United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, THURSDAY, OCTOBER 12, 2000 No. 127

Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 9:36 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, we praise You for Your faithfulness. We say with Jeremiah, ''The Lord's mercies are new every morning; great is Your faithfulness.''—Lamentations 3:23.

We are profoundly moved by Your merciful kindness to us. You never give up on us. When we forget You, You infuse our lives with reminders of Your consistent love; when we resist Your guidance, You find new ways to get through to us; when hubris becomes a habit, You break the bond of self-sufficiency by showing us what we could accomplish with Your supernatural strength.

Lord we confess our need for humility. It is a combination of gratitude, honesty, and courage. We admit that all that we have and are is Your gift; we honestly face the distance between what we are and what we could be in our relationships and responsibilities; we need courage to blow the cap off of our reservations and live the full potential according to Your expectations.

Here we are at the beginning of a crucial day in the life of this Senate. As we rush into the schedule, we meet You at the pass. We don't need to spin to win with You. You know all about us. And so we simply ask You to take our minds and focus our intelligence on what is best for America, to take our wills and guide us to choose what is righteous and just, and to take our voices and speak Your truth through them. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. BOND. On behalf of the leader, permit me to explain that today the Senate will begin debate on the HUD–VA appropriations bill. Senators BYRD and BOXER have amendments in order. Those amendments will be offered and debated prior to 12:30 p.m. today. At 12:30, there will be up to four stacked rollcall votes on amendments to the VA–HUD bill, final passage of the bill, and final passage of the conference report to accompany the legislative branch/Treasury-Postal appropriations bill. Following the votes, the Senate is expected to begin consideration of the conference report to accompany the Department of Defense authorization bill. There are approximately 6 hours of debate requested on the conference report. Therefore, Senators should expect votes into the evening regarding the DOD authorization conference report.

I thank my colleagues for their attention.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS

Mr. CRAPO. The clerk will report the pending bill.

The legislative clerk read as follows:

A 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.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with an amendment to strike out all after the

NOTICE

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Michael F. DiMario, *Public Printer*

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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enacting clause and insert the part printed in italic.

DIVISION A

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, 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, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $22,766,276,000, to remain available until expended: Provided, That not to exceed $17,419,000 of the amount appropriated shall be reimbursed to ''General operating expenses'' and ''Medical care'' for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical facilities revolving fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by 38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61, $1,634,000,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5) and (11) of that section, shall be charged to the account: Provided further, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $19,850,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2001, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $162,000,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, $220,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $52,000, as authorized by 38 U.S.C. chapter 31, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,726,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $432,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $532,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $750,000 of the amounts appropriated by this Act for ''General operating expenses'' and ''Medical care'' may be expended for the administrative expenses to carry out the guaranteed loan program authorized by 38 U.S.C. chapter 37, subchapter VI.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq., $20,281,587,000, plus reimbursements: Provided, That of the funds made available under this heading, $900,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2001, and shall remain available until September 30, 2002: Provided further, That of the funds made available under this heading, not to exceed $500,000,000 shall be available until September 30, 2002: Provided further, That of the funds made available under this heading, not to exceed $27,907,000 may be transferred to and merged with the appropriation for ''General operating expenses'': Provided further, That the department shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor: Provided further, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.

In addition, in conformance with Public Law 105–33 establishing the Department of Veterans Affairs Medical Care Collections Fund, such sums as may be deposited to such Fund pursuant to 38 U.S.C. 1729A may be transferred to this account, to remain available until expended for the purposes of this account.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2001, $331,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $62,000,000 plus reimbursements: Provided, That technical and consulting services offered by the Facilities Management Field Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2001.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,050,000,000: Provided, That expenses for services and assistance authorized under 38 U.S.C. 3104(a)(1), (2), (5) and (11) that the Secretary determines are necessary to enable entitled veterans (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That of the

funds made available under this heading, not to exceed $45,000,000 shall be available until September 30, 2002: Provided further, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act.

NATIONAL CEMETERY ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of the National Cemetery Administration, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of two passenger motor vehicles for use in cemeterial operations; and hire of passenger motor vehicles, $109,889,000: Provided, That of the amount made available under this heading, not to exceed $117,000 may be transferred to and merged with the appropriation for ''General operating expenses''.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $46,464,000: Provided, That of the amount made available under this heading, not to exceed $30,000 may be transferred to and merged with the appropriation for ''General operating expenses''.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $48,540,000, to remain available until expended: Provided, That except for advance planning of projects (including market-based assessments of health care needs which may or may not lead to capital investments) funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2001, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2001; and (2) by the awarding of a construction contract by September 30, 2002: Provided further, That the Secretary shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: Provided further, That no funds from any other account except the ''Parking revolving fund'', may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $162,000,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000: Provided, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected, to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from ''Medical care''.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $100,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veteran cemeteries as authorized by 38 U.S.C. 2408, $25,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2001 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2001 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for ''Construction, major projects'', ''Construction, minor projects'', and the ''Parking revolving fund'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the ''Medical care'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2001 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2000.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2001 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from ''Compensation and pensions''.

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2001, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the ''General operating expenses'' account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2001, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2001, which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act for Medical Care appropriations of the Department of Veterans Affairs may be obligated for the realignment of the health care delivery system in Veterans Integrated Service Network 12 (VISN 12) until 60 days after the Secretary of Veterans Affairs certifies that the Department has: (1) consulted with veterans organizations, medical school affiliates, employee representatives, State veterans and health associations, and other interested parties with respect to the realignment plan to be implemented; and (2) made available to the Congress and the public information from the consultations regarding possible impacts on the accessibility of veterans health care services to affected veterans.

SEC. 109. Notwithstanding any other provision of law, collections authorized by the Veterans Millennium Health Care and Benefits Act (Public Law 106–117) and credited to the appropriate Department of Veterans Affairs accounts in fiscal year 2001, shall not be available for obligation or expenditure unless appropriation language making such funds available is enacted.

SEC. 110. Not to exceed $1,200,000 may be transferred from the ''Medical care'' appropriation to the ''General operating expenses'' appropriation to fund contracts and services in support of the Veterans Benefits Administration's Benefits Delivery Center, Systems Development Center, and Finance Center, located at the Department of Veterans Affairs Medical Center, Hines, Illinois.

SEC. 111. Not to exceed $4,500,000 from the ''Construction, minor projects'' appropriation and not to exceed $2,000,000 from the ''Medical care'' appropriation may be transferred and merged with the Parking Revolving Fund for surface parking lot projects.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFERS OF FUNDS)

For activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, $13,171,000,000 and amounts that are recaptured in this account to remain available until expended: Provided, That of the total amount provided under this heading, $13,131,000,000, of which $8,931,000,000 shall be available on October 1,

2000 and $4,200,000,000 shall be available on October 1, 2001, shall be for assistance under the United States Housing Act of 1937 (''the Act'' herein) (42 U.S.C. 1437): Provided further, That the foregoing amounts be for use in connection with expiring or terminating section 8 subsidy contracts, for amendments to section 8 subsidy contracts, for enhanced vouchers (including amendments and renewals) under any provision of law authorizing such assistance under section 8(t) of the United States Housing Act of 1937 (47 U.S.C. 1437f(t)), and contracts entered into pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act: Provided further, That amounts available under the first proviso under this heading may be available for section 8 rental assistance under the Act: (1) pursuant to section 24 of the United States Housing Act of 1937 or to other authority for the revitalization of severely distressed public housing, as set forth in the Appropriations Acts for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies for fiscal years 1993, 1994, 1995, and 1997, and in the Omnibus Consolidated Rescissions and Appropriations Act of 1996; (2) for the conversion of section 23 projects to assistance under section 8; (3) for funds to carry out the family unification program; (4) for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency; (5) for tenant protection assistance, including replacement and relocation assistance; and (6) for the 1-year renewal of section 8 contracts for units in a project that is subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990: Provided further, That of the total amount provided under this heading, $40,000,000 shall be made available to nonelderly disabled families affected by the designation of a public housing development under section 7 of such Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 1361l), or the restriction of occupancy to elderly families in accordance with section 658 of such Act, and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, to other nonelderly disabled families: Provided further, That any section 8 funds determined by the Secretary to be in excess of amounts needed to maintain the normal operation and level of assistance of a section 8 program, including reasonable reserves, shall be recaptured and used to fund title I of the Housing Needs Act of 2000: Provided further, That amounts available under this heading may be made available for administrative fees and other expenses to cover the cost of administering rental assistance programs under section 8 of the United States Housing Act of 1937: Provided further, That the fee otherwise authorized under section 8(q) of such Act shall be determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998: Provided further, That of the balances remaining from funds appropriated under this heading or the heading ''Annual Contributions for Assisted Housing'' during fiscal year 2001 and prior years, $275,000,000 is rescinded.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFERS OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437), $2,955,000,000, to remain available until expended, of which up to $50,000,000 shall be for carrying out activities under section 9(h) of such Act, and for lease adjustments to section 23 projects: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937: Provided further, That of the total amount, up to $75,000,000 shall be available for the Secretary of Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2001.

PUBLIC HOUSING OPERATING FUND

(INCLUDING TRANSFERS OF FUNDS)

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $3,192,000,000, to remain available until expended: Provided, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public housing agencies and Indian tribes and their tribally designated housing entities for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901–11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, $310,000,000, to remain available until expended: Provided, That of the total amount provided under this heading, up to $5,000,000 shall be solely for technical assistance, technical assistance grants, training, and program assessment for or on behalf of public housing agencies, resident organizations, and Indian tribes and their tribally designated housing entities (including up to $150,000 for the cost of necessary travel for participants in such training) for oversight training and improved management of this program, and $10,000,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home Program administered by the Inspector General of the Department of Housing and Urban Development: Provided further, That of the amount under this heading, $10,000,000 shall be provided to the Office of Inspector General for Operation Safe Home: Provided further, That of the amount under this heading, $20,000,000 shall be available for a program named the New Approach Anti-Drug program which will provide competitive grants to entities managing or operating public housing developments, federally assisted multifamily housing developments, or other multifamily housing developments for low-income families supported by non-Federal governmental entities or similar housing developments supported by nonprofit private sources in order to provide or augment security (including personnel costs), to assist in the investigation and/or prosecution of drug related criminal activity in and around such developments, and to provide assistance for the development of capital improvements at such developments directly relating to the security of such developments: Provided further, That grants for the New Approach Anti-Drug program shall be made on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, $575,000,000 to remain available until expended of which the Secretary may use up to $10,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Public Law 104–330), $650,000,000, to remain available until expended, of which $4,000,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA and $2,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel: Provided, That none of the $2,000,000 for technical assistance and other activities shall be made available to the Secretary until all funds allocated to the National American Indian Housing Council for fiscal years 2000 and 2001 are made available to such organization: Provided further, That of the amount provided under this heading, $6,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $54,600,000: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to $200,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739), $6,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $71,956,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), $232,000,000, to remain available until expended: Provided, That the Secretary shall renew all expiring contracts that meet all program requirements before awarding funds for new contracts and activities authorized under this heading: Provided further, That the Secretary may use up to 0.75 percent of the funds under this heading for technical assistance.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $27,000,000, which

amount shall be awarded by June 1, 2001 to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: Provided further, That all grants shall be awarded on a competitive basis as specified in section 102 of the HUD Reform Act.

COMMUNITY DEVELOPMENT BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For grants to States and units of general local government and for related expenses, not otherwise provided for, to carry out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301), $4,800,000,000, to remain available until September 30, 2002: Provided, That $67,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, $3,000,000 shall be available as a grant to the Housing Assistance Council, $2,200,000 shall be available as a grant to the National American Indian Housing Council, and $41,500,000 shall be for grants pursuant to section 107 of the Act including $3,000,000 to support Alaska Native serving institutions and native Hawaiian serving institutions, as defined under the Higher Education Act, as amended: Provided further, That not to exceed 20 percent of any grant made with funds appropriated herein (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974, as amended) shall be expended for ''Planning and Management Development'' and ''Administration'' as defined in regulations promulgated by the department.

Of the amount made available under this heading, $25,000,000 shall be made available for capacity building, of which $20,000,000 shall be made available for ''Capacity Building for Community Development and Affordable Housing'', for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (Public Law 103–120), as in effect immediately before June 12, 1997, with not less than $5,000,000 of the funding to be used in rural areas, including tribal areas.

