflicts of interest and whether any discounts will really occur.

But here is a crucial point: In order to cushion the cost of the sicker with premiums from the healthier, both plans calculate premiums premised on about 80 percent participation of all those in Medicare.

Now, the partisan attacks on the Clinton plan and on the GOP plan are already starting. Democrats say Republicans are putting seniors in HMOs, HMOs provide terrible care, and this is not fair to seniors.

Republicans say the Democratic plan is a one-size-fits-all plan that is too restrictive, too confusing and puts the politicians and Washington bureaucrats in control. This is from a House Republican Conference source.

Now, I could criticize each of these plans in depth, but I do not have that much time left. Suffice it to say that the details of each of these plans is very important as to how they would work; for that matter, if they would work.

The GOP bill's legislative language just became available a few days ago, so I have been reading the 150 page document over the past few days. I believe that if you let plans design all sorts of benefit packages, as does the GOP plan, it becomes very difficult for seniors to be able to compare apples to apples, to compare equivalency of plans in terms of value. I also think that plans can tailor benefits to cherry pick healthier, less-expensive seniors and game the system.

Representatives of the insurance industry seemed to share that opinion in
a hearing before my committee. In my opinion, a defined benefit package would be better. I have concerns about the financial incentives that the House Republican bill would offer insurers to enter markets in which no drug plans are available. Would these incentives encourage insurers to hold out for more money? I have doubts that the private insurance industry will ever offer drug only plans.

In testimony before my committee, Chip Kahn, President of the Health Insurance Association of America, testified that drug only plans will not work. In testimony before the Committee on Commerce on June 13, 2000, Mr. Kahn said, “Private drug only coverage would have to clear insurmountable financial regulatory and administrative hurdles simply to get to the markets. Assuming that it did, the pressures of ever increasing drug costs, the predictability of drug expenses, the likelihood that the people most likely to purchase this coverage would be the people anticipating the highest drug claims, would make drug only coverage virtually impossible for insurers to offer to seniors at an affordable premium.” Mr. Kahn predicted that few, if any, insurers would be willing to offer such a product.

I could similarly criticize several particulars of the Democratic bill, but, in the spirit of bipartisanship, I want to expand on what I think is the fundamental flaw in both plans, and that is what is called adverse risk selection.

If the Clinton plan has comparable costs for a stop loss provision of catastrophic expenses, the premium costs will be comparable to the GOP plan. Under these bills, a person who signs up for drug insurance will pay about $40 per month, or roughly $500 per year. After the first $250 out-of-pocket costs for the deductible, the enrollee would need to have twice $500 in drug costs, or $1,000, in order to get a benefit that is twice the cost of the premiums for the year.

Put it another way: The enrollee must have $250 for the deductible, plus $1,000, or $1,250 in annual drug costs, in order to get half of the rest of his drug expenses, up to a maximum of $2,100 paid for by the plan.

Who then will sign up for these plans? Well, those seniors with over $1,250 in annual drug expenses. Those with less than that would end up paying more for their premiums than they are currently paying.

Remember the MedPAC data from the last year that I showed you earlier in this speech? Sixty-nine percent of seniors spend less than $1,250 per year on drug costs. Remember also that the premiums are premised on a 80 percent participation rate. I think it is highly doubtful that anywhere near 80 percent of seniors will sign up for either of these plans, and if only those with high drug costs sign up for these plans, then we know that the ISS will happen by the drug cost at the current Medigap policies. Only three plans have any prescription drug coverage, and they are expensive because of unfavorable selection. Only 7.4 percent of beneficiaries enrolled in standard Medigap plans were in these drug coverage plans, plans H, I and J.

Now, one way to avoid adverse risk selection in a voluntary benefit system would be to offer the drug benefit for one time only when a beneficiary enrolls in Medicare. Even with that restriction, there would still be some adverse selection in that some seniors already have high drug costs at age 65 when they enter Medicare and would be more likely to join such a program.

Now, this mandatory provision is not in either plan. The authors of the GOP bill recognize the adverse risk selection problem and they try to address it by saying that if a beneficiary does not sign up for the drug insurance program on initial registration for Medicare, then thereafter, when he or she wants to sign up for the drug insurance program, the premium would be “experience-based” and potentially more costly. The theory is that the threat of higher premiums would act as an inducement to seniors with no or low drug costs to sign up. Mr. Speaker, if only everyone acted with such prudence now, we would not be dealing with the need for this bill.

Unfortunately, the low participation in the current voluntary Medigap program promises that less seniors must sign up initially, a large number will not. They will wait until they need drugs, and then they will claim vociferously to Congress about their high premiums and we will be right back where we started. Since other seniors will have a prescription drug benefit, there will be enormous pressure on legislators to subsidize the seniors who are tardy in signing up for a drug program and that, of course, will significantly increase the cost of the program.

Another way to control adverse risk selection is to try to devise a risk adjustment system. These adjustment systems are very hard to design and implement. It remains to be seen whether risk adjustment systems already on the books for other parts of Medicare are going to work. A similar benefit package helps control adverse risk selection. Consumers are able to select plans based on price and quality within the plan. catastrophic plans are allowed wide variation in benefits, some plans may be more likely to attract low-cost beneficiaries. The GOP plan has some weak community rating and guaranteed issue provisions in acknowledgment of this problem, but these provisions depend on oversight by a new Medical Benefits Administration, and the Inspector General already tells us how hard it is to oversee adverse risk selection in Medicare HMOs. We could, of course, mandate enrollment. This solution was the heart of the Medicare Catastrophic Coverage Act of 1988, and we saw what happened to that law. To say that mandatory enrollment has little appeal to policymakers in an election year I think is an understatement.

Finally, we could avoid adverse selection for a voluntary benefit like prescription drug coverage if we just subsidize the people who sign up. The government could offer those seniors simply share very little of the cost. The benefit becomes cost-effective for the vast majority, regardless of health, because it is such a good deal. But this could lead to a $400 billion or $500 billion subsidy. It again reminds me of the article by Mr. Rostenkowski. As Rosty said in his op-ed piece, “The problem was, and still is, a lack of money.” Yes, we have a projected surplus, but the 10-year costs of a more highly subsidized drug coverage could, in my opinion, even double or triple the cost of both proposals.

There are many reasons why, even in this time of plenty, that hard to do. First, we have a bipartisan commitment to use Social Security surplus funds. Second, we have people in this country that have no insurance at all, much less drug coverage. Third, Medicare is closer to insolvency than it was back in 1988. Should not our first priority be to protect the current Medicare program?

Well, given these constraints, what can we do to help seniors and others with high drug costs? I have a 10-step means test proposal for helping seniors and others with their drug costs.

First, allow qualified Medicare beneficiaries, those QMBs, and specified low-income Medicare beneficiaries, SLIMBs, and qualifying individuals with an additional phaseout group up to 175 percent of poverty to qualify for State Medicaid drug programs. States could continue to use their current administrative structures and implementation could be done quickly. About one-third of Medicare beneficiaries are eligible, enough to cover almost in need, and the drug benefit would encourage those who qualify to actually sign up. A key feature of this program would be that the State programs are entitled to the best price that the manufacturer offers any purchaser in the United States. Judging from estimates of the bipartisan Medicare Commission, this expansion of benefits would probably cost about $60 billion to $80 billion over 10 years.

Second, Congress could fix the funding formula that puts rural States and certain low reimbursement urban areas at such a disadvantage in attracting Medicare-Plus plans that offer drug coverage.