Of the amount made available under this heading, the Secretary of Housing and Urban Development may use up to $55,000,000 for supportive services for public housing residents, as authorized by section 34 of the United States Housing Act of 1937, as amended, and for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing: Provided further, That amounts made available for congregate services and service coordinators for the elderly and disabled under this heading and in prior fiscal years may be used by grantees to reimburse themselves for costs incurred in connection with providing service coordinators previously advanced by grantees out of other funds due to delays in the granting by or receipt of funds from the Secretary, and the funds so made available to grantees for congregate services or service coordinators under this heading or in prior years shall be considered as expended by the grantees upon such reimbursement. The Secretary shall not condition the availability of funding made available under this heading or in prior years for congregate services or service coordinators upon any grantee's obligation or expenditure of any prior funding.

Of the amount made available under this heading, notwithstanding any other provision of law, $60,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That no more than ten percent of any grant award may be used for administrative costs: Provided further, That not less than $10,000,000 shall be available for grants to establish YouthBuild programs in underserved and rural areas: Provided further, That of the amount provided under this paragraph, $4,000,000 shall be set aside and made available for a grant to Youthbuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amounts made available under this heading, $2,000,000 shall be available to the Utah Housing Finance Agency for the temporary use of relocatable housing during the 2002 Winter Olympic Games provided such housing is targeted to the housing needs of low-income families after the Games.

Of the amounts made available under this heading, $3,000,000 shall be awarded to Tribal Colleges and Universities to build, expand, renovate, and equip their facilities.

Of the amount made available under this heading, $130,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of economic development efforts, including $123,000,000 for making individual grants for targeted economic investments in accordance with the terms and conditions specified for such grants in Senate Report 106–410.

For the cost of guaranteed loans, $29,000,000, as authorized by section 108 of the Housing and Community Development Act of 1974: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,261,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974: Provided further, That in addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000, which shall be transferred to and merged with the appropriation for ''Salaries and expenses''.

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $25,000,000, to remain available until expended: Provided, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), as amended, $1,600,000,000, to remain available until expended: Provided, That up to $20,000,000 of these funds shall be available for Housing Counseling under section 106 of the Housing and Urban Development Act of 1968.

HOMELESS ASSISTANCE GRANTS

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); and the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act, $1,020,000,000, to remain available until expended: Provided, That not less than 30 percent of these funds shall be used for permanent housing, and all funding for services must be matched by 25 percent in funding by each grantee: Provided further, That up to 1 percent appropriated under this heading shall be used for technical assistance for management information systems and to develop an automated, client-level Annual Performance Report System: Provided further, That $500,000 shall be made available to the Interagency Council on the Homeless for administrative needs.

SHELTER PLUS CARE

For the Shelter Plus Care program, as authorized under subtitle F of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended, $105,000,000 to remain available until expended: Provided, That the Secretary of Housing and Urban Development shall award funds under this heading on a nationwide competitive basis with any renewals funded on an annual basis: Provided further, That each Shelter Plus Care applicant shall coordinate its application in conjunction with the applicable Continuum of Care.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, $996,000,000, to remain available until expended: Provided, That $783,000,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for the elderly under such section 202(c)(2), and for supportive services associated with the housing of which amount $50,000,000 shall be for service coordinators and continuation of existing congregate services grants for residents of assisted housing projects, of which amount $50,000,000 shall be for grants for the new construction or substantial rehabilitation of assisted living facilities, and of which amount $50,000,000 shall be for grants for conversion of existing section 202 projects, or portions thereof, to assisted living or related use: Provided further, That of the amount under this heading, $213,000,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance, for amendments to contracts for project rental assistance, and supportive services associated with the housing for persons with disabilities as authorized by section 811 of such Act: Provided further, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is 5 years in duration: Provided further, That the Secretary may waive any provision of such section 202 and such section 811 (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2000, and any collections

made during fiscal year 2001, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2001, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $160,000,000,000.

During fiscal year 2001, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $250,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $330,888,000, of which not to exceed $324,866,000 shall be transferred to the appropriation for ''Salaries and expenses''; not to exceed $4,022,000 shall be transferred to the appropriation for the Office of Inspector General. In addition, for administrative contract expenses, $160,000,000: Provided, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2001, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $16,000,000.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended), $101,000,000, to remain available until expended: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $21,000,000,000: Provided further, That any amounts made available in any prior appropriations Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000; of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $211,455,000, of which $193,134,000, shall be transferred to the appropriation for ''Salaries and expenses''; and of which $18,321,000 shall be transferred to the appropriation for the Office of Inspector General. In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $144,000,000: Provided, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2001, an additional $19,800,000 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2002.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $9,383,000 to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $9,383,000 shall be transferred to the appropriation for departmental ''Salaries and expenses''.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $45,000,000, to remain available until September 30, 2001: Provided, That of the amount provided under this heading, $10,000,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $44,000,000, to remain available until September 30, 2001, of which $22,000,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

(INCLUDING TRANSFER OF FUNDS)

For the Lead Hazard Reduction Program, as authorized by sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992, $100,000,000 to remain available until expended, of which $5,000,000 shall be for a Healthy Homes Initiative, which shall be a program pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related environmental diseases and hazards: Provided, That all balances for the Lead Hazard Reduction Programs previously funded in the Annual Contributions for Assisted Housing and Community Development Block Grant accounts shall be transferred to this account, to be available for the purposes for which they were originally appropriated.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $1,002,233,000, of which $518,000,000 shall be provided from the various funds of the Federal Housing Administration, $9,383,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be provided from the ''Community development block grants program'' account, $150,000 shall be provided by transfer from the ''Title VI Indian federal guarantees program'' account, and $200,000 shall be provided by transfer from the ''Indian housing loan guarantee fund program'' account: Provided, That the Secretary is prohibited from using any funds under this heading or any other heading in this Act from employing more than 77 schedule C and 20 noncareer Senior Executive Service employees: Provided further, That the Secretary is prohibited from using funds under this heading or any other heading in this Act to employ more than 9,100 employees: Provided further, That the average cost per FTE cannot exceed $78,000 by December 31, 2000, including the cost of all contractors: Provided further, That the Secretary is prohibited from using funds under this heading or any other heading in this Act to employ more than 14 employees in the Office of Public Affairs or in any position in the Department where the employee reports to an employee of the Office of Public Affairs.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $86,843,000, of which $22,343,000 shall be provided from the various funds of the Federal Housing Administration and $10,000,000 shall be provided from the amount earmarked for Operation Safe Home in the appropriation for ''Drug elimination grants for low-income housing'': Provided, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $22,000,000, to remain available until expended, to be derived from the Federal Housing Enterprise Oversight Fund: Provided, That not to exceed such amount shall be available from the General Fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the General Fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the General Fund estimated at not more than $0.

ADMINISTRATIVE PROVISIONS

FINANCING ADJUSTMENT FACTORS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100–628; 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with

projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

FAIR HOUSING AND FREE SPEECH

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2001 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS GRANTS

SEC. 203. (a) ELIGIBILITY.—Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2001 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2001 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2000 do not have the number of cases of acquired immunodeficiency syndrome required under such clause.

(b) AMOUNT.—The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 845(c)(1)(A) in fiscal year 2000, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) ENVIRONMENTAL REVIEW.—Section 856 of the Act is amended by adding the following new subsection at the end:

''(h) ENVIRONMENTAL REVIEW.—For purposes of environmental review, a grant under this subtitle shall be treated as assistance for a special project that is subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, and shall be subject to the regulations issued by the Secretary to implement such section.''.

DUE PROCESS FOR HOMELESS ASSISTANCE

SEC. 204. None of the funds appropriated under this or any other Act may be used by the Secretary of Housing and Urban Development to prohibit or debar or in any way diminish the responsibilities of any entity (and the individuals comprising that entity) that is responsible for convening and managing a continuum of care process (convenor) in a community for purposes of the Stewart B. McKinney Homeless Assistance Act from participating in that capacity unless the Secretary has published in the Federal Register a description of all circumstances that would be grounds for prohibiting or debarring a convenor from administering a continuum of care process and the procedures for a prohibition or debarment: Provided, That these procedures shall include a requirement that a convenor shall be provided with timely notice of a proposed prohibition or debarment, an identification of the circumstances that could result in the prohibition or debarment, an opportunity to respond to or remedy these circumstances, and the right for judicial review of any decision of the Secretary that results in a prohibition or debarment.

HUD REFORM ACT COMPLIANCE

SEC. 205. Except as explicitly provided in legislation, any grant or assistance made pursuant to Title II of this Act shall be made in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 on a competitive basis.

EXPANSION OF ENVIRONMENTAL ASSUMPTION AUTHORITY FOR HOMELESS ASSISTANCE PROGRAMS

SEC. 206. Section 443 of the Stewart B. McKinney Homeless Assistance Act is amended to read as follows:

"SEC. 443. ENVIRONMENTAL REVIEW.

''For purposes of environmental review, assistance and projects under this title shall be treated as assistance for special projects that are subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, and shall be subject to the regulations issued by the Secretary to implement such section.''.

TECHNICAL AMENDMENTS AND CORRECTIONS TO THE NATIONAL HOUSING ACT

SEC. 207. (a) SECTION 203 SUBSECTION DESIGNATIONS.—Section 203 of the National Housing Act is amended by—

(1) redesignating subsection (t) as subsection (u);

(2) redesignating subsection (s), as added by section 329 of the Cranston-Gonzalez National Affordable Housing Act, as subsection (t); and

(3) redesignating subsection (v), as added by section 504 of the Housing and Community Development Act of 1992, as subsection (w).

(b) MORTGAGE AUCTIONS.—The first sentence of section 221(g)(4)(C)(viii) of the National Housing Act is amended by inserting after ''December 31, 2002'' the following: '', except that this subparagraph shall continue to apply if the Secretary receives a mortgagee's written notice of intent to assign its mortgage to the Secretary on or before such date''.

(c) MORTGAGEE REVIEW BOARD.—Section 202(c)(2) of the National Housing Act is amended—

(1) in subparagraph (E), by striking ''and'';

(2) in subparagraph (F), by striking ''or their designees.'' and inserting ''and'';

(3) by adding the following new subparagraph at the end:

''(G) the Director of the Enforcement Center; or their designees.''.

INDIAN HOUSING BLOCK GRANT PROGRAM

SEC. 208. DEFINES CERTAIN LAW ENFORCEMENT OFFICERS AS ELIGIBLE FAMILIES FOR HOUSING ASSISTANCE UNDER THE INDIAN HOUSING BLOCK GRANT PROGRAM. Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6) respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

''(4) LAW ENFORCEMENT OFFICERS.—Notwithstanding paragraph (1), a recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this Act to a law enforcement officer on the reservation or other Indian area, who is employed full-time by a Federal, state, county or tribal government, and in implementing such full-time employment is sworn to uphold, and make arrests for violations of Federal, state, county or tribal law, if the recipient determines that the presence of the law enforcement officer on the Indian reservation or other Indian area may deter crime.''.

PROHIBITION ON THE USE OF FEDERAL ASSISTANCE IN SUPPORT OF THE SALE OF TOBACCO PRODUCTS

SEC. 209. None of the funds appropriated in Public Law 106–74 or any other Act may be used by the Secretary of Housing and Urban Development to provide any grant or other assistance to construct, operate, or otherwise benefit a facility, or facility with a designated portion of that facility, which sells, or intends to sell, predominantly cigarettes or other tobacco products. For the purposes of this provision, predominant sale of cigarettes or other tobacco products means cigarette or tobacco sales representing more than 35 percent of the annual total in-store, non-fuel, sales.

PROHIBITION ON IMPLEMENTATION OF PUERTO RICO PUBLIC HOUSING ADMINISTRATION SETTLEMENT AGREEMENT

SEC. 210. No funds may be used to implement the agreement between the Commonwealth of Puerto Rico, the Puerto Rico Public Housing Administration, and the Department of Housing and Urban Development, dated June 7, 2000, related to the allocation of operating subsidies for the Puerto Rico Public Housing Administration until the Puerto Rico Public Housing Administration and the Department of Housing and Urban Development submits a schedule of benchmarks and measurable goals to the Committee on Appropriations designed to address issues of mismanagement and safeguard against fraud and abuse.

HOPE VI GRANT FOR HOLLANDER RIDGE

SEC. 211. The Housing Authority of Baltimore City may use the grant award of $20,000,000 made to such authority for development efforts at Hollander Ridge in Baltimore, Maryland with funds appropriated for fiscal year 1996 under the heading ''Public Housing Demolition, Site Revitalization, and Replacement Housing Grants'' for use, as approved by the Secretary of Housing and Urban Development—

(1) for the revitalization of other severely distressed public housing within its jurisdiction; and

(2) in accordance with section 24 of the United States Housing Act of 1937.

REDUCED DOWNPAYMENT REQUIREMENTS FOR LOANS FOR TEACHERS AND UNIFORMED MUNICIPAL EMPLOYEES

SEC. 212. (a) IN GENERAL.—Section 203(b) of the National Housing Act is amended by adding at the end the following new paragraph:

''(11) REDUCED DOWNPAYMENT REQUIREMENTS FOR TEACHERS AND UNIFORMED MUNICIPAL EMPLOYEES—

''(A) IN GENERAL.—Notwithstanding the downpayment requirements contained in paragraph (2), in the case of a mortgage described in subparagraph (B)—

''(i) the mortgage shall involve a principal obligation in an amount that does not exceed the sum of 99 percent of the appraised value of the property and the total amount of initial service charges, appraisal, inspection, and other fees (as the Secretary shall approve) paid in connection with the mortgage;

''(ii) no other provision of this subsection limiting the principal obligation of the mortgage based upon a percentage of the appraised value of the property subject to the mortgage shall apply; and

''(iii) the matter in paragraph (9) that precedes the first proviso shall not apply and the mortgage shall be executed by a mortgagor who shall have paid on account of the property at least 1 percent of the cost of acquisition (as determined by the Secretary) in cash or its equivalent.

''(B) MORTGAGES COVERED.—A mortgage described in this subparagraph is a mortgage—

''(i) under which the mortgagor is an individual who—

''(I) is employed on a full-time basis as: (aa) a teacher or administrator in a public or private school that provides elementary or secondary education, as determined under State law, except that elementary education shall include pre-Kindergarten education, and except that secondary education shall not include any education beyond grade 12; or (bb) a public safety officer (as such term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968, except that such term shall not include any officer serving a public agency of the Federal Government); and

''(II) has not, during the 12-month period ending upon the insurance of the mortgage, had any present ownership interest in a principal residence located in the jurisdiction described in clause (ii); and

''(ii) made for a property that is located within the jurisdiction of—

''(I) in the case of a mortgage of a mortgagor described in clause (i)(I)(aa), the local educational agency (as such term is defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) for the school in which the mortgagor is employed (or, in the case of a mortgagor employed in a private school, the local educational agency having jurisdiction for the area in which the private school is located); or

''(II) in the case of a mortgage of a mortgagor described in clause (i)(I)(bb), the jurisdiction served by the public law enforcement agency, firefighting agency, or rescue or ambulance agency that employs the mortgagor.''.

(b) DEFERRAL AND REDUCTION OF UP-FRONT PREMIUM.—Section 203(c) of the National Housing Act is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by striking ''Notwithstanding'' and inserting ''Except as provided in paragraph (3) and notwithstanding''; and

(2) by adding at the end the following new paragraph:

''(3) DEFERRAL AND REDUCTION OF UP-FRONT PREMIUM.—In the case of any mortgage described in subsection (b)(10)(B):

''(A) Paragraph (2)(A) of this subsection (relating to collection of up-front premium payments) shall not apply.

''(B) If, at any time during the 5-year period beginning on the date of the insurance of the mortgage, the mortgagor ceases to be employed as described in subsection (b)(10)(B)(i)(I) or pays the principal obligation of the mortgage in full, the Secretary shall at such time collect a single premium payment in an amount equal to the amount of the single premium payment that, but for this paragraph, would have been required under paragraph (2)(A) of this subsection with respect to the mortgage, as reduced by 20 percent of such amount for each successive 12-month period completed during such 5-year period before such cessation or prepayment occurs.''.

COMPUTER ACCESS FOR PUBLIC HOUSING RESIDENTS

SEC. 213. (a) USE OF PUBLIC HOUSING CAPITAL AND OPERATING FUNDS.—Section 9 of the United States Housing Act of 1937 is amended—

(1) in subsection (d)(1)(E), by inserting before the semicolon the following: '', including the establishment and initial operation of computer centers in and around public housing through a Neighborhood Networks initiative, for the purpose of enhancing the self-sufficiency, employability, and economic self-reliance of public housing residents by providing them with onsite computer access and training resources'';

(2) in subsection (e)(1)—

(A) in subparagraph (I), by striking the word ''and'' at the end;

(B) in subparagraph (J), by striking the period and inserting ''; and''; and

(C) by adding after subparagraph (J) the following:

''(K) the costs of operating computer centers in public housing through a Neighborhood Networks initiative described in subsection (d)(1)(E), and of activities related to that initiative.''; and

(3) in subsection (h)—

(A) in paragraph (6), by striking the word ''and'' at the end;

(B) in paragraph (7), by striking the period and inserting ''; and''; and

(C) by inserting after paragraph (7) the following:

''(8) assistance in connection with the establishment and operation of computer centers in public housing through a Neighborhood Networks initiative described in subsection (d)(1)(E).''.

(b) DEMOLITION, SITE REVITALIZATION, REPLACEMENT HOUSING, AND TENANT-BASED ASSISTANCE GRANTS FOR PROJECTS.—Section 24 of the United States Housing Act of 1937 is amended—

(1) in subsection (d)(1)(G), by inserting before the semicolon the following: '', including a Neighborhood Networks initiative for the establishment and operation of computer centers in public housing for the purpose of enhancing the self-sufficiency, employability, an economic self-reliance of public housing residents by providing them with onsite computer access and training resources''; and

(2) in subsection (m)(2), in the first sentence, by inserting before the period the following '', including assistance in connection with the establishment and operation of computer centers in public housing through the Neighborhoods Networks initiative described in subsection (d)(1)(G)''.

MARK-TO-MARKET REFORM

SEC. 214. Notwithstanding any other provision of law, the properties known as the Hawthornes in Independence, Missouri shall be considered eligible multifamily housing projects for purposes of participating in the multifamily housing restructuring program pursuant to title V of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 (Public Law 105–65).

SECTION 236 EXCESS INCOME

SEC. 215. Section 236(g)(3)(A) of the National Housing Act is amended by striking out ''2000'' and inserting in lieu thereof ''2001''.

CDBG ELIGIBILITY

SEC. 216. Section 102(a)(6) of the Housing and Community Development Act of 1974 is amended by adding at the end the following subparagraph:

''(F) Notwithstanding any other provision of this paragraph, any county that was classified as an urban county pursuant to subparagraph (A) for fiscal year 1999, at the option of the county, may hereafter remain classified as an urban county for purposes of this Act.''.

LOW-INCOME MULTIFAMILY RISK-SHARING MORTGAGE INSURANCE PROGRAM

SEC. 217. (a) The Secretary shall carry out a mortgage insurance program through the Federal Housing Administration in conjunction with State housing finance agencies to insure multifamily mortgages for housing that qualifies under this Title. This program shall be consistent with the requirements established under section 542 of the Housing and Community Development Act of 1992, except that housing that meet the requirements of this Title shall be eligible for mortgage insurance.

(b) Housing shall qualify for insurance under this section only if the housing—

(1) has not less than 25 percent of the units assisted under this title occupied by very low-income families who pay as a contribution towards rent (not including any Federal or State rental subsidy provided on behalf of the family) not more than 20 percent of the adjusted income of a family whose income equals 50 percent of the median income for the area, as determined by the Secretary, with adjustments for the number of bedrooms in the unit, except that the Secretary may establish income ceilings higher or lower than 50 percent of the median income for the area on the basis of the Secretary's findings that variations are necessary because of the prevailing levels of construction costs or fair market rents, or unusually high or low family incomes; and

(2) will remain affordable under the requirements provided in paragraphs (1) and (2), according to legally binding commitments satisfactory to the Secretary, for not less than 40 years, without regard to the term of the mortgage or to the transfer of ownership, or for such period that the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this Act, including foreclosure where the responsibility for maintaining the low-income character of the property will be the responsibility of the State housing finance agency.

(c) Not less than $50,000,000 of the funds made available under the cost of loan guarantee modifications under the heading ''FHA—General and special risk program account'' shall be used to support the cost of mortgages insured under this section.

EXEMPTION FOR ALASKA AND MISSISSIPPI FROM REQUIREMENT OF RESIDENT ON BOARD OF PHA

SEC. 218. Public housing agencies in the State of Alaska and Mississippi shall not be required to comply with section 2(b) of the United States Housing Act of 1937, as amended, during fiscal year 2001.

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $26,196,000, to remain available until expended.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $7,000,000: Provided, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions: Provided further, That there shall be an Inspector General at the Board who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: Provided further, That an individual appointed to the position of Inspector General of the Federal Emergency Management Agency (FEMA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That the Inspector General of the Board shall utilize personnel of the Office of Inspector General of FEMA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

FUND PROGRAM ACCOUNT

For grants, loans, and technical assistance to qualifying community development lenders, and administrative expenses of the Fund, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $95,000,000, to remain available until September 30, 2002, of which $5,000,000 shall be for grants, loans, and technical assistance to qualifying community development lenders, organizations that have experience and expertise in banking and lending in Indian country, and other appropriate organizations to benefit Native American Communities, of which up to $8,000,000 may be used for

administrative expenses, up to $16,500,000 may be used for the cost of direct loans, and up to $1,000,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $53,000,000: Provided further, That not more than $30,000,000 of the funds made available under this heading may be used for programs and activities authorized in section 114 of the Community Development Banking and Financial Institutions Act of 1994.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $52,500,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the ''Corporation'') in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the ''Act'') (42 U.S.C. 12501 et seq.), $433,500,000, to remain available until September 30, 2002: Provided, That not more than $29,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)) with not less than $2,000,000 targeted for the acquisition of a cost accounting system for the Corporation's financial management system, an integrated grants management system that provides comprehensive financial management information for all Corporation grants and cooperative agreements, and the establishment, operation and maintenance of a central archives serving as the repository for all grant, cooperative agreement, and related documents, without regard to the provisions of section 501(a)(4)(B) of the Act: Provided further, That not more than $2,500 shall be for official reception and representation expenses: Provided further, That not more than $75,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.), of which not to exceed $5,000,000 shall be available for national service scholarships for high school students performing community service: Provided further, That not more than $207,500,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which not more than $45,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)); and not more than $25,000,000 may be made available to activities dedicated to developing computer and information technology skills for students and teachers in low-income communities: Provided further, That not more than $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That not more than $18,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That not more than $28,500,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): Provided further, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, shall expand significantly the number of educational awards provided under subtitle D of title I, and shall reduce the total Federal costs per participant in all programs: Provided further, That of amounts available in the National Service Trust account from previous appropriations Acts, $50,000,000 shall be rescinded: Provided further, That not more than $7,500,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc. only to support efforts to mobilize individuals, groups, and organizations to build and strengthen the character and competence of the Nation's youth: Provided further, That not more than $5,000,000 of the funds made available under this heading shall be made available to the Communities In Schools, Inc. to support dropout prevention activities: Provided further, That not more than $2,500,000 of the funds made available under this heading shall be made available to the Parents as Teachers National Center, Inc. to support childhood parent education and family support activities: Provided further, That not more than $2,500,000 of the funds made available under this heading shall be made available to the Boys and Girls Clubs of America to establish an innovative outreach program designed to meet the special needs of youth in public and Native American housing communities.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $5,000,000, which shall be available for obligation through September 30, 2002.

ADMINISTRATIVE PROVISION

The Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74) is amended under the heading ''Corporation for National and Community Service, National and Community Service Programs Operating Expenses'' in title III by reducing to $229,000,000 the amount available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (with a corresponding reduction to $40,000,000 in the amount that may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of the Act), and by increasing to $33,500,000 the amount available for quality and innovation activities authorized under subtitle H of title I of the Act, with the increase in subtitle H funds made available to provide a grant covering a period of three years to support the ''P.A.V.E. the Way'' project described in House Report 106–379.

COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251–7298, $12,445,000, of which $895,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of one passenger motor vehicle for replacement only, and not to exceed $1,000 for official reception and representation expenses, $15,949,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $670,000,000, which shall remain available until September 30, 2002.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $2,000,000,000, 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 implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended,

and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $34,094,000, 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, $23,000,000, 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 (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; $1,400,000,000 (of which $100,000,000 shall not become available until September 1, 2001), to remain available until expended, consisting of $700,000,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $700,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended by Public Law 101–508: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That $11,000,000 of the funds appropriated under this heading shall be transferred to the ''Office of Inspector General'' appropriation to remain available until September 30, 2001: Provided further, That $38,000,000 of the funds appropriated under this heading shall be transferred to the ''Science and technology'' appropriation to remain available until September 30, 2001: Provided further, That notwithstanding section 111(m) of CERCLA or any other provision of law, $75,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry (ATSDR) to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of SARA: Provided further, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A): Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2000.