Third, in response to my constituents who want to purchase their drugs in Canada, Mexico or Europe, we could stop the Food and Drug Administration from intimidating seniors and others with threats of confiscation of their purchases. The FDA sent notices to people that importing drugs is against the law. The FDA should not send warning notices regarding the importation of a drug without providing to the
person involved a statement of the under- 
ying reasons. The gentleman from 
Minnesota (Mr. GUTKNECHT), my col- 
league, has introduced legislation 
called the Drug Import Fairness Act of 
1999, and Congress should pass that 
committee legislation at once.

Fourth, I think we should at least 
fully debate the bill of the gentleman 
from Maine (Mr. ALLEN), the Prescrip- tion Drug Fairness for Seniors Act. 
The idea is simple. It would allow phar- 
macists to buy drugs for Medicare bene-
ficiaries at the best price available 
to the Federal Government, typically 
the Veterans' Administration price, or 
the Medicaid price. It creates no new 
bureaucracy. There is no significant 
cost to the government. It gives Medi-
care beneficiaries negotiated lowered 
prices, such as customers of Aetna, 
Cigna, and other private plans receive 
the benefit of negotiated lower prices.

Fifth, I think we should enact full 
tax deductibility for the self-insured 
returns. January 2, 2000

Sixth, there are 11 million children 
without any health insurance. Many of 
them qualify, 7 million of them qualify 
for Medicaid, and the State Children's 
Insurance programs. We ought to get 
those kids in. That gives them pre-
scription drugs as well.

Seventh, many pharmaceutical 
companies offer programs where they pro-
vide drugs free to low-income individ-
uals. These company programs are to 
be commended, but we need to do a bet-
ter job, and maybe the FDA could do 
this, of getting that information to 
those low-income beneficiaries to take 
advantage of those pharmaceutical 
companies' programs.

Eighth, 16 States have pharma-
ceutical assistance programs targeted 
to Medicare beneficiaries. Some of 
these programs could serve as models 
for State grant programs. The gent-
leman from Florida (Mr. BILLAXIS) 
has a bill that gives them -- I think the 
QM- 
SLIMB solution is a little quicker and more 
certainly implemented, but at least we could have a debate on that.

Ninth, I believe that Congress should 
revise the FDA Reform Act of 1997. At 
a minimum, drug companies should be 
required to fully discuss major poten-
tial complications of their drugs in 
their radio and television advertising.

Tenth, finally, I think Congress 
should consider the idea of allowing 
the public to buy drugs at a discount. 
That was the recommendation of the 
committee I just chaired. It would be 
the people at the Federal level to 
look at that. I think the QMB- 
SLIMB solution is a little quicker and more 
certainly implemented, but at least we could have a debate on that.

Finally, Mr. Speaker, this is a very 
complicated issue. I believe that we 
should follow regular order. That 
means a bill in the hopper, hearings on 
the bills, subcommittee markups with 
amendments and debate, full com-
mmittee markups, all of the committees 
of jurisdiction looking at the bill. Reg-
ular order is not just for the members 
on the committee, it is for everyone in 
this House to see the process and to 
fully understand an issue. I am sorry to 
say that that regular order is not hap-
pening.

Mr. Speaker, we are going to see a 
bill rushed to the floor next week. I 
think it is important for my colleagues to be very careful. I am sure that television 
archives preserve the image of unhappy 
Chicago citizens surrounding Dan Ros-
tenkowski’s car when he visited a dec-
ade ago to explain why he thought the 
Medicare reform bill was a good bill.

Let us continue regular order.

Finally, I remain committed to see-
ing a bill signed into law. Mr. Speaker, 
let us just make sure that it is a good 
one.

Mr. Speaker, this is a photo of William 
Newton, 74, of Altoona, Iowa, a constituent in my district whose savings vanished when his late 
wife, Waneta, whose picture he is holding, 
needed prescription drugs that cost as much 
as $600 per month. “She had no health insurance — there was no 
choice,” Newton said. “It’s a very serious 
situation and it isn’t getting any better because drugs keep going up and up.”

When James Weinman of Indiana, Iowa, 
and his wife, Maxine, make their annual trip to 
Texas, the two take a side trip as well. They 
cross the border to Mexico and load up on 
prescription drugs, which aren’t covered under 
their Medigap policies. Their prescription drugs 
cost less than half as much in Mexico as they cost in Iowa.

This problem isn’t localized to Iowa. It’s every-
where. The problem that Dot Lamb, an 86-
year-old Portland, Maine, woman who has hy-
pertension, asthma, arthritis and osteoporosis 
has for her prescription drugs is all too 
common. She takes five prescription drugs 
that cost $1,625 per month—over 20% of her monthly income. Medicare and her 
supplemental insurance do not cover prescrip-
tion drugs.

Mr. Speaker, I recently received this letter from a computer-savvy senior citizen who vol-
unteers at a hospital I worked in before com-
ing to Congress:

“Dear Congressman Ganske . . . after 
completing a University of Iowa study on 
Celebrex 200 mg. for arthritis, I got a prescrip-
tion from my MD and picked it up at the hos-
pital pharmacy. My cost was $2.43 per pill with a volunteer discount.

“Later on the Internet I found the following: 
a. I can order [these drugs] through a Cana-
dian pharmacy if I use a doctor certified in 
Canada or my doctor can order it “on my be-
half” through his office for 96 cents per pill, plus shipping.

b. I can order [these drugs] through Pharmaworld, in Geneva, Switzerland, after 
paying either of two American doctors $70 for 
a phone consultation, at a price of $1.05 per pill, plus handling and my shipping.

c. I can send $15 to a Texan and get a 
phone number at a Mexican pharmacy which 
will send it without a prescription . . . at a 
price of 52 cents per pill.

This constituent closes his letter to me by 
saying, “I urge you, Dr. Ganske, to pursue the 
reform of medical costs and stop the out-
landish plundering by pharmaceutical 
companies.”

Well, Mr. Speaker, I want it to be very clear.

I am in favor of prescription drugs being more 
affordable, not just for senior citizens, but for all 
Americans.

Let’s look at the facts of the problem 
and then discuss some solutions.

There is no question that prices for drugs are rising rapidly. A recent report found that 
the prices of the 50 top-selling drugs for sen-
iors rose much faster than inflation. 33 of the 
50 drugs rose in price at least one and one-
half times inflation. Half of the drugs rose at 
least twice as fast as inflation. Nineteen drugs 
rose at least three times inflation and twenty 
percent rose at least four times the rate of 
inflation.

The prices of some drugs are rising even 
faster. Prilosec, a generic diuretic, rose 
50% in 1999; Klor-con 10, a brand name drug, 
rise 43.8%.

This was not a one-year phenomenon. 39 of 
these fifty drugs have been on the market for 
at least 6 years. The prices of three-fourths of the 
50 group rose at least 1.5 times inflation, 
over half rose at twice inflation, more than 
25% increased at three times inflation and six 
prices at five times inflation. Lorazepam 
rose 27 times inflation and furosemide 14 
times inflation!

Prilosec is one of the two-top-selling drugs 
 prescribed for seniors. The annual cost for this 
20-milligram gastrointestinal drug, unless you 
have some type of drug discount, is $1,455. 
For a widow at 150% of poverty ($12,525 in-
come per year), the annual cost of Prilosec 
will consume almost all of her income. 
In nine dollars of the senior’s total budget. (chart)

My friend from Des Moines, the Iowa Luth-
erian Hospital volunteer senior citizen, as do 
the Weinman’s from Indiana, from their shop-
ing trips in Mexico for prescription drugs, 
knows that drug prices are much higher in 
the United States than they are in other countries.

A story from USA Today comparing U.S. 
drug prices to prices in Canada, Great Britain, 
and Australia for the test best-selling drugs, 
shows that drug prices are higher here in 
the U.S. than overseas. For example, Prilosec is 
to two-and-one-half times as expensive 
in the U.S.; Prozac was two to three-quarters 
as expensive; Cor-lipor was 50 to 92% more 
expensive; and Lipravad was as much 
as four times more expensive. Only one drug, 
Epogen, was cheaper in the U.S. than in other 
countries.

High drug prices have been a problem 
for the past decade. Two GAO studies, from 1992 
and 1994, showed the same results. Com-
paring prices for 121 drugs sold in the U.S. 
and Canada, prices for 98 of the drugs were 
higher in the U.S. Comparing 77 drugs sold 
in the U.S. and the United Kingdom, 86% of 
the drugs were priced higher in the U.S. and 
three out of five were more than twice as high.

The drug companies claim that drug prices 
are so high because of research and develop-
ment costs. And, I do want to say that there 
is great need for research. For example, 
around the world we are seeing an explosion 
of antibiotic resistant bacteria, like tuber-
culosis, for which we will need research and 
development for new drugs. A new report by 
the World Health Organization outlines this 
concern about infectious diseases.
However, data from PhRMA, the pharmaceutical trade organization, that I saw presented in Chicago about one month ago, showed little increase in R&D, especially in comparison to significant increases in advertising and marketing by the pharmaceutical companies. In 1997, FDA advertising by drug companies has gotten so ubiquitous that Healthline recently reported that consumers watch, on average, nine prescription drug commercials a day!

Parenthetically, I have led the fight to improve these unfair payment rates which allow seniors living in Miami, for example, to get drug benefits that seniors living anywhere in Iowa or Nebraska or Minnesota don’t. But I’ll return to this issue later.

Drug companies may offer their retirees health benefits that include prescription drugs but fewer are doing so. From 1993–1997, prescription drug coverage of Medicare-eligible retirees dropped from 63% to 48%.

Beneficiaries who have insurance typically have coverage for Medicare’s deductibles and coinsurance, but only three of the ten standard plans offer drug coverage. All three impose a $250 deductible. Plans H and I cover 50% of the charges up to a maximum benefit of $1,500. Plan J covers 50% of the charges up to a maximum benefit of $3,000. The premiums for these plans are significantly higher than the other seven Medigap plans because of the cost of the drug benefit.

This chart shows the difference in annual costs when one has a Medigap policy with or without a drug benefit. For a Medigap policy of moderate coverage, she pays $1,320 without a drug benefit and $1,917 for a policy with a drug benefit. For extensive coverage, she would pay $1,524 for insurance without drugs and $3,252 for insurance with drug coverage.

Why is there such a price gap? Because the drugs benefit is voluntary. Only those persons who expect to actually use a significant quantity of prescriptions purchase a Medigap policy with drug coverage. But, because only those with high costs choose that option, the premiums must be high to cover the costs of a high average expenditure for drugs. What is the lesson we can learn from the current program? Adverse selection tends to drive up the per capita cost of coverage—unless the Federal treasury simply subsidizes lower premiums.

The very low-income elderly and disabled Medicare beneficiaries are also eligible for prescription drug coverage for coinsurance by their state’s Medicaid program. For these “dual eligibles,” the most important service paid for entirely by Medicaid is frequently the prescription drug coverage offered by their state’s Medicaid program. For these beneficiaries, the “drug benefit” is perhaps the most important service paid for entirely by Medicaid.

There are several groups of Medicare beneficiaries who have more limited Medicaid protection:

- Qualified Medicare Beneficiaries (QMBs) have incomes below the poverty line ($8,240 single, $11,060 couple) and assets below $4,000 single and $6,000 couple. Medicaid pays their deductible and premiums.
- Specified Low-Income Medicare Beneficiaries (SLIMBs) have incomes up to 120% of the poverty line and Medicaid pays their Medicare Part B premium.
- Qualified Individuals (QI–1) have income between 120% and 135% of poverty. Medicaid pays only their Part B premium, but not deductibles.
- Qualified Individuals (QI–2) have income between 135% of 174% of poverty. Medicaid pays part of the Part B premiums.
- QMBs and SLIMBs are not entitled to Medicare’s prescription drug benefit unless they are also eligible for full Medicaid coverage under their state’s Medicaid program. QI–1s and QI–2s are never entitled to Medicaid drug coverage.

A 1999 HCFA report showed that, despite a variety of potential sources of coverage for prescription drug costs, beneficiaries still pay a significant proportion of drug costs out-of-pocket and about one-third of Medicare beneficiaries had no coverage at all.

It is also important to look at the distribution of Medicare enrollees by total annual prescription drug spending. According to a 1997 CBO report to Congress that determines, based on the cost of the benefit, how many Medicare beneficiaries will consider the premium cost of a “voluntary” drug benefit insurance policy “worth it.”

This chart from the Medicare Payment Advisory Commission (MedPAC) report to Congress shows that in 1999, 14% of those in Medicare had no drug expenditures and 36% had expenditures of $1 to $500. 19% had drug expenditures of $500 to $1,000, 12% from $1,000 to $1,500, 14% from $1,500 to $3,000 and 6% over $3,000.

Please note that 50% of those in Medicare had drug expenditures of less than $500 per year, and 69% had drug expenses less than $1,000 per year.

As we look at plans to change Medicare to better cover the cost of prescription drugs, we face some difficult choices for which there is currently no public consensus or, for that matter, among policy makers.

There are many questions to answer. Here are a few: First, should coverage be extended to the entire Medicare population or targeted at Medicare elderly who are in poverty? Second, how poor that she’s in Medicaid but is having to choose between her rent, food, and drugs? Should the benefit be comprehensive or catastrophic? Should the drug benefit be defined? What is the right level of beneficiary cost-sharing? Should the subsidies be given to the beneficiaries or directly to the insurers? How much money can the Federal Treasury devote to this subsidy? Can we really predict the future cost of the benefit?

The desire to add a prescription drug benefit is not new. It was discussed at the inception of Medicare back in 1965 and many times since. The reason why adding a prescription benefit is such a “hot” issue is that here has been an explosion in new drugs available, huge increases in demand for these drugs, and huge increases in the costs of these drugs in just the past few years. Many of these drugs are life-preserving as with those that my own father takes.

Before I discuss the Democratic and Republican proposals, I think it is instructive to look at what happened the last time Congress tried to do something about prescription drugs in Medicare. This is because the outcome of the reform in 1988 has seared itself into the minds of the policy makers who were in Congress then and are committee chairs now. The Medicare Catastrophic Coverage Act of 1988 (MCCA) would have phased in catastrophic prescription drug coverage as part of a larger package of benefit improvements.

Under MCCA, catastrophic prescription drug coverage would have been available in 1991 for all outpatient drugs, subject to a $600 deductible and 50% coinsurance. The benefit was to be financed through a mandatory combination of an increase in the Part B premium and a portion of the new supplemental premium which was to be imposed on higher income enrollees. It is also important to note CBO estimated that MCCA would cost at $5.7 billion. Only six months later the cost estimates had more than doubled because both the average number of prescriptions used by enrollees and
the average price had risen more than pre-
viously estimated.

The plan passed the House by a margin of 328 to 72 and President Reagan enthusiastically
signed into law this largest expansion of
Medicare in history.

The only remaining was that once seniors
learned their premiums were going up, they
hated the bill! They even started demon-
strating against it. Scenes of Gray Panthers
hurting themselves onto Ways and Means
Chairman Daniel Rostenkowski's car were
carried to the nation. Angry phone calls
from senior citizens flooded the Capitol switch-
boards.

So, the very next year the House voted 360
to 66 to repeal the Medical Catastrophic Cov-
erage Act of 1988 and President Bush then
signed the largest cut in Medicare benefits in
history.