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 $75,000 per project, $72,096,000, 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, 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, $3,320,000,000, to remain available until expended, of which $1,350,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended; $820,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $50,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $35,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; $110,000,000 shall be for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in the Senate Report (106–410) accompanying this Act (H.R. 4635); and $955,000,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities: Provided, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, as amended, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 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: Provided further, That for fiscal year 2001 and thereafter, and notwithstanding section 518(f) of the Federal Water Pollution Control Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to section 319(h) and 518(e) of that Act: Provided further, That beginning in fiscal year 2001 and thereafter, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act, as amended, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under Title VI of that Act may be reserved by the Administrator for grants under section 518(c) of such Act: Provided further, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

ADMINISTRATIVE PROVISIONS

For fiscal year 2001 and thereafter, the obligated balances of sums available in multiple-year appropriations accounts shall remain available through the seventh fiscal year after their period of availability has expired for liquidating obligations made during the period of availability.

Beginning in fiscal year 2001 and thereafter, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to directly implement Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

Section 176(c) of the Clean Air Act is amended by adding at the end the following new paragraph:

''(6) Notwithstanding paragraph 5, this subsection shall not apply with respect to an area designated nonattainment under section 107(d)(1) until one year after that area is first designated nonattainment for a specific national ambient air quality standard. This paragraph only applies with respect to the national ambient air quality standard for which an area is newly designated nonattainment and does not affect the area's requirements with respect to all other national ambient air quality standards for which the area is designated nonattainment or has been redesignated from nonattainment to attainment with a maintenance plan pursuant to section 175(A) (including any pre-existing national ambient air quality standard for a pollutant for which a new or revised standard has been issued).''.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,201,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, $2,900,000: Provided, That, notwithstanding any other provision of law, no funds other than those appropriated under this heading shall be used for or by the Council on Environmental Quality and Office of Environmental Quality: Provided further, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,660,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $300,000,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed $2,900,000 may be transferred to ''Emergency management planning and assistance'' for the consolidated emergency management performance grant program; and up to $15,000,000 may be obligated for flood map modernization activities following disaster declarations.

For an additional amount for ''Disaster relief'', $2,609,220,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $1,678,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $427,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, $215,000,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $10,000,000: Provided, That notwithstanding any other provision of law, the Inspector General of the Federal Emergency Management Agency shall also serve as the Inspector General of the Chemical Safety and Hazard Investigation Board.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $269,652,000: Provided, That for purposes of predisaster mitigation pursuant to 42 U.S.C. 5131(b) and (c) and 42 U.S.C. 5196(e) and (i), $25,000,000 of the funds made available under this heading shall be available until expended for project grants.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2001, as authorized by Public Law 106–74, shall not be less than 100 percent of the amounts anticipated by FEMA necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2001, and remain available until expended.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended, $110,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3½ percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, as amended, not to exceed $25,736,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $77,307,000 for flood mitigation, including up to $20,000,000 for expenses under section 1366 of the National Flood Insurance Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2002. In fiscal year 2001, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $455,627,000 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. For fiscal year 2001, flood insurance rates shall not exceed the level authorized by the National Flood Insurance Reform Act of 1994.

Section 1309(a)(2) of the National Flood Insurance Act (42 U.S.C. 4016(a)(2)), as amended by Public Law 104–208, is further amended by striking ''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 $20,000,000 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, operations, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $5,400,000,000, to remain available until September 30, 2002.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $5,837,000,000, to remain available until September 30, 2002.

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; space communications activities including operations, production and services; maintenance; construction of facilities including repair, rehabilitation, and modification of facilities, minor construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed $40,000 for official reception and representation expenses; and purchase (not to exceed 33 for replacement only) and hire of passenger motor vehicles, $2,584,000,000, to remain available until September 30, 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $23,000,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', ''Science, aeronautics and technology'', or ''Mission support'' by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in ''Mission support'' pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', ''Science, aeronautics and technology'',

or ''Mission support'' by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2003.

Notwithstanding the limitation on the availability of funds appropriated for ''Mission support'' and ''Office of Inspector General'', amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2000 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year.

Unless otherwise provided for in this Act or in the joint explanatory statement of the committee of conference accompanying this Act, no part of the funds appropriated for ''Human space flight'' may be used for the development of the International Space Station in excess of the amounts set forth in the budget estimates submitted as part of the budget request for fiscal year 2001.

Notwithstanding any other provision of law, all amounts made available for missions, programs and individual activities and research under ''Human space flight'', ''Science, aeronautics and technology'', or ''Mission support'' by this appropriations Act shall be funded in accordance with the terms and conditions specified in Senate Report 106–410, with any changes subject to the approval of the Committees on Appropriations pursuant to a reprogramming request by the National Aeronautics and Space Administration.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2001, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795), shall not exceed $600,000,000: Provided, That administrative expenses of the Central Liquidity Facility in fiscal year 2001 shall not exceed $296,303.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; authorized travel; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $3,245,562,000, of which not to exceed $285,410,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2002: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $65,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crop: Provided further, That no funds in this or any other Act shall be used to acquire or lease a research vessel with ice-breaking capability built or retrofitted by a shipyard located in a foreign country if such a vessel of United States origin can be obtained at a cost no more than 50 per centum above that of the least expensive technically acceptable foreign vessel bid: Provided further, That, in determining the cost of such a vessel, such cost be increased by the amount of any subsidies or financing provided by a foreign government (or instrumentality thereof) to such vessel's construction: Provided further, That if the vessel contracted for pursuant to the foregoing is not available for the 2002–2003 austral summer Antarctic season, a vessel of any origin may be leased for a period of not to exceed 120 days for that season and each season thereafter until delivery of the new vessel.

MAJOR RESEARCH EQUIPMENT

For necessary expenses of major construction projects pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $109,100,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $765,352,000, to remain available until 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: Provided further, That $10,000,000 shall be available for the Office of Innovation Partnerships.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $170,890,000: 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

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $6,280,000, to remain available until September 30, 2002.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $80,000,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $24,480,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefore in the budget estimates submitted for the appropriations: Provided, That this provision does not apply to accounts that do not contain an object classification for travel: Provided further, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: Provided further, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefore set forth in the estimates in the same proportion.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

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

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

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

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

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

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

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

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: Provided, That the extent of cost sharing

by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

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

SEC. 410. Except as otherwise provided under existing law, or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

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

SEC. 412. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

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

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

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

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

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

SEC. 417. Such sums as may be necessary for fiscal year 2001 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 419. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 2001 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 420. Notwithstanding section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)), funds made available pursuant to authorization under such section for fiscal year 2001 may be used for implementing comprehensive conservation and management plans.

SEC. 421. Notwithstanding any other provision of law, the term ''qualified student loan'' with respect to national service education awards shall mean any loan made directly to a student by the Alaska Commission on Postsecondary Education, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

SEC. 422. None of the funds made available in this Act may be used to carry out Executive Order No. 13083.

SEC. 423. Unless otherwise provided for in this Act, no part of any appropriation for the Department of Housing and Urban Development shall be available for any activity in excess of amounts set forth in the budget estimates submitted for the appropriations.

SEC. 424. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

SEC. 425. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 426. NASA FULL COST ACCOUNTING. Title III of the National Aeronautics and Space Act of 1958, Public Law 85–568, 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 accounts, ''Human space flight'', ''International space station'', ''Science, aeronautics and technology'', and an account for amounts appropriated for the necessary expenses of the Office of Inspector General. Appropriations shall remain available for two fiscal years. Each account shall include the planned full costs of the Administration's related activities.

''(b) The Administrator shall notify the Committees on Appropriations whenever any program or activity exceeds fifteen percent of the annual or total budget of such program or activity.''.

DIVISION B

HOUSING NEEDS ACT OF 2000

SECTION 1. SHORT TITLE.—This Act may be cited as the ''Housing Needs Act of 2000''.

SEC. 2. TABLE OF CONTENTS.—The table of Contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of Contents.
Sec. 3. Findings and Purpose.
Sec. 4. Definitions.

TITLE I—PRODUCTION OF NEW HOUSING FOR LOW AND VERY LOW-INCOME FAMILIES

Sec. 101. Authority.
Sec. 102. Allocation of Resources.
Sec. 103. Affordable Housing Expansion Plan.
Sec. 104. Eligible Use of Funds.
Sec. 105. Matching Requirements.
Sec. 106. Distribution of Assistance.
Sec. 107. Eligible Affordable Housing.
Sec. 108. Tenant Selection.
Sec. 109. Prohibition on Use of Funds for Service Coordinators or Supportive Services.
Sec. 110. Penalties for Misuse of Funds.
Sec. 111. Subsidy Layering Requirements.
Sec. 112. Multifamily Risk-sharing Mortgage Insurance Program.
Sec. 113. Regulations.
Sec. 114. Sunset.

TITLE II—SECTION 8 VOUCHER SUCCESS DEMONSTRATION

Sec. 201. Authority.
Sec. 202. Eligibility.
Sec. 203. Limitation on Funding.

TITLE III—PRESERVATION OF LOW-INCOME HOUSING AND MISCELLANEOUS PROVISIONS

Sec. 301. Section 8 Project-based Flexibility.
Sec. 302. Disposition of HUD-held and HUD-owned Multifamily Projects.
Sec. 303. Family Unification Program.
Sec. 304. Permanent Extension of FHA Multifamily Mortgage Credit Demonstrations.

SEC. 3. FINDINGS AND PURPOSE.—

(a) FINDINGS.—The Congress finds that—

(1) the Nation has not made adequate progress in maintaining and expanding the inventory of affordable housing for low and very low-income families, including persons with disabilities and seniors;

(2) despite continued economic expansion, worst case housing needs have reached an all-time high of 5.4 million families, increasing by 4 percent between 1995 and 1997;

(3) the number of rental units which are affordable to extremely low-income families has decreased by 5 percent since 1991, a loss of over 37,000 units;

(4) the Administration and the Department of Housing and Urban Development has proposed increased funding for incremental rental vouchers as the primary solution to making additional housing available for low-income and very low-income families;

(5) while section 8 vouchers represent housing choice as a matter of philosophy, in many cases

families using vouchers have difficult time finding housing, especially in low vacancy market areas;

(6) in many cases, where section 8 vouchers are used, the result is de facto redlining where low-income families are relegated to the poorest and most distressed neighborhoods with limited opportunities for transportation, employment and quality schools;

(7) section 8 vouchers do not produce additional new units of affordable low-income housing since banks will not finance new construction with one year termed portable assistance;

(8) the Department of Housing and Urban Development has not provided the necessary leadership to assist in the development of needed affordable housing;

(9) a large number of States and local government have been successful in developing new tools and opportunities for the development of additional affordable housing for low-income families, including the development of affordable mixed income housing as part of State and local redevelopment strategies for distressed communities; and

(10) State housing finance agencies have the local experience and knowledge to maximize the development of additional units of affordable low-income housing and to preserve the existing stock of low-income affordable housing.

(b) The purpose of this Act is to redirect the primary responsibility for the preservation of existing affordable low-income housing and the expansion of the inventory of affordable rental housing for very low-income and low-income families from the Federal Government to State and local governments through State housing finance agencies.

SEC. 4. DEFINITIONS.—For purposes of this Act, the following definitions shall apply:

(1) The term ''low-income families'' shall have the same meaning as provided under section 3(b)(2) of the United States Housing Act of 1937.

(2) The term ''project-based assistance'' shall have the meaning given such term in section 16(c)(6) of the United States Housing Act of 1937, except that such term includes assistance under any successor programs to the programs referred to in such section.

(3) The term ''public housing agency'' shall have the meaning given such term in section 3(b) of the United States Housing Act of 1937.

(4) The term ''Secretary'' shall mean the Secretary of Housing and Urban Development.

(5) The term ''section 8 assistance'' or ''voucher'' shall have the meaning given such term in section 8(f) of the United States Housing Act of 1937.

(6) The term ''State'' shall mean the United States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, America Samoa, and any other territory of possession of the United States.

(7) The term ''State housing finance agency'' shall mean any State or local housing finance agency that has been designated by a State to administer this program.

(8) The term ''very low-income families'' shall have the same meaning as provided under section 3(b) of the United States Housing Act of 1937.

TITLE I—PRODUCTION OF NEW HOUSING FOR LOW AND VERY LOW-INCOME FAMILIES

SEC. 101. The Secretary of Housing and Urban Development shall make funds available to State housing finance agencies as provided under section 102 for the rehabilitation of existing low-income housing, for the development of new affordable low-income housing units, and for the preservation of existing low-income housing units that are at risk of becoming unavailable for low-income families.