This experience left scars on the political
process that are evident in today's Democratic
and Republican proposals. What was the les-
son? Well, Dan Rostenkowski wrote an article
for the Wall Street Journal on January 17 this
year that he titled, "Poor Politicians: Why I
was the first Democrat to vote against the 1988
Medicare Plan.''

Mr. Kahn predicted that few, if any, insurers
would offer this type of product.

The GOP bill’s legislative language just became
insurmountable financial regulatory, and ad-
ministrative hurdles simply to get to market.
Assuming that it did, the pressures of ever-in-
creasing drug costs, the predictability of drug
expenses, and the likelihood that the people
most likely to purchase this coverage will be
the people anticipating the highest drug claims
would make drug-only coverage im-
possible for insurers to offer a plan to seniors
at an affordable premium.''

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would offer this type of product.

One issue that might similarly affect certain
particulars in the Democratic bill but, in the spirit of bipar-
tisanship, I want to expand on what I think is
the fundamental flaw of both plans and that is
what is called "adverse risk selection.''

If the Clinton Plan has comparable costs for
a stop-loss provision of catastrophic expenses,
the premium costs will be comparable to the
GOP plan. Under these bills, a person who
signs up for drug insurance will pay about $40
per month, or roughly $500 per year. After first
$250 out-of-pocket drug costs (deductible), the
enrollee would need to have twice $500 in
expenses. Those with less would end up pay-
ing more in premiums than they are currently
paying. Remember the MedPAC data from last
year that I showed you earlier in this speech? 69% of seniors spend less than
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The authors of the GOP bill recognize the adverse risk selection problem. They try to
address it by saying that if a beneficiary doesn’t
sign up for the drug insurance program on ini-
tial registration for Medicare, then, thereafter
when he or she wants to sign up for the drug
insurance program, the premium would be
"experienced based" and potentially more
costly. The theory is that the threat of higher
expenses for a catastrophic component like
a defined benefit package would be better.

Here is a crucial point. In order to cushion
the costs of the sicker with premiums from the
healthier, both plans calculate premiums pre-
mised on about 80% participation of all those
in Medicare.

The partisan attacks on the Clinton plan and
on the GOP plan are already starting. Demo-
crats say, "Republicans are putting seniors in
HMOs. HMOs provide terrible care and this
isn’t fair to seniors.''

Republicans say, "The Democratic plan is a one-size-fits all plan that
is too restrictive and puts politicians and
Washington bureaucrats in control.''

I could criticize each in depth, but don’t
have that much time tonight. Suffice it is
to say that the details of each of these plans is
very important as to how they would work, for
that matter, if they would actually work. The
GOP bill’s legislative language just became
available Thursday and so I have been read-
ing this 150-page document over the past few
days.

I believe that if you let plans design all sorts of benefit packages, as does the GOP plan, it
becomes very difficult for seniors to be able to
compare apples to apples, to compare equiva-
\ency of plans in terms of value. I also think
that plans can tailor benefits to cherry-pick
healthier, less expensive seniors and game
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Another way to control adverse risk selection is to try to devise a risk-adjustment system. These adjustment systems are very hard to design and implement. It remains to be seen whether risk-adjustment systems already on the books for other parts of Medicare are really going to work.

A similar benefit package helps control adverse risk selection. Consumers are able to select plans based on price and quality, rather than benefits. If plans are allowed wide variation in benefits, some plans may be more attractive to low-cost beneficiaries. The GOP plan has some weak community rating and guaranteed issue provisions in acknowledgment of this problem, but these provisions depend on oversight by the new Medicaid Benefits Administration and the Inspector General already tells us how hard it is to oversee adverse risk selection in Medicare HMOs.

One sure way to avoid adverse risk selection would be to mandate enrollment. This of course was the approach of the Medicare Catastrophic Coverage Act of 1988 and we saw what happened to that law. To say that mandatory enrollment has little appeal to policy makers in an election year is an understatement.

Finally, we could avoid adverse selection for a “voluntary” benefit like prescription drug coverage if we subsidize the benefit so much that seniors simply share very little of the cost. The benefit then becomes cost-effective for the vast majority to participate, regardless of health, because it is such a good deal.

But a $400 or $500 billion subsidy reminds me again of the article by Mr. Rostenkowski. As Rotty says in his op-ed piece, “the problem was, and still is, a lack of money.” Yes, we have a projected surplus, but the ten-year costs are enormous and the subsidized cost could, in my opinion, easily double or even triple the projected costs of both proposals.

There are several reasons why, even in this time of plenty, this is very difficult to do. First, we have made a bipartisan commitment not to use Social Security surplus funds. Second, there are millions who have no health insurance at all, much less prescription drug coverage. Should we expand coverage for some while the totally unprotected group grows? Third, Medicare is closer to insolvency than it was back in 1988. Shouldn’t our first priority be to protect the current Medicare program?

Given these constraints, what can we do to help seniors and others with high drug costs? Here’s a 10-step modest proposal for helping seniors and others with their drug costs:

1. Allow Qualified Medicare Beneficiaries (QMBs), Specified Low Income Medicare Beneficiaries (SLMBs) and Qualifying Individual assistance group to 175% of poverty to qualify for state Medicaid drug programs. States could continue to use their current administrative structures and implementation could be done quickly. About a third of Medicare beneficiaries would be eligible, especially those most in need, and the drug benefit would encourage those who qualify to sign up. A key feature of this program would be that the State programs are entitled to the best price that the manufacturer offers to any purchaser in the United States. Judging from estimates of the Bipartisan Medicare Commission, this expansion of benefits would probably cost about $60–80 billion over ten years.

2. Congress should fix the funding formula (the Annual Adjusted Per Capita Cost—AAPCC) that puts rural states and certain low-reimbursement urban areas at such a disadvantage in attracting Medicare-Plus plans that offer drug coverage. The GOP plan increases the floor to $450, but this increase is grossly inadequate. Testimony from the executive director of the American Association of Health Plans indicates that Medicaid HMOs are leaving markets where the payment is already $550. We should raise the floor to a minimum of $600 per month per beneficiary, and not do an across-the-board increase in payment which would disproportionately increase reimbursement to areas with AAPCCs already over $780.

3. In response to my constituents who want to purchase their drugs in Canada, Mexico, or Europe, we should stop the Food and Drug Administration from intimidating seniors and others with threats of confiscation of their purchases. The FDA has sent notices to people that importing drugs is against the law. The FDA should not send a warning notice regarding the importation of a drug without providing to the person involved a statement of the underlying reasons for the notice. Mr. GUTKNECHT, my colleague from Minnesota, has introduced legislation called the “Drug Import Fairness Act of 1999,” H.R. 3240, and Congress should pass this common sense provision.

4. Congress should at least fully debate Congressman TOM ALLEN’s bill, the Prescription Drug Fairness for Seniors Act, H.R. 664. The idea is simple. It would allow pharmacists to buy drugs for Medicare beneficiaries at the best prices available to the federal government in Administration drug price or the Medicaid price. It creates no new bureaucracy. There is no significant cost to the government. It gives Medicare beneficiaries negotiated lower prices, just as customers of Aetna, Cigna and other private plans receive the benefit of negotiated lower prices.

5. Congress should enact full tax deductibility retroactive to January 1, 2000, for the self-insured. It isn’t just seniors that have medical expenses. 40 million Americans have no insurance at all, much less prescription drug coverage. We should devote at least $40 billion over ten years to this problem.

6. There are 11 million children without any health insurance and, of course, no prescription drug coverage. Roughly 7 million of these kids already qualify for Medicaid or the State Child Health Insurance Program which do provide prescription drug services. These children and their parents need a commitment on the part of the federal government to find these individuals and get them signed up. We need to streamline the system to help these states.

7. Many pharmaceutical companies do have programs where they provide drugs to low-income individuals free of charge. These company programs are to be commended but most people who meet the company requirements don’t know about these programs. Both physicians and patients need to be better educated to take advantage of free or discontinued drugs.

8. Currently 16 states have pharmaceutical assistance programs targeted to Medicare beneficiaries. Some of these programs could serve as models for state grant program options. Congressmen MIKE BILIRAKIS and COLLIN PETERSON have introduced H.R. 2925, the Medicare Beneficiary Prescription Drug Assistance and Stop-loss Protection Act of 1999 which encourages states to expand their drug assistance programs with federal matching funds and assistance to beneficiaries up to 200% of poverty. I think QMB, SLMB solution would work quicker and more certainly, but this option deserves a more complete debate than it has received.

9. I believe that Congress should revise the FDA Reform Act of 1997 and restrict direct marketing to consumers by the pharmaceutical companies. There is no question that seniors are being bombarded with ads on the latest, greatest new drug with very little data on contraindications, alternatives, and potential complications, much less cost. At a minimum, drug companies should be required to fully discuss their major potential complications of these drugs in their radio and T.V. advertising.

10. Finally, I think Congress could actually get signed into law a combination of the above in a bipartisan fashion. Yes, this approach is more limited than either the Clinton plan or the House GOP plan. However, a more comprehensive drug plan should, in my opinion, be a part of any Medicare reform where all the pieces fit together so as to do no harm to one part while benefiting another. It won’t do Iowa seniors much good to have an unlimited drug benefit if they don’t have a local hospital to go to.

This prescription drug issue is complicated. As I said at the beginning of this speech, there is little consensus yet on some of the most important provisions. Furthermore, a reform like this truly should be a bipartisan effort, with more than just a few members of the other party signed on to a bill.

For a long time, in its wisdom, Congress has gone through “regular order” in legislating. This means a bill with all its details has gone through “regular order” in legislation, and that members of jurisdiction weighing in and marking up the language. Subcommittee mark-ups with amendments and debate. Full committee mark-ups with language and the implications of legislative language. Congressional Record—House

CONGRESSIONAL RECORD—HOUSE

H4927

June 21, 2000

H4927
and for political reasons a bill is being rushed to the floor. I would advise my colleagues to be very careful. I am sure that television archives preserve the image of unhappy Chicago senior citizens surrounding Dan Rostenkowski's car when he visited a decade ago to explain why he thought the Medicare reform bill then was a good deal. That tape is a warning to any politician who deviates from "regular order" and doesn't pay attention to the lessons of the past.

As for me, I will find it very difficult to vote for a bill of this magnitude that doesn't go through regular order. That means a chance to improve it in the Commerce Committee. Regardless of what happens in the next week, I remain committed to seeing a bill signed into law. Let's just make sure that it is a good one.
HIGHLIGHTS

House Committees ordered reported 17 sundry measures.
The House failed to pass H.J. Res. 90, withdrawal of the United States from the WTO.
The House passed H.R. 4635, VA, HUD, and Independent Agencies Appropriations.

Senate

Chamber Action

Routine Proceedings, pages S5479–S5581

Measures Introduced: Seven bills were introduced, as follows: S. 2759–2765. Pages S5555–S556

Measures Reported: Reports were made as follows:

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”.

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 “Thomas J. Brown Post Office Building”.

H.R. 2357, to designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the “Louise Stokes 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”.

H.R. 2952, to redesignate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the “Keith D. Oglesby Station”.

H.R. 3018, to designate the United States Post Office located at 557 East Bay Street in Charleston, South Carolina, as the “Marybelle H. Howe Post Office”.

H.R. 3699, to designate the facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, as the “Joel T. Broyhill Postal Building”.

H.R. 3701, to designate the facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, as the “Joseph L. Fisher Post Office Building”.

H.R. 4241, to designate the facility of the United States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, as the “Les Aspin Post Office Building”.

S. 2043, to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the “Hector G. Godinez Post Office Building”.

Foreign Operations Appropriations: Senate continued consideration of the motion to proceed to the consideration of S. 2522, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, taking action on the following amendments proposed thereto:

Adopted:

Leahy (for Harkin) Amendment No. 3499, to provide funds for the Secretary of State for transfer to the Department of Labor for the administration of the demobilization and rehabilitation of children soldiers in Colombia.
Leahy Amendment No. 3500, to require the Secretary of State to submit a report concerning human rights in Colombia.  

Leahy Amendment No. 3501, to provide not less than $35,000,000 for programs for the prevention, treatment, control of, and research on tuberculosis; and not less than $50,000,000 for the prevention, treatment, control of, and research on malaria.  

Leahy Amendment No. 3502, to remove Panama from the list of countries subject to the regular notification procedures of the Committees on Appropriations.  

Leahy Amendment No. 3503, to provide not less than $1,200,000 to assist blind children.  

Leahy Amendment No. 3504, to require certification that the use of certain herbicides are safe and nontoxic to human health, and that such herbicide does not contaminate ground or surface water, prior to making funding available.  

McConnell Amendment No. 3505, to provide not more than $340,000,000 for expenses incurred by the Department of Defense during fiscal year 2001 pursuant to section 43(B) of the Arms Export Control Act.  

McConnell Amendment No. 3506, to prohibit selling, or making available, Stinger ground-to-air missiles to any country bordering the Persian Gulf, unless replacing, on a one-for-one basis, previously furnished Stinger missiles nearing the scheduled expiration of their shelf-life.  

McConnell/Leahy Amendment No. 3507, to require the Secretary of the Treasury to withhold ten percent of the United States portion or payment to International Financial Institutions until certain implemented reforms are certified.  

McConnell/Leahy Amendment No. 3508, to make certain funds available to support the National Albanian American Council’s training program for Kosovar women.  

McConnell (for Gregg) Amendment No. 3509, to make certain funds available for a joint project developed by the University of Pristina, Kosova and the Dartmouth Medical School, U.S.A., to help restore the primary care capabilities at the University of Pristina Medical School and in Kosova.  

McConnell (for Shelby) Amendment No. 3510, to require the submittal to the congressional intelligence committees of reports on waivers relating to assistance to countries providing sanctuary to indicted war criminals.  

Leahy (for Baucus/Roberts) Amendment No. 3511, to make available certain environmental assistance funds for the People’s Republic of China.  


McConnell (for Lott/Cochran) Amendment No. 3513, to make certain funds available for the Foundation for Environmental Security and Sustainability to support environmental threat assessments with interdisciplinary experts and academicians utilizing various technologies to address issues such as infectious disease, and other environmental indicators and warnings as they pertain to the security of an area.  

Sessions Further Modified Amendment No. 3492, to require the Secretary of State to certify that the U.S. Government publicly supports the military and political efforts of the Government of, and the rule of law in, Colombia, prior to making assistance available under Plan Colombia.  

McConnell (for Stevens) Amendment No. 3519, to provide that foreign military financing program funds estimated to be outlaid for Egypt during fiscal year 2001 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York.  

McConnell (for Inhofe) Amendment No. 3528, to express the sense of the Senate regarding United States citizens held hostage in Colombia.  

Leahy/Kennedy Amendment No. 3532, to provide that any national of Vietnam, Cambodia, or Laos who was paroled into the United States before October 1, 1997 shall be eligible to make an application for adjustment of status.  

McConnell (for Domenici) Amendment No. 3529, to allocate development assistance funds for Habitat for Humanity International.  