SEC. 102. ALLOCATION OF RESOURCES.—

(a) IN GENERAL.—The Secretary shall allocate funds approved in appropriations Acts to State housing finance agencies to carry out this Title. Subject to the requirements of subsection (b) and as otherwise provided in this subsection, each State housing finance agency shall be eligible to receive an amount of funds equal to the proportion of the per capita population of the State in relation to the population of the United States which shall be determined on the basis of the most recent decennial census for which data are available. For each fiscal year, the Secretary shall reserve for grants to Indian tribes 1 percent of the amount appropriated under the applicable appropriations Act. The Secretary shall provide for distribution of amounts under this subsection to Indian tribes on the basis of a competition conducted pursuant to specific criteria developed after notice and public comment.

(b) MINIMUM STATE ALLOCATION.—If the allocation under subsection (a), when applied to the funds approved under this section in appropriations Acts for a fiscal year, would result in funding of less than $10,000,000 to any State housing finance agency, the allocation for such State housing finance agency shall be $10,000,000 and the increase shall be deducted pro rata from the allocation of all other State housing finance agencies.

(c) CRITERIA FOR REALLOCATION.—The Secretary shall reallocate any funds previously allocated to a State housing finance agency for any fiscal year in which the State housing finance agency fails to provide its match requirements or fails to submit an affordable housing expansion plan that is approved by the Secretary. All such funds shall be reallocated pursuant to the formula provided under subsection (a).

SEC. 103. AFFORDABLE HOUSING EXPANSION PLAN.—

(a) SUBMISSION OF AFFORDABLE HOUSING EXPANSION PLAN.—The Secretary shall allocate funds under section 102 to a State housing finance agency only if the State housing finance agency has submitted an affordable housing expansion plan, with annual updates, approved by the Secretary and designed to meet the overall very low- and low-income housing needs of both the rural and urban areas of the State in which the State housing finance agency is located. This plan shall be developed in conjunction with the housing strategies developed for the applicable States and localities under section 105 of Cranston-Gonzalez National Affordable Housing Act.

(b) CITIZEN PARTICIPATION.—Before submitting an affordable housing expansion plan to the Secretary, a State housing finance agency shall—

(1) make available to citizens of the State, public agencies and other interested parties information regarding the amount of assistance expected to be made available under this Title and the range of investment or other uses of such assistance that the State housing finance agency may undertake;

(2) publish the proposed plan in a manner that, in the determination of the Secretary, affords affected citizens, public agencies, and other interested parties a reasonable opportunity to review its contents and to submit comments on the proposed plan;

(3) hold one or more public hearings to obtain the views of citizens, public agencies, and other interested parties on the housing needs of the State; and

(4) provide citizens, public agencies, and other interested parties with reasonable access to records regarding the uses of any assistance that the State housing finance agency may have received under this Title during the preceding 5 years.

SEC. 104. ELIGIBLE USE OF FUNDS.—Funds made available under this title shall be used for—

(1) the acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing for mixed income rental housing where the assistance provided under section 102 shall be used to assist units targeted to low and very low-income families, including the elderly and persons with disabilities;

(2) the moderate and substantial rehabilitation of rental housing units that are currently assisted under State or Federal low-income housing programs;

(3) the preservation of Federal and State low-income housing units that are at risk of being no longer affordable to low-income families;

(4) the purchase and creation of land trusts to allow low- and moderate-income families an opportunity to rent homes in areas of low-vacancy;

(5) conversion of public housing to assisted living facilities for the elderly;

(6) conversion of section 202 elderly housing to assisted living facilities for the elderly;

(7) conversion of HUD-owned or HUD-held multifamily properties upon disposition to housing for the elderly, housing for persons with disabilities and to assisted living facilities for the elderly;

(8) creation of sinking funds to maintain reserves held by State housing finance agencies to preserve the low-income character of the housing; and

(9) the creation of public/private partnerships in which corporations and nonprofits are encouraged to develop partnerships for the creation of affordable low-income housing.

SEC. 105. MATCHING REQUIREMENTS.—

(a) IN GENERAL.—Each State housing finance agency shall make contributions for activities under this title that total, throughout a fiscal year, not less than 75 percent of the funds made available under this title.

(b) ALLOWABLE AMOUNTS.—

(1) APPLICATION TO HOUSING.—A contribution shall be recognized for purposes of a match under subsection (a) only if—

(A) is made with respect to housing that qualifies as affordable housing under section 107; or

(B) is made with respect to any portion of a project for which not less than 50 percent of the units qualify as affordable housing under section 107.

(2) FORM.—A contribution may be in the form of—

(A) cash contributions from non-Federal sources, which may not include funds from a grant under section 106(b) or section 106(d) of the Housing and Community Development Act of 1974 or from the value of low income tax credits allocated pursuant to the Internal Revenue Code;

(B) the value of taxes, fees or other charges that are normally and customarily imposed but are waived, forgone, or deferred in a manner that achieves affordability of housing assisted under this title;

(C) the value of land or other real property as appraised according to procedures acceptable to the Secretary;

(D) the value of investment in on-site and off-site infrastructure directly required for affordable housing assisted under this title;

(E) the reasonable value of any site-preparation and construction materials and any donated or voluntary labor in connection with the site-preparation for, construction or rehabilitation of affordable housing; and

(F) such other contributions to affordable housing as the Secretary considers appropriate.

(3) ADMINISTRATIVE EXPENSES.—Contributions for administrative expenses may not be recognized for purposes of this section.

SEC. 106. DISTRIBUTION OF ASSISTANCE.—Each State housing finance agency shall ensure that the development of new housing under this section is designed to meet both urban and rural needs, and prioritize funding, to the extent practicable, in conjunction with the economic redevelopment of an area.

SEC. 107. ELIGIBLE AFFORDABLE HOUSING.—

(a) PRODUCTION OF AFFORDABLE HOUSING.—In the case of new construction, housing shall

qualify for assistance under this title only if the housing—

(1) has not less than 30 percent of the units assisted under this title occupied by very low-income families who pay as a contribution towards rent (not including any Federal or State rental subsidy provided on behalf of the family) not more than 20 percent of the adjusted income of a family whose income equals 50 percent of the median income for the area, as determined by the Secretary, with adjustments for the number of bedrooms in the unit, except that the Secretary may establish income ceilings higher or lower than 50 percent of the median income for the area on the basis of the Secretary's findings that variations are necessary because of the prevailing levels of construction costs or fair market rents, or unusually high or low family incomes;

(2) except as provided under paragraph (1), requires all units assisted under this title to be occupied by households that are low-income families and who pay no more than 30 percent of 100 percent of the median income for an area; and

(3) will remain affordable under the requirements provided in paragraphs (1) and (2), according to legally binding commitments satisfactory to the Secretary, for not less than 40 years, without regard to the term of the mortgage or to the transfer of ownership, or for such period that the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this Act, including foreclosure where the responsibility for maintaining the low-income character of the property will be the responsibility of the State housing finance agency.

SEC. 108. TENANT SELECTION.—An owner of any housing assisted under this Title shall establish tenant selection procedures consistent with the affordable housing expansion plan of the State housing finance agency.

SEC. 109. PROHIBITION ON USE OF FUNDS FOR SERVICE COORDINATORS OR SUPPORTIVE SERVICES.—No funds under this Act may be used for service coordinators or supportive services.

SEC. 110. PENALTIES FOR MISUSE OF FUNDS.—The Secretary shall recapture any assistance awarded under this Title to the extent the assistance has been used for impermissible purposes. To the extent the Secretary identifies a pattern and practice regarding the misuse of funds awarded under this Title, the Secretary shall deny assistance to that State for up to 5 years, subject to notice and an opportunity for judicial review.

SEC. 111. SUBSIDY LAYERING REQUIREMENTS.—The requirements of section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 may be satisfied in connection with assistance, including a commitment to insure a mortgage, provided under this Title by a certification of a State housing finance agency to the Secretary that the combination of assistance within the jurisdiction of the Secretary and other government assistance provided in connection with a property assisted under this Title shall not be any greater than is necessary to provide affordable housing.

SEC. 112. MULTIFAMILY RISK-SHARING MORTGAGE INSURANCE PROGRAM.—The Secretary shall carry out a mortgage insurance program through the Federal Housing Administration in conjunction with State housing finance agencies to insure multifamily mortgages for housing that qualifies under this Title. This program shall be consistent with the requirements established under section 542 of the Housing and Community Development Act of 1992, except that housing that meet the requirements of this Title shall be eligible for mortgage insurance.

SEC. 113. REGULATIONS.—The Secretary shall issue notice and comment rulemaking with final regulations issued no later than 6 months after the date of enactment of this Act.

SEC. 114. SUNSET.—Title I shall expire on October 1, 2001, except that all funds shall remain available until expended.

TITLE II—SECTION 8 VOUCHER SUCCESS DEMONSTRATION

SEC. 201. AUTHORITY.—The Secretary shall establish a voucher success demonstration to permit public housing agencies to increase the payment standard for section 8 vouchers for an area in excess of the payment standard established under section 8(o)(B) of the United States Housing Act of 1937 to assist in helping low-income and very low-income families obtain housing in tight rental markets. Except as otherwise provided herein, all assistance provided under this Title shall be subject to the requirements of the United States Housing Act of 1937.

SEC. 202. ELIGIBILITY.—

(a) VOUCHER SUCCESS PLAN.—Not less than annually, each public housing agency that seeks to participate in the voucher success demonstration under section 201 shall submit to the Secretary a voucher success plan that—

(1) demonstrates that the market area for which the public housing agency is responsible is an area, based on housing market indicators, such as low vacancy rates or high absorption rates, where there is not adequate available and affordable housing or where families with vouchers will not be able to locate suitable units or use tenant-based assistance successfully;

(2) identifies a payment standard in excess of the payment standard established under section 8(o)(B) that will ensure that not less than 97 percent of families with vouchers will be able to obtain suitable housing in that market area within 120 days;

(3) describes actions that the public housing agency will take that will assist families with vouchers, including seniors and persons with disabilities, to identify and obtain suitable and available affordable housing that is close to transportation, employment opportunities, quality schools and appropriate services; and

(4) shall include such other information and commitments as deemed appropriate by the Secretary.

(b) INCREASED PAYMENT STANDARD.—The Secretary shall approve a payment standard for a market area under this demonstration to no more than 150 percent of the payment standard established under section 8(o)(B) of the United States Housing Act of 1937. This payment standard shall be published annually in the Federal Register and adjusted annually to reflect changes in each market area.

(c) PROCEDURES.—The Secretary shall establish requirements and procedures for the submission and review of voucher success plans, including requirements for timing and form of submission, and for the contents and approval of such plans.

(d) REGULATIONS.—The Secretary shall issue interim regulations no later than 3 months after the date of enactment of this Act with final notice and public comment regulations issued no later than 12 months after the date of enactment of this Act.

(e) SAVINGS CLAUSE.—A family using a voucher approved as part of a demonstration under this Title shall be eligible for an approved payment standard in excess of the payment standard established under section 8(o)(d) of the United States Housing Act of 1937 to the extent the assisted family continues to reside in the same housing in which the family was residing on the date in which the housing was determined eligible for the increased payment standard under this Title.

SEC. 203. LIMITATION ON FUNDING.—Except to the extent additional incremental vouchers are provided in appropriations Acts, for purposes of this section, each public housing agency shall be limited to the section 8 funds allocated to that public housing agency as of October 1, 2000, including appropriate amounts for reserves, for purposes of implementing the voucher success plan.

TITLE III—PRESERVATION OF LOW-INCOME HOUSING AND MISCELLANEOUS PROVISIONS

SEC. 301. SECTION 8 PROJECT-BASED FLEXIBILITY.—Section 8(o)(13) of the United States Housing Act of 1937 is amended by—

(1) in paragraph (A)(ii), striking ''15 percent'' and inserting in lieu thereof ''25 percent''; and

(2) adding the following new paragraph (E) to the end:

''(E) The Secretary shall establish expedited procedures to allow public housing agencies to enter into housing assistance payment contracts with respect to existing structures.''.

SEC. 302. DISPOSITION OF HUD-HELD AND HUD-OWNED MULTIFAMILY PROJECTS.—Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall maintain any rental assistance payments attached to any dwelling units under section 8 of the United States Housing Act of 1937 for all multifamily properties owned by the Secretary and multifamily properties held by the Secretary for purposes of management and disposition of such properties. To the extent, the Secretary determines that a multifamily property owned by the Secretary or held by the Secretary is not feasible for continued rental assistance payments under section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties.