Leahy (for Biden) Amendment No. 3536, expressing the sense of Congress with respect to the Non-proliferation, Antiterrorism, Demining, and Related Programs budget.  

Leahy (for Boxer) Amendment No. 3540, to express the sense of the Senate on the importance of combating mother-to-child transmission of HIV/AIDS in sub-Saharan Africa.  

McConnell (for Frist) Amendment No. 3544, to require a report on the delivery of humanitarian assistance to Sudan.
Leahy (for Wellstone) Amendment No. 3568, to allocate funds to combat trafficking in persons.  

McConnell (for Coverdell/Leahy) Modified Amendment No. 3521, to review U.S. relations with Peru and to support the restoration of democracy in Peru.  

McConnell (for Abraham) Modified Amendment No. 3584, to increase assistance for Lebanon.  

Subsequently, the amendment was further modified.  

McConnell (for McCain) Amendment No. 3495, to express the sense of the Senate concerning the violence, breakdown of rule of law, and troubled pre-election period in the Republic of Zimbabwe.  

Leahy (for Bingaman) Amendment No. 3491, to express the sense of the Senate regarding the significance of the availability of certain funds under this Act for an acceleration of the accession of Estonia, Latvia, and Lithuania to the North Atlantic Treaty Organization.  

McConnell (for Brownback) Modified Amendment No. 3539, to authorize non-lethal, material assistance to protect civilians in Sudan from attacks, slave raids, and aerial bombardment.  

McConnell Amendment No. 3553, to provide that funds made available as a U.S. contribution to the Heavily Indebted Poor Countries Trust Fund shall be subject to the regular notification procedures of the Committees on Appropriations.  

Leahy (for Byrd) Amendment No. 3537, to make technical amendments to language limiting support for Plan Colombia.  

McConnell (for Shelby) Amendment No. 3515, to make the limitation on assignment of United States personnel in Colombia inapplicable to certain intelligence and intelligence-related activities of the United States Government.  

Leahy (for Reid) Modified Amendment No. 3546, to allocate funds for the Secretary of State to meet with representatives of countries with a high incidence of the practice of dowry deaths or honor killings to develop a strategy for ending the practices.  

Leahy (for Reid) Modified Amendment No. 3547, to require that funding for the United States Agency for International Development be used to develop and integrate, where appropriate, educational programs aimed at eliminating the practice of female genital mutilation.  

Leahy (for Reid) Modified Amendment No. 3549, to authorize the Secretary of State to determine the prevalence of the practice of female genital mutilation and to develop recommendations for eliminating the practice.  

McConnell (for Chafee) Amendment No. 3545, to express the sense of the Senate that the United States should authorize and fully fund a bilateral and multilateral program of debt relief for the world’s poorest countries.  

Subsequently, adoption of the amendment was initiated.  

McConnell (for Helms) Modified Amendment No. 3572, relating to support by the Russian Federation for Serbia.  

Leahy (for Landrieu) Modified Amendment No. 3522, to provide for the rehabilitation of the transportation infrastructure of Bulgaria and Romania.  

McConnell (for Dodd) Amendment No. 3527, to make certain funds available for the Peace Corps to bring fiscal year 2001 funding up to fiscal year 2000 levels.  

McConnell (for Specter) Amendment No. 3588, to make available up to $1,000,000 to fund the Secretary of Defense to work with the appropriate authorities of the Cuban government to provide for greater cooperation, coordination, and other mutual assistance in the interdiction of illicit drugs being transported over Cuba airspace and waters.  

McConnell (for Edwards) Amendment No. 3589, to provide emergency funding to the Department of Commerce and the Department of Agriculture to assist communities affected by Hurricane Floyd, Hurricane Dennis, or Hurricane Irene.  

Rejected:  

Wellstone Amendment No. 3518, to provide additional funding for the substance abuse and mental health services. (By 89 yeas to 11 nays (Vote No. 138), Senate tabled the amendment.)  

By 19 yeas to 79 nays (Vote No. 139), Gorton Amendment No. 3517, to reduce the amount of funds made available for South American and Caribbean counternarcotics activities.  

By 47 yeas to 51 nays (Vote No. 140), Dodd/Lieberman Amendment No. 3524, to provide not less than $110,000,000 for procurement and support for helicopters to support missions to eradicate the cultivation and processing of illicit drugs in remote areas of Colombia.  

Pending:  

Helm Amendment No. 3498, to require the United States to withhold assistance to Russia by an amount equal to the amount which Russia provides Serbia.
Nickles Amendment No. 3569, to provide that not less than $100,000,000 shall be made available by the Department of State to the Department of Justice for counter narcotic activity initiatives.

A unanimous-consent agreement was reached providing for further consideration of the bill and pending amendments, with certain amendments to be proposed thereto, on Thursday, June 22, 2000. Further, the Senate will proceed to vote on the motion to advance the bill to third reading; following which, the bill will then be placed back on the Senate calendar, awaiting the House companion bill.

**Labor/HHS/Education Appropriations Agreement**

A unanimous-consent agreement was reached providing for consideration of H.R. 4577, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, on Thursday, June 22, 2000.

**Messages From the House:**

**Measures Read First Time:**

**Communications:**

**Statements on Introduced Bills:**

**Additional Cosponsors:**

**Amendments Submitted:**

**Authority for Committees:**

**Additional Statements:**

**Privileges of the Floor:**

**Record Votes:** Three record votes were taken today. (Total—140)

**Adjournment:** Senate convened at 9:30 a.m., and adjourned at 8:14 p.m., until 9:30 a.m., on Thursday, June 22, 2000. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S5581.)

### Committee Meetings

(Committees not listed did not meet)

**COMMODITY FUTURES MODERNIZATION ACT**

Committee on Agriculture, Nutrition, and Forestry: Committee concluded joint hearings with Committee on Banking, Housing, and Urban Affairs on S. 2697, to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, after receiving testimony from Lawrence H. Summers, Secretary of the Treasury; Alan Greenspan, Chairman, Board of Governors, Federal Reserve System; Arthur Levitt, Chairman, United States Securities and Exchange Commission; and William J. Rainer, Chairman, Commodity Futures Trading Commission.

**LOS ALAMOS NATIONAL LABORATORY**

Committee on Armed Services: Committee concluded open and closed hearings to examine recent security failures at the Los Alamos National Laboratory, after receiving testimony from William B. Richardson, Secretary, T.J. Glauthier, Deputy Secretary, John C. Browne, Director, Los Alamos National Laboratory, Edward J. Curran, Director, Office of Counterintelligence, and Gen. Eugene E. Habiger, USAF (Ret.), Director, Office of Security and Emergency Operations, all of the Department of Energy.

**UNITED AIRLINES-US AIRWAYS MERGER**


Hearings continue tomorrow.

**BUSINESS MEETING**

Committee on Energy and Natural Resources: Committee ordered favorably reported S. 2071, to benefit electricity consumers by promoting the reliability of the bulk-power system, with an amendment in the nature of a substitute.

**WATER AND POWER**

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded hearings on S. 1848, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Denver Water Reuse project, S. 1761, 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, S. 2301, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water, S.
2400, to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District, S. 2499, to extend the deadline for commencement of construction of a hydroelectric project in the State of Pennsylvania, and S. 2594, to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, after receiving testimony from Representative Hinojosa; Eluid L. Martinez, Commissioner, Bureau of Reclamation, Department of the Interior; Wayne Halbert, Harlingen Irrigation District, Harlingen, Texas, on behalf of the Texas Irrigation Council; Sonia Kaniger, Cameron County Irrigation District #2, San Bonita, Texas; Beverly J. Tweddle, Lakehaven Utility District, Federal Way, Washington; Mary Hoddinott, Denver Water Board, Denver, Colorado; Eric Wilkinson, Northern Colorado Water Conservancy District, Loveland; and Gary Kennedy, Mancos Water Conservancy District, Mancos, Colorado.

MINE WASTE REMEDIATION

Committee on Environment and Public Works: Subcommittee on Fisheries, Wildlife, and Drinking Water concluded hearings on S. 1787, to amend the Federal Water Pollution Control Act to improve water quality on abandoned or inactive mined land, and the related recommendations of the Western Governors’ Association, after receiving testimony from J. Charles Fox, Assistant Administrator for Water, Environmental Protection Agency; South Dakota Governor William J. Janklow, Pierre, on behalf of the Western Governors’ Association; Katherine Kelly, Idaho Department of Environmental Quality, and Jack Lyman, Idaho Mining Association, both of Boise; William B. Goodhard, Echo Bay Mines, Englewood, Colorado, on behalf of the National Mining Association; Sara Kendall, Western Organization of Resource Councils, Washington, D.C.; and David Gerard, Political Economy Research Center, Bozeman, Montana.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of John Edward Herbst, of Virginia, to be Ambassador to the Republic of Uzbekistan; Carlos Pascual, of the District of Columbia, to be Ambassador to Ukraine; Lawrence George Rossin, of California, to be Ambassador to the Republic of Croatia; and Ross L. Wilson, of Maryland, to be Ambassador to the Republic of Azerbaijan, after the nominees testified and answered questions in their own behalf.

CRIMINAL BACKGROUND CHECK SYSTEM

Committee on the Judiciary: Committee concluded hearings to examine improvements to the National Instant Criminal Background Check System, after receiving testimony from Senators Durbin and Thomas; former Senator Dole; David R. Loesch, Assistant Director in Charge, Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice; Stuart Smith, Utah Department of Public Safety, Bureau of Criminal Identification, Salt Lake City; Max Schlueter, Vermont Department of Public Safety, Crime Information Center, Waterbury; and Robin Ball, Sharp Shooting Indoor Range, Spokane, Washington.

CAMPAIGN FINANCE

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts concluded oversight hearings to examine certain issues relating to the 1996 campaign finance investigation, receiving testimony from Lee J. Radek, Chief, Public Integrity Section, Robert S. Litt, former Principal Associate Deputy Attorney General, Steven A. Mansfield, former Assistant United States Attorney, and Robert Conrad, Head of Campaign Finance Task Force, all of the Department of Justice; and Darryl Wold, Chairman, and Danny L. McDonald, Vice-Chairman, both of the Federal Election Commission.

INTELLIGENCE

Select Committee on Intelligence: Committee concluded joint closed hearings with the Committee on Energy and Natural Resources on intelligence matters, after receiving testimony from officials of the intelligence community.
House of Representatives

Chamber Action

Bills Introduced: 13 public bills, H.R. 4704–4716; and 3 resolutions, H. Con. Res. 358–360, were introduced.

Reports Filed: Reports were filed today as follows.

Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2001 (H. Rept. 106–686);


Guest Chaplain: The prayer was offered by Rev. Dr. Nelson Price of Marietta, Georgia.

Withdrawal from the WTO: The House failed to pass H.J. Res. 90, withdrawing the approval of the United States from the Agreement establishing the World Trade Organization by a yea and nay vote of 56 yea to 365 nays with 3 voting “present”, Roll No. 320.

Agreed to H. Res. 528, the rule that provided for consideration of the joint resolution by a yea and nay vote of 343 yea to 61 nays, Roll No. 298.

VA, HUD, and Independent Agencies Appropriations: The House passed H.R. 4635, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000 by a yea and nay vote of 250 yea to 169 nays, Roll No. 319. The bill was also considered on June 19.

Agreed To:

Kelly amendment, debated on June 20, that increases funding for the Public Housing Operating Fund by $1 million and decreases HUD Management and Administration, Salaries and Expenses funding accordingly (agreed to by a recorded vote of 250 yea to 170 noes, Roll No. 299); Pages H4861–62

Olver amendment that clarifies the prohibitions against the use of funding by the EPA to implement the Kyoto Protocol (agreed to by a recorded vote of 314 yea to 108 noes, Roll No. 301); Pages H4824–41, H4863

Cummings amendment no. 33 printed in the Congressional Record that increases NASA university research center funding by $2.8 million and decreases Human Space Flight funding accordingly; Pages H4848

Kaptur amendment that requires a report on the Mental Illness Research, Education, and Clinical Centers at VA Medical Centers no later than March 30, 2001;

Collins amendment that stops the designation of any area as an ozone nonattainment area under the Clear Air Act until the Supreme Court renders a decision on the EPA air quality standards that were earlier stayed by the District of Columbia Court of Appeals; (agreed to by a recorded vote of 226 yea to 199 noes, Roll No. 305); and Pages H4887–88, H4903

Hostettler amendment No. 24 printed in the Congressional Record that prohibits the use of any funding to administer the Communities for Safer Gun Coalition (agreed to by a recorded vote of 218 yea to 207 noes, Roll No. 306). Pages H4887–93, H4903–04

Rejected:

Hinchey amendment No. 22 printed in the Congressional Record, debated on June 20 that sought to increase funding for the Office of Federal Housing Enterprise Oversight by $4.7 million (rejected by a recorded vote of 207 yea to 211 noes, Roll No. 300);

Saxton amendment that sought to increase funding for the National Estuary program by $33.9 million and decrease NASA funding accordingly; Pages H4824

Roemer amendment No. 48 printed in the Congressional Record that sought to terminate the international space station program thereby reducing Human Space Flight funding by $1.8 billion and retaining $300 million for termination costs (rejected by a recorded vote of 98 yea to 325 noes, Roll No. 302);

Hinchey amendment No. 23 printed in the Congressional Record that sought to prohibit funding to implement or administer the Veterans Equitable Resource Allocation system (rejected by a recorded vote of 145 yea to 277 noes, Roll No. 303);

Hinchey amendment No. 35 printed in the Congressional Record, as modified, that sought to remove a limitation (in report language) on EPA’s use of funding for dredging or other invasive sediment remediation technologies or enforcing drinking water standards for arsenic (rejected by a recorded vote of 208 yea to 216 noes, Roll No. 304);

Nadler amendment No. 4 printed in the Congressional Record that sought to increase funding for the section 8 voucher program for housing assistance by $344 million and decrease funding for the international space station accordingly (rejected by recorded vote of 138 yea to 286 noes, Roll No. 307); and Pages H4893–97, H4904–05

Hostettler amendment No. 25 printed in the Congressional Record that sought to prohibit any HUD
funding to implement the provisions of the settlement with Smith & Wesson (rejected by a recorded vote of 206 ayes to 219 noes, Roll No. 308).

Hearing was from public witnesses.

Committee on Armed Services:

GOALS
CHINA—STRATEGIC INTENTIONS AND GOALS

Committee on Armed Services: Held a hearing on the strategic intentions and goals of China. Testimony was heard from public witnesses.

Committee on Agriculture:

PROMOTION PROGRAMS
USDA'S EXPORT AND MARKET PROMOTION PROGRAMS

Testimony was heard from Dan Glickman, Secretary of Agriculture.

Committee on International Relations:

ENVIRONMENT
INTERNATIONAL TRADE AND THE ENVIRONMENT

Committee on Government Reform:

FORCE PROTECTION

Hearing was from public witnesses.

WEALTH THROUGH THE WORKPLACE ACT
Committee on Education and the Workforce: Ordered reported, as amended, H.R. 3462, Wealth Through the Workplace Act of 1999.