SEC. 303. FAMILY UNIFICATION PROGRAM.—Section 8(x)(2) of the United States Housing Act of 1937 is amended by—

(a) striking ''any family (A) who is otherwise eligible for such assistance, and (B)'' and inserting in lieu thereof: ''(A) any family (i) who is otherwise eligible for such assistance, and (ii)''; and

(b) inserting before the period at the end: ''(B) for a period not to exceed 18 months, youths who have attained at least 18 years of age and not more than 21 years of age and who have left foster care at age 16 or older''.

SEC. 304. PERMANENT EXTENSION OF FHA MULTIFAMILY MORTGAGE CREDIT DEMONSTRATIONS.—Section 542 of the Housing and Community Development Act of 1992 is amended—

(1) by revising subsection (b)(5) to read as follows:

''(5) INSURANCE AUTHORITY.—Using any authority provided in appropriation Acts to insure mortgages under the National Housing Act, the Secretary may enter into commitments under this subsection for risk-sharing units.'';

(2) by revising subsection (c)(4) to read as follows:

''(4) INSURANCE AUTHORITY.—Using any authority provided in appropriation Acts to insure mortgages under the National Housing Act, the Secretary may enter into commitments under this subsection for risk-sharing units.'';

(3) in the heading, by striking ''Demonstrations'' and inserting ''Programs'';

(4) in the first sentence of subsection (a), by striking ''demonstrate the effectiveness of providing'' and inserting ''provide'';

(5) in the second sentence of subsection (a), by striking ''demonstration'';

(6) in subsection (b)(1), by striking ''determine the effectiveness of'' and inserting ''provide'';

(7) in subsection (c)(1), by striking ''test the effectiveness of'' and inserting ''provide'';

(8) by striking subsection (d); and

(9) by striking ''pilot'' and ''PILOT'' each place it appears.

This Act may be cited as the ''Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001''.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The committee substitute is agreed to. The Bond-Mikulski amendment is agreed to.

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

The amendment (No. 4306) was agreed to, as follows: (The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, as comanager, I am pleased to present to the Senate, H.R. 4635, the VA–HUD appropriations bill for fiscal year 2001, as reported from the Committee on Appropriations.

This is an unusual year. We have offered, and it has been accepted, a managers' amendment that I have offered with my distinguished colleague, Senator MIKULSKI, which will replace the Senate committee-reported text of H.R. 4635.

This compromise amendment was worked out in agreement with Senator MIKULSKI, Congressman WALSH, Congressman MOLLOHAN, and me in consultation with the administration. This is an unusual and far from perfect situation. It is not the way I would normally prefer to proceed with the passage of the VA–HUD appropriations bill. Nevertheless, we have worked hard to develop a comprehensive package that considers the concerns of all colleagues in both the House and Senate. It also met the test for approval by the administration. I strongly believe that the proposed compromise language strikes the right balance in funding the programs under the jurisdiction of the VA/HUD Appropriations Subcommittee.

The managers amendment/compromise agreement totals some $105.8 billion, including some $24.6 billion in mandatory veterans benefits. This represents some $1.1 billion over the Senate committee-reported bill and almost $1 billion less than the budget request. Outlays are funded at some $110.7 billion for fiscal year 2001, $540 million over the Senate committee-reported bill of $110.2 billion. The bill meets our current funding allocation, per the Budget Committee.

We also did our best to satisfy priorities of Senators who made special requests for such items as economic development grants, water infrastructure improvements and the like. Such requests numbered several thousand, illustrating the level of interest and demand for assistance provided in this bill.

We also attempted to address the administration's top concerns, including funding for 79,000 new housing vouchers, as well as record funding for EPA at $7.8 billion.

Before going into the details of the compromise agreement, I would like to commend my ranking members, Senator MIKULSKI, and her staff for their cooperation and support throughout this process. We would not have reached agreement as quickly, nor attained as good a result, without her active help. She is a vitally important part of this operation. I am deeply grateful for her help, guidance, and counsel.

To turn to the elements of the bill: For Veterans Affairs, the proposed compromise language to VA/HUD FY 2001 appropriations bill includes funding for VA that totals $47 billion, including $22.4 billion in discretionary spending. Veterans needs remain the highest priority for this bill, and compared to the President's request, this bill has an additional $54.7 million.

The compromise includes $20.28 billion for VA medical care, $1.4 billion more than the current level, and $351 million for research, an increase of $30 million above the budget request level for this key program which helps ensure the best quality of care to our veterans and keeps the best doctors in the VA system.

The VA/HUD fiscal year 2001 appropriations compromise also includes about $180 million more than the President's request for VA medical care by including a provision that will ensure VA will not be penalized from collecting less in new receipts authorized under the 1999 Millennium Act.

In addition, the compromise includes a new Title V, Filipino Veterans Benefits Improvements, which provides benefits to Filipino veterans who fought alongside American soldiers in World War II and who live in the United States, equal to those benefits provided to U.S. veterans of World War II. This is a long overdue remedy of inequitable treatment of Filipino veterans. We thank our colleagues on the Veterans' Affairs Committee for their agreement and assistance in including this provision.

For HUD, the VA/HUD fiscal year 2001 appropriations compromise appropriates some $30.6 billion, approximately the same as the budget request. This includes a section 8 rescission of some $1.8 billion in excess section 8 funds. This funding includes all the funding needed to renew all expiring section 8 contracts and also provides funds for 79,000 incremental vouchers, an administration priority.

The public housing capital funding is increased by $45 million above the budget request in fiscal year 2001 to $3 billion. Similarly, the public housing operating funding has been increased by $50 million above the budget request in fiscal year 2001 to $3.242 billion.

In addition, CDBG and HOME funds have been increased by $150 million each in fiscal year 2001 with CDBG at $5.057 billion and HOME at $1.8 billion, respectively. These are important block grant programs which rely on decisionmaking guided by local choice and need. I also hope these funds are used as an investment in housing production to meet the increasing affordable housing needs of low-income families. Staff work in this subcommittee has shown one of the serious problems facing us is lack of affordable housing.

In addition, the VA/HUD appropriations bill for fiscal year 2001 funds section 202 elderly housing at $779 million, the budget request, and section 811 housing for disabled persons at $217 million, $7 million over the budget request. A separate account has been created at $100 million for the renewal of expiring shelter plus care contracts.

This bill includes a number of noncontroversial HUD administrative provisions, whereas we have dropped, at the request of the Senate Banking Committee, a new housing production program for extremely low-income families and a provision that would have provided favorable treatment under FHA for municipal workers such as teachers, firemen, and police.

We also have maintained a provision that would increase the amount of section 8 assistance available to PHAs for project-based assistance from 15 percent to 20 percent with a limitation that no more than 25 percent of the units in a building can be project-based, except in the case of seniors, disabled persons and scattered site housing as well as a provision that would require HUD to maintain section 8 projected-based assistance on a HUD-held or HUD-owned multifamily housing projects where the project is elderly or disabled housing unless that housing is not viable. These are important provisions that focus on local decisionmaking and local housing needs.

For EPA, the VA/HUD fiscal year 2001 appropriations compromise includes a record $7.8 billion for EPA, plus an additional $138 million for the Agency for Toxic Substances and Disease Registry, and the National Institute of Environmental Health Sciences which traditionally have been funded under EPA's appropriation and are funded separately in this bill. Thus, compared to the budget request, the compromise will provide an additional $686 million more than the President and about $400 million more than fiscal year 2000.

Additional funds of $550 million above the budget request have been provided for clean water state revolving funds as well as additional funds of $12 million for section 106 water quality grants—$57 million above the fiscal year 2000 level to help states meet future total maximum daily load requirements.

Compared to last year, the compromise increases operating programs by $246 million including an additional $20 million for the climate change technology initiative voluntary programs and protection of all core programs.

The compromise does not fund new, unauthorized programs such as clean air partnerships or Great Lakes grants which would detract from EPA core responsibilities.

With respect to legislative issues, the compromise bill includes the fiscal year 1999 bill with report language relative to the Kyoto Protocol. The proposed report would provide up to an additional 6 months for finalizing the arsenic-in-drinking water rule, and the bill modifies the so-called Collins-Linder provision on ozone nonattainment

designations which would allow EPA to make designations once the Supreme Court decides this case but not later than June 2001.

These so-called EPA riders are primarily report language which we believe are fair and reasonable compromises on issues where there are broad questions and we need to bring some resolution. While everyone may not agree with these decisions, we have worked hard to balance the decisions associated with this account to the overall benefit of EPA policy and funding needs in consultation with and agreement with the administration.

For FEMA, the Federal Emergency Management Agency, the VA–HUD appropriations bill for 2001 appropriates a total of $936.8 million for FEMA and includes an additional $1.3 billion in disaster relief contingency funds. With the disaster relief funds provided here, coupled with contingency funds already on hand, funding will be sufficient to meet fiscal year 2001 disaster relief operations.

Most notable in FEMA funding is the addition of $30 million above the Senate- or House-appropriated levels for emergency food and shelter, for a total of $140 million. This popular program results in temporary housing and food assistance to thousands of needy individuals with very little overhead costs.

For the National Aeronautics and Space Administration, the VA–HUD appropriations compromise funds NASA at $14.285 billion instead of $14.035 billion, for an increase of $250 million. This account includes $5.46 billion for human space flight, which is $37 million below the administration request for fiscal year 2001. This reduction reflects a NASA request for a reduction in this account in order to provide full funding for the Mars 2003 lander program.

The funding includes $6.19 billion in fiscal year 2001 for science, aeronautics, and technology, instead of $5.93 billion as requested by the administration, an increase of $261 million above the budget request. Included in this is $20 million for Living with a Star and $290 million for the space launch initiative, including $40 million for alternative access to the space station initiative. In addition, mission support is funded for fiscal year 2001 at $2.6 billion, instead of $2.58 billion, an increase of $24.7 million over the budget request.

For the National Science Foundation—and this is a very important area for the ranking member and me—the VA–HUD compromise funds NSF at $4.43 billion, a $529 million increase over the fiscal year 2000 enacted level and $146 million below the President's request. Funding highlights include $215 million for information technology research, $150 million for nanotechnology, and $65 million for plant genome research. Lastly, to assist smaller research institutions, $75 million was included for EPSCoR, a $20 million increase over last year's level, and $10 million for the Office of Innovation Partnerships.

We believe very strongly the scientific exploration in space needs to be spread broadly throughout the land to ensure we achieve inclusion of knowledgeable and dedicated scientists at institutions which may not traditionally have received funding in the past.

I consider NSF a priority account that needs additional funding in order to pace U.S. leadership in science and technology. Senator MIKULSKI and I have heard from leading scientists in this country who say that we are falling behind because we are not providing enough funding for the National Science Foundation. Medical doctors who depend directly upon the research work done at the National Institutes of Health have come to us and said that we must bring NSF funding up to NIH funding because so many of the health breakthroughs on which NIH is working depend upon the support the National Science Foundation provides.

Senator MIKULSKI and I have launched an effort to double the NSF budget. We have circulated a letter and have a significant number of colleagues who have joined with us. We will be back. We will be asking the full Senate to recognize a priority in the National Science Foundation and help get us on that path for the next year.

Finally, for the National Service Corporation, the VA–HUD fiscal year 2001 appropriations compromise appropriates $458 million, a $25 million increase over last year's level and $75 million below the budget request. Further, $30 million will be rescinded from excess funds in the National Service Trust.

The compromise also funds the Community Development Financial Institutions Fund at $118 million, a $23 million increase over last year's level and $7 million below the request.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I begin by thanking my colleague, Senator BOND, as well as our colleagues Senator BYRD and Senator STEVENS, for enabling us to move our bill forward. I particularly express my appreciation to Senator BOND for his collegial and civil way of including me in all discussions related to both the funding and policy that we developed in this bill. His courtesy and collegiality are very much appreciated.

I believe today the bill we present takes care of national needs and national interests. I am also confident that it will be signed by President Bill Clinton because it takes care of the day-to-day needs of the American people and at the same time looks forward to helping with the long-range needs of our country to remain competitive and on the cutting edge of science.

This bill has always been to me about five things: meeting our obligations to our veterans—promises made, promises kept; investing in our neighborhoods and our communities promoting self-help; creating real opportunities for people to move from welfare to work, to make sure that public housing is not a way of life but a way to a better life; and, of course, advancing science and technology, the new ideas that lead to the new jobs and the new products. It is also about protecting consumers from fraud and scams and communities from floods and disasters.

I believe we meet the goals in this bill, and we have done it in a fiscally prudent way. While I support the bill, the process has left much to be desired; again no fault of Chairman BOND but really the Senate has placed us in a very awkward situation.

The bill before the Senate today is a managers' substitute for the Senate bill. This is effectively our conference report. We did not have a conference report, though we met. We had kind of a chatroom where we would meet and try to iron out our differences. We did. It also involved OMB and the White House for consultation. We wanted to be sure both sides of the aisle would support the bill. We also wanted to be sure that the President would sign the bill. I believe we achieved this.

I say to my colleagues, it will be absolutely crucial, in order to move this bill with this unique parliamentary situation, to have no amendments to this legislation. My colleague from California, Senator BOXER, will offer two amendments. I am going to oppose them. I am going to oppose them both on procedural and substantive grounds. On procedure, if the Boxer amendments prevail, we will have enormous difficulty reconvening and working with the House to pass this bill. I just put that out.

Though we had an unofficial conference, I do believe we were able to move forward. Senator BOND has outlined in detail what we were able to do financially. I am so glad we worked together on a bipartisan basis, particularly in the area of veterans health care, joining hands, scrutinizing the budget and then the appropriations to make sure that veterans health care will be funded $1.4 billion over last year's level.

We also want to look ahead to be sure, while we are taking care of the men and women who bear the permanent wounds of war, we do the medical research, to find the cures for those things affecting our veterans population. This legislation provides $350 million for medical and prosthetic research, $30 million over last year. I have seen the work at my own University of Maryland and know that people will live longer, live better, and recover more quickly because of the funding for veterans health care research which also goes into the civilian population.

Also, we have added more money, $100 million, for State veterans homes. This is to provide long-term care and rehabilitation, which is very crucial. It

means the Federal Government does not bear the sole burden, the State governments do not bear the sole burden, and, most of all, our veterans do not bear the sole burden. This unique Federal-State partnership will meet the long term and rehab needs of our veterans.

In addition, we have paid attention to the day-to-day needs of our constituents in Housing and Urban Development.

We want to make sure the people of the United States of America, who are out there working every day but who are also part of the working poor, have help with housing. We have been able to create 79,000 new vouchers to help working families find affordable housing. Unfortunately, we do not have enough housing to meet their needs.

Senator BOND led a very vigorous effort, which I supported, as did the authorizers on my side, to start a production program. We were derailed from that, but we did not want to be detoured from the bill, so we put that aside for another year. But we really call out to our authorizers, please, pass a production bill that will generate jobs in construction and meet the needs of our citizens.

Where I think we also worked very closely together is in helping the elderly and disabled. We have provided $780 million for housing for the elderly. It is more than last year. It also helps with assisted living and service coordinators to be able to help people keep as independent as long as they can, and to even develop new models of care.

At the same time, we looked out for those who are disabled and the special AIDS population. But we wanted to also remember not only the ''H,'' which is housing, we wanted the part called urban development. But we also know so many of our constituents live in rural areas. So we looked to see how we could increase the ability for local decisionmaking. That is why we funded community development block grant money and a program called HOME at much more than last year, because it goes right to cities, communities, and neighborhoods. Whether you are in a small rural town in Missouri or a big city such as Baltimore, community development block grant money and HOME will be of great help to you.

But we are about promoting self-help. That is why we continued to stay the course in providing funds for empowerment zones, again recognizing rural needs and also promoting home ownership. That is why we help the homeowners by extending the FHA downpayment simplification program for another 25 months. So we looked at how we could create opportunities at the local level.

Another area where we have strong bipartisan support within the committee and by its chairman and ranking member is to make sure that America continues to lead the way in science and technology. Therefore, I am so pleased that we are funding the National Space Agency at $14.3 billion, $250 million above the President's request. Quite frankly, I think NASA needs a lot more because they have been severely cut over the years, but fiscal prudence won. At the same time, we wanted to make sure that we were fiscally prudent, that our shuttle will be safe, our space station will be ready, and that we will move ahead on a vigorous space science program, such as the Living With A Star Program that will be done at Goddard Space Flight Center in my own community.

The National Science Foundation is also a very important, crucial program. The national science program, as Senator BOND has said, really does promote the basic research that goes into our country. It has been a star. It has been almost flat-lined for several years while we tried to balance the budget. This is why this year they will receive a $520 million increase over last year's enacted level.

One of the areas which we will be also advocating is a field called nanotechnology. You have heard of a nanosecond. It is because it is small. But let me tell you, the nanotechnology is the next generation past this infotechnology. You have seen the biotech revolution and the infotech revolution, but wait until the nanotech research gets underway. We are going to have new products, new materials. We are going to be able to have a supercomputer the size of my ring.

We will be able to take little pills, that will literally have diagnostic equipment, that will be able to go through our bodies, giving immediate responses to our physicians. This is going to be extraordinary. I am so pleased to be part of what we are doing.

At the same time, we want to call forth young people to continue the call for service. That is why I am so pleased we continued to stay the course on national service, with a modest increase.

One of the things we have done in national service is add something called E-Corps. As many of my colleagues know, I have been a strong proponent to make sure we do not have a digital divide in this country, meaning that young people have access to technology and access to know how to use technology. What we are creating in this legislation is having E-Corps volunteers to train and mentor not only the children but community leaders and librarians and others who will be teaching our children.

Last, but not at all least, we joined hands to protect the environment. We have increased funds for the environment, whether it is the clean water revolving fund, small watershed programs to restore rivers and streams, or having full funding of the Chesapeake Bay program. I believe the environment will be stronger and better protected by the resources that we have put in this bill.

Now, yes, there are riders. I don't go for riders. None of us go for riders. But we were in a very difficult situation with the bill. We took the language that was being proposed by the House, working with the office of OMB—the President's own—and the Council on Environmental Quality that advises the President on the environment. They were in the room to help us really identify the appropriate language that could meet the policy objectives of those who advocated it without shackling EPA or hurting communities.

I will say more about that during the debate. But I will tell you, regardless of how you feel about the riders, they were acceptable to the President's Council on Environmental Quality.

To be more specific, Mr. President, I am especially pleased that we were able to provide a significant increase in funding for veterans health care. We met the President's request of $20.2 billion and are $1.4 billion above last year's level. This will help us ensure that promises made to our veterans are promises kept, and that our veterans get the health care to which they are entitled.

We were also able to provide $351 million for medical and prosthetic research. This is $30 million above the budget request and last year's level.

The VA plays a major role in medical research for the special needs of our veterans, such as: geriatrics, Alzheimers, Parkinson's, and orthopedic research. Our veterans are not the only ones who benefit from this research—our entire nation does, especially as America's population continues to age.

We are also providing $100 million in funding for state veterans homes. This is $40 million above the budget request and $10 million above last year's level. The state homes serve as long-term care and rehabilitation facilities for our veterans.

We were also able to provide over $1.6 billion for the Veterans Benefits Administration, which will help them administer benefits to our veterans more quickly.

I am also very pleased that we were able to include a new title in our bill that will provide benefits to Filipino veterans who fought alongside Americans in World War II and who live in the United States.

Finally, our Filipino-American veterans will receive equal benefits for equal valor.

We were able to take care of America's working families in this bill as well, by funding housing programs that millions of Americans depend upon.

Our bill provides almost $13 billion to review all expiring section 8 housing vouchers. And we have included $453 million in funding to issue 79,000 new vouchers, to help working families find affordable housing. This is 19,000 more than we were able to fund last year.

We included provisions to make it easier for public housing authorities to provide more project-based assistance to increase the stock of affordable housing, instead of just vouchers.

As many of my colleagues were aware, a production bill was under serious consideration during the conference. It was a modified version of Senator BOND's housing production bill that was included in the original Senate bill. Unfortunately, we were forced to drop this provision due to objections from the authorizing committee, but I hope we will re-visit the issue next year. We were also able to maintain level funding for other critical core HUD programs.

We provided $779 million for housing for the elderly, which meets the President's request and is $69 million more than last year. This includes funds for assisted living and service coordinators. We also provided $217 million in funding for housing for disabled Americans, which is $7 million above the President's request and $23 million over last year's level.

Homeless assistance grants received a $5 million increase and are funded at $1.025 billion.

We were able to provide both the Community Development Block Grant Program and the HOME Program with $150 million increases. CDBG is funded at more than $5 billion, and HOME is funded at $1.8 billion. The CDBG Program is one of the most important programs for rebuilding our cities and neighborhoods.

We also provided increased funding to help our neighborhoods and communities through the HOPE VI Program, which helps demolish and then revitalize distressed public housing sites. This year, we provided $575 million for HOPE VI, the same as last year's level.

I am pleased that we were able to provide funding for other programs that help America's communities. We increased funding for empowerment zones by providing $90 million in this bill and increased funding for CDFI—Community Development Financial Institutions Fund.

Funding for empowerment zones will help designated areas with economic development and social services. Community involvement in the empowerment zone initiative will prove especially beneficial.

We also help homeowners by extending the FHA downpayment simplification program for 25 months.

As I said, I am extremely pleased that our bill fully funds NASA at $14.3 billion, an increase of $250 million. This funding exceeds the President's request for NASA. All of NASA's core programs are fully funded and all of our centers are fully funded, including the Goddard Space Flight Center in my home State of Maryland.

The VA–HUD bill includes $1.5 billion for Earth science, more than $2.5 billion for space science, including funding for the Mars polar lander, and $20 million to start an exciting new program called ''Living With A Star,'' which will study the relationship between the sun and the Earth and its impact on our environment and our climate. It will help us predict and protect against solar storms that can disrupt our energy and communications systems.

I am especially proud that this program will be headquartered at the Goddard Space Flight Center.

NASA science programs are critical not just for science, but for technology. With NASA technology, we can create new jobs and literally save lives, while developing a greater understanding of how our universe works.

I fought hard to make sure that this funding was included in this manager's amendment.

And, of course, in the area of human space flight, we fully fund the space shuttle upgrades, space station construction, and fully fund the new ''Space Launch Initiative'' to find new, low-cost launch vehicles that will reduce the cost of getting to space.

The VA–HUD manager's amendment also increases funding for the Corporation for National Service.

The House bill cut funding for the Corporation for National Service, but I made it a priority to restore it in the Senate bill and in conference.

The corporation is funded at $458 million, a $25 million increase over last year's level.

The Corporation for National Service has enrolled over 100,000 members and participants across the country, in a wide array of community service programs, including: AmeriCorps, a national service program that helps communities, learn and serve America, which supports service-learning programs across the country by providing funding and training, and the National Senior Service Corps, which helps seniors get involved in their communities.

As many of my colleagues know, I have been very concerned about the digital divide in this country.

I introduced legislation called the Digital Empowerment Act to provide a one-stop shop and increased funds to local communities trying to cross the digital divide.

I am pleased that this bill contains $25 million within the national service budget to create an ''E-Corps'' of volunteers who will bring technology skills to people who have been left out or left behind in the digital economy, by training and mentoring children, teachers, and non-profit and community center staff on how to use computers and information technology.

With regard to the EPA, our bill provides $7.8 billion in funding, plus an additional $138 million for the Agency for Toxic Substances and Disease Registry, ATSDR, and the National Institute of Environmental Health Sciences, NIEHS.

All together, this is an increase of $400 million over last year's level, and $686 million more than the President's request.

We increased funding by $246 million for EPA's core environmental programs, including a $38 million increase for nonpoint source pollution control grants, and a $20 million increase for the climate change technology initiative.

We also provided an additional $550 million for the clean water state revolving fund. Taking care of the infrastructure needs of local communities has always been a priority for the VA–HUD Subcommittee.

We have fully funded the Chesapeake Bay, Great Lakes, and Long Island Sound Programs, and provided $1.25 million for the Chesapeake by small watershed grants program, a $500,000 increase over last year's level, that will help our small communities around the Bay watershed prevent runoff and pollution.

Legislatively, the bill includes the FY 1999 bill and report language regarding the Kyoto Protocol, provides up to an additional 6 months for finalizing the arsenic-in-drinking-water rule, and includes a weaker version of the Collins-Linder provision on ozone.

There is no language on the diesel sulfur rule. However modified report language has been included regarding dredging and invasive remediation.

I am a strong supporter of FEMA, and am proud that we have provided $937 million in funding for FEMA, plus an additional $1.3 billion in emergency disaster relief funding.

The National Science Foundation is funded at $4.43 billion, a $529 million increase over last year's enacted level, and one of the largest increases in NSF's history.

This funding level will keep America at the forefront of science and technology into the next century in info-tech and bio-tech, and is an important step towards holding onto America's science and technology base.

This is a downpayment toward our goal of doubling the NSF budget over the next five years.

I am especially pleased that we were able to provide $150 million for the new nanotechnology initiative. We were also able to provide $215 million for information technology, and well-deserved increases for several of NSF's education and human resources accounts. These include a $10 million increase over the budget request for informal science education, nearly $20 million for graduate fellowships in K–12 education, and over $55 million for graduate research fellowships.

Mr. President, I once again appreciate the cooperation of my colleagues throughout this process. While I regret that this year's process was highly irregular, I am pleased that we worked together to bring a conference agreement to the Senate floor. I believe this year's VA/HUD bill is good for our country, our veterans, and our communities.

Mr. President, before I conclude my statement, I really want to thank Senator BOND and his staff, Jon Kamarck, Cheh Kim, and Carolyn Apostolou, for all the work they did, and also my own staff, Paul Carliner, Sean Smith, and Alexa Mitrakos, for helping us really move this bill, and, most of all, to move America forward.

Mr. President, I yield the floor.

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BUNNING). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 4307

Ms. MIKULSKI. Mr. President, on behalf of the Democratic leader, I call up amendment No. 4307 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. DASCHLE, proposes an amendment numbered 4307.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Ms. MIKULSKI. Mr. President, I yield back all time on the amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I heard the number, but what is the bill? What does it do?

The PRESIDING OFFICER. It is the language of S. 2900 as reported.

Mr. BYRD. Is this the language of the Senate, of the bill that was reported from the committee?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. So it is the Senate-reported bill and carries the Senate title?

The PRESIDING OFFICER. It is the language, but it doesn't carry the title.

Mr. BYRD. It carries the Senate number.

The PRESIDING OFFICER. That is correct.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Ms. MIKULSKI. Mr. President, if the Senator will withhold, I just asked unanimous consent that this amendment be called up and yielded back time.

The PRESIDING OFFICER. The Senator is correct. The Senator from Arizona does have the time. He also has time on the bill.

Ms. MIKULSKI. I know the Senator has time.

Mr. MCCAIN. I am glad to yield to the Senator from Maryland until she completes this business.

Ms. MIKULSKI. I thank the Senator from Arizona.

Does Senator BYRD intend to speak?

Mr. BYRD. Mr. President, I do not intend to take the time of the Senate at this point.

I thank the distinguished Senator from Arizona.

Ms. MIKULSKI. I thank the Senator from Arizona.

Mr. President, I urge that the amendment be adopted.

The PRESIDING OFFICER. Does the Senator from Arizona wish to speak before the amendment is adopted?

Mr. MCCAIN. Since the Senator from Maryland had already embarked on this parliamentary movement, I will yield until that is completed and then speak after that.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4307.

The amendment (No. 4307) was agreed to.

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

The PRESIDING OFFICER. The question is on the motion to reconsider.

The motion was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment.

Mr. BYRD. Mr. President, I ask for a division.

The PRESIDING OFFICER. The Senator from West Virginia asks for a division. As many as are in favor of the amendment will rise and remain standing until they are counted. (After a pause.) Those opposed will rise and stand until counted.

On a division, the amendment was rejected.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I yield to the Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank both Senator BOND and Senator MIKULSKI for their hard work on this important legislation which provides federal funding for the Departments of Veterans Affairs (VA) and Housing and Urban Development (HUD), and Independent Agencies. Once again, though, I find myself in the unpleasant position of commenting on the process of bringing these spending bills to the Senate floor and on the spending items that have not been appropriately reviewed.

This task is even more necessary for this bill because of the truly unique process by which it arrived on the Senate floor—a process that increasingly empowers appropriators while disenfranchising many of my colleagues.

Let me comment on the process that has brought us to the point in time where we are about to vote on final passage of this bill. First, let me explain how the appropriations process is supposed to work. In the normal process of passing appropriations bills, an appropriations bill is first passed in the House of Representatives, then the Senate passes its own version. A conference committee is formed to iron out the differences between the two different bills, resulting in a conference report. Then the conference report is passed by both the House and the Senate, and sent to the President for his signature in order to become law. That sounds fairly straightforward.

In the case of this bill, we have decided to substitute the normal process of considering appropriations bills for a highly questionable approach to passing legislation.

The process we have decided to undertake avoids substantive debate on the merits of this bill and to the larger question of whether we are spending taxpayers' hard-earned money wisely and responsibly. Just because it is late in the game does not give us the right to avoid the normal process of appropriations. The Senate is being asked to pass the bill despite the fact that there was only one copy made available to each side and many Senators did not have adequate time to review its contents. How can we make sound policy and budget decisions with this type of budget steam-rolling?

Let me be clear about what is occurring today. This VA–HUD bill that we are voting on is a so-called ''composite compromise,'' cloaking the reality that we would normally be calling a VA–HUD conference report. The Appropriations leadership intends to take up the House-passed version of this year's VA–HUD Appropriations bill, substitute a Senate managers' amendment written by the House and Senate Appropriations Committees which for all practical purposes is a conference agreement—a conference agreement, not open to public inspection, not done through the normal legislative process, such as appointing conferees or allowing full disclosure of the issues being discussed. This process will allow the Appropriators to simply insert a ''Committee Statement'' into the record outlining certain questionable spending priorities that will ultimately be paid for by the American taxpayer. This ''composite compromise'' will then go to the House so that they can quickly pass the amended bill and then send it to the President for his signature.

Is that the way to pass legislation? As legislators, we have been entrusted by the American taxpayers to represent the fiscal interests of them and their nation. The American taxpayer is counting on us to use their hard-earned money wisely and here we are, manipulating the budget process so that we can say we did something and go back home to campaign.

Unfortunately, Mr. President, the budget process games began long before this bill.

When the conference report on Legislative Branch Appropriations bill first came to the floor for debate and a vote last month, the appropriators decided to insert the Treasury and General Government appropriations bill into it. Rather than having the Treasury and General Government Appropriations bill considered separately as it is usually done, to be debated on its own merits, the appropriators' actions decided to circumvent the normal budget

process. This so-called ''minibus'' was soundly defeated and rightly so.

When the conference report on the Transportation Appropriations bill was brought to the Senate floor for a vote, the appropriators did not even provide a copy of the report for others to read and examine before voting on the nearly $60 billion bill. The transportation bill itself was only two pages long with the barest of detail—with actual text of the report to come later.

And yet, the appropriators were expecting Senators to vote yes on legislation that could not even be read, deciphered, and debated intelligently? How is this type of action accountable to all the hard-working Americans who demand that all their tax dollars are wisely spent? I worry that these budget games we play serve to reinforce their cynicism about politics.

Mr. President, the budget process can be summed up simply: no debate, no deliberation, and very few votes. Mr. President, this is no way to run the United States Senate.

To date, only two of the thirteen appropriations bills have become law. Of those remaining, three bills—Labor, HHS, Education, VA–HUD, and Treasury-Postal—were never brought to the Senate floor for debate as part of a deliberate strategy to prevent votes on any controversial amendments that my colleagues may have offered. Extraordinary measures are being employed to drive these spending bills through Congress. The only winners in such an arrangement are the appropriators. The rest of us, including our constituents, are, for all intents and purposes, shut-out of the process.

Mr. President, by adopting this budget strategy, we do a disservice to our constituents by not squarely facing tough issues, whether it's school choice, gun control, campaign finance, minimum wage, gambling, or HMO reform, and engaging in debate—even in the heat of an election season where both sides of the aisle are maneuvering for maximum political advantage. These are important issues. They deserve to be debated and each deserves an up or down vote.

Moreover, we have an obligation to ensure that Congress spends the taxpayer's hard-earned dollars prudently to protect the projected budget surpluses. The American public cannot understand why we engage in a process that continues to spend huge amounts of money without adequately balancing this spending against our nation's most urgent present and future needs. Spending from this budget process has been on automatic pilot. We have already exceeded the budget caps by over $30 billion, consuming, so far, about one-third of the on-budget surplus for FY2001—and we have yet to pass all of the appropriations bills. This byzantine budget process precludes serious discussion about how our projected budget surpluses should be devoted to national priorities such as saving Social Security, providing much needed tax relief, paying down the national debt, or addressing other major priorities.

But more is lost beyond the throttling of debate, the profligate spending of taxpayers' dollars, and the broken budget process.

Since 1960, the percentage of voters participating in the general presidential election has dropped nearly 15 percent, reaching below the 50 percent mark four years ago. Today, voter apathy, especially among the youth of America, is widespread. Even more disheartening is the fact that too many Americans, when asked to rank the people in the different fields from highest regard to lowest, consistently rank our profession near the bottom. Poll after poll continues to show an undercurrent of cynicism toward our governmental institution. As I previously mentioned, budget games like the one we have witnessed in the last few weeks contribute to this cynicism.

We can still seize the reform mantle and learn from this budget morass when the doors of the new Congress open in January. We need new reforms in the way we address the budget process. Perhaps we should even consider the radical step of abolishing the Appropriations Committees. Too many programs are without authorization. We also should study whether the authorizers should also be the appropriators, to build more accountability into the process.

There are many other reforms we should consider next Congress if we are to spare Congress' reputation from further damage and begin to repair the people's respect for this Government.

The Washington Post yesterday had an article by Dan Morgan, ''As Last Bills Leave Station, Lobbyists Grab Tickets.''

> With only a handful of bills remaining to be signed into law before Congress adjourns, well tailored business lobbyists for elite corporations have descended on Capitol Hill to plead for dozens of special provisions in a Washington ritual with billions of dollars at stake.

Mr. President, on October 6, the Senate passed the conference report on the bill H.R. 4475, which funds the Department of Transportation and related agencies. At the time, I included for the RECORD a list of examples of pork barrel spending contained in the Transportation conference report. But because the list of pork barrel was so long and so extensive I was unable to publish the full list in the CONGRESSIONAL RECORD. For those who wish to view the list in its entirety, please visit my website: http://mccain.senate.gov and click the ''pork barreling'' logo at the bottom.

We are also legislating on these appropriations bills. Huge and vital interests are being legislated in smoke-filled rooms in the darkest corners of this Capitol. These lobbyists are out there and they are doing damage to the national interest by getting their special interests represented in appropriations bills which have never been debated or discussed on the floor of either House.

That is wrong, Mr. President. Nobody knows how much overspending there will be. Some say as much as $45 or $60 billion.

There is an article today, I believe in the USA Today, that shows we are spending the surplus. We are all talking about how we will use the surplus. Yet we are spending it now. We are spending the surplus. We are putting into law entitlement programs that will spend even more.

There are some very interesting CBO studies and others by outside watchdog organizations that indicate this much ballyhooed and very optimistic view of our budget surplus is being eroded as we speak by this appropriations process.

I urge my colleagues to look at these bills, to look at the spending in it, to look at the legislation that is going on. We are abrogating our responsibilities to the taxpayers by voting on bills that we have neither seen nor read.

I hope we can make some sense out of this. The train wreck that is about to occur is the worst that I have seen in all the years I have been in the Congress. I don't think it helps us in the eyes of the American citizens, to say the least.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, with respect to this bill, it is a very frustrating exercise, as Senator MCCAIN said. One of the problems is we have a practice around here of combining bills in such a way that while you want to vote for part of it, you want to oppose the other part. It makes it very difficult to make your decision about whether you will vote yes or no.

I wrote to the Appropriations Committee chairman when I first came to the Senate and asked to ''de-attach'' some of the bills. The bill before the Senate is the VA-HUD bill. Everybody wants to vote for the veterans programs, and because of the way those programs are structured this year, I support those programs. I want to be able to vote for those programs.

As usual, when it is combined with the runaway spending in the HUD part of the bill, it makes it impossible to do so. It is exacerbated this year as a result of the tactics of the minority. We have not been able to bring bills to the floor, and we have not been able to send them to the President. The result is we have had to combine a bunch of bills at the end of the session, and we find we have to combine the energy and water appropriations bill with the VA-HUD appropriations bill.

The problem, as bad as it is in the first instance, is exacerbated. I voted for the energy and water appropriations bill. While there are programs in that bill that I don't support overall, it was an important and good bill. I supported what Senator DOMENICI was trying to do in that legislation, by and large, so I voted for it.

The question is what to do now in a bill, the VA-HUD bill, which is increasing at a huge rate, and which now has the energy and water bill attached to it. I can't pick and choose. I can't take the veterans part out and say I support that, but I don't support the rest of it. I can't take the energy and water part out and say, I support it but I don't support the rest of it. It is not a good way to legislate, as Senator MCCAIN said.

I point out, there are good things in the bill. Veterans health care is increased by 6.5 percent, from $19 billion to $20.3 billion. The account for prosthetic and medical research, a relatively small account but very important, will receive a modest increase. There are some important projects in the NASA account that will receive necessary funding. I support that part of the bill.

How can I support a bill which has exploded funding in the HUD part of it? The VA part of this bill increases spending by 7 percent. Now, that is an important and significant increase. But the social programs under the HUD part of this bill have increased by 18 percent.

I have heard