MISCELLANEOUS MEASURES
Committee on Resources: Ordered reported the following bills: S. 986, Griffith Project Prepayment and Conveyance Act; H.R. 1113, amended, Colusa Basin Watershed Integrative Resources Management Act; H.R. 1142, Landowners Equal Treatment Act of 1999; S. 1275, Hoover Dam Miscellaneous Sales Act; H.R. 1787, Deschutes Resources Conservancy Reauthorization Act of 1999; H.R. 2984, amended, to direct the Secretary of the Interior, through the Bureau of Reclamation, to convey to the Loup Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska, property comprising the assets of the Middle Loup Division of the Missouri River Basin Project, Nebraska; H.R. 3160, Common Sense Protections for Endangered Species Act; H.R. 3595, amended, to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978; and H.R. 4389, amended, to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

IMPROVING SBA’S OFFICE OF ADVOCACY
Committee on Small Business: Held a hearing on Improving SBA’s Office of Advocacy. Testimony was heard from Jere W. Glover, Chief Counsel for Advocacy, SBA; and public witnesses.

MISCELLANEOUS MEASURES
Committee on Transportation and Infrastructure: Ordered reported the following: H.R. 4210, amended, Preparedness Against Terrorism Act of 2000; H.R. 1953, amended, to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, currently headquarters for the Department of State, as the “Harry S Truman Federal Building”. Signed June 20, 2000. (P.L. 106–218)


S. 291, to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District. Signed June 20, 2000. (P.L. 106–221)

S. 777, to require the Secretary of Agriculture to establish an electronic filing and retrieval system to enable farmers and other persons to file paperwork electronically with selected agencies of the Department of Agriculture and to access public information regarding the programs administered by these agencies. Signed June 20, 2000. (P.L. 106–222)

S. 2722, to authorize the award of the Medal of Honor to Ed W. Freeman, James K. Okubo, and Andrew J. Smith. Signed June 20, 2000. (P.L. 106–223)

COMMITTEE MEETINGS FOR THURSDAY,
JUNE 22, 2000
Committee on Appropriations, business meeting to mark up proposed legislation making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, 2:30 p.m., SH–216.
Committee on Commerce, Science, and Transportation, to continue hearings to examine the proposed United-US Airways merger, focusing on its effect on competition in the industry, and the likelihood it would trigger further industry consolidation, 9:30 a.m., SR–253.
Committee on Energy and Natural Resources, Subcommittee on National Parks, Historic Preservation, and Recreation, to hold hearings on S. 1643, to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa; and S. 2547, to provide for the establishment of the Great Sand Dunes National Park and the Great Sand...
Dunes National Preserve in the State of Colorado, 2:30 p.m., SD–366.

Committee on Foreign Relations, to hold hearings on the nominations of Rust Macpherson Deming, of Maryland, to be Ambassador to the Republic of Tunisia; Mary Ann Peters, of California, to be Ambassador to the People’s Republic of Bangladesh; Janet A. Sanderson, of Arizona, to be Ambassador to the Democratic and Popular Republic of Algeria; and E. Ashley Wills, of Georgia, to be Ambassador to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador to the Republic of Maldives, 10 a.m., SD–419.

Subcommittee on International Operations, to hold hearings to examine the role of security in the Department of State foreign service promotion process, 3 p.m., SD–419.

Committee on Indian Affairs, business meeting to consider S. 1658, to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota; S. 1148, to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska certain benefits of the Missouri River Basin Pick-Sloan project; and S. 2719, to provide for business development and trade promotion for Native Americans; to be followed by a hearing on Indian Trust Resolution Corporation, 11 a.m., SR–485.

Committee on the Judiciary, business meeting to mark up S. 2448, to enhance the protections of the Internet and the critical infrastructure of the United States; S. 353, to provide for class action reform, and the proposed Violence Against Women Act, 10 a.m., SD–226.

Subcommittee on Criminal Justice Oversight, to hold hearings on the threat of fugitives to safety, law, and order, 2 p.m., SD–226.

Committee on Veterans' Affairs, to hold hearings on the nomination of Thomas L. Garthwaite, of Pennsylvania, to be Under Secretary for Health of the Department of Veterans Affairs; and Robert M. Walker, of West Virginia, to be Under Secretary of Veterans Affairs for Memorial Affairs, 9:30 a.m., SR–412.

House

Committee on Agriculture, Subcommittee on Risk Management, Research, and Specialty Crops, to consider H.R. 4521, Commodity Futures Modernization Act of 2000, 9:30 a.m., 1300 Longworth.

Committee on Armed Services, Subcommittee on Military Research and Development, hearing on the technical status of the National Missile Defense program, 2 p.m., 2118 Rayburn.

Committee on Banking and Financial Services, Subcommittee on Domestic and International Monetary Policy, hearing on Monetary Stability in Latin America: Is Dollarization the Answer? 10 a.m., 2128 Rayburn.

Committee on the Budget, Defense and International Relations Task Force, hearing on TRICARE Claims Processing: Why Does It Cost So Much? 10 a.m., 210 Cannon.

Committee on Commerce, Subcommittee on Oversight and Investigations, hearing entitled: “DOE’s Fixed-Price Cleanup Contracts: Why are Costs Still Out of Control?” 10 a.m., 2322 Rayburn.


Committee on Education and the Workforce, Subcommittee on Workforce Protections, hearing on OSHA’s Compliance Directive on Bloodborne Pathogens and the Prevention of Needlestick Injuries, 10:30 a.m., 2175 Rayburn.

Committee on Government Reform, Subcommittee on the Census, oversight hearing of the 2000 Census: Status of Non-Response Followup and Close Out,” 10 a.m., 2247 Rayburn.


Committee on International Relations, to continue oversight hearings on the State Department, Part IV: Technology Modernization and Computer Security, 10 a.m., 2200 Rayburn.

Committee on Resources, Subcommittee on Forests and Forest Health, oversight hearing on an update on Forest Service Rulemakings and Regional Plans, 10 a.m., 1334 Longworth.

Subcommittee on National Parks and Public Lands, to mark up the following bills: H.R. 3033, to direct the Secretary of the Interior to make certain adjustments to the boundaries of Biscayne National Park in the State of Florida; H.R. 3520, White Clay Creek and Scenic Rivers System Act; H.R. 4125, to provide a grant under the urban park and recreation recovery program to assist in the development of a Millennium Cultural Cooperative Park in Youngstown, Ohio; H.R. 4275, Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness Act of 2000; H.R. 4404, to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law; H.R. 4579, Utah West Desert Land Exchange Act of 2000; and H.R. 3693, Castle Rock Ranch Acquisition Act of 2000, 10:30 a.m., 1324 Longworth.

Committee on Science, Subcommittee on Technology, hearing on E-Commerce: A Review of Standards and Technology to Support Interoperability, 10:30 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Ground Transportation, oversight hearing on the Department of Transportation’s Proposed Hours of Service regulations for Motor Carriers, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, to mark up the Full and Fair Political Activities Disclosure Act of 2000, 3 p.m., 1100 Longworth.
Next Meeting of the SENATE

9:30 a.m., Thursday, June 22

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 10 a.m.), Senate will begin consideration of H.R. 4577, Labor/HHS/Education Appropriations.

At 1:40 p.m., Senate will continue consideration of S. 2522, Foreign Operations Appropriations.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, June 22

House Chamber

Program for Thursday: Consideration of H.R. 4516, Legislative Branch Appropriations Act, 2001 (structured rule, one hour of debate); and

Consideration of H.R. 4690, Commerce, Justice, State, and the Judiciary Appropriations (open rule, one hour of debate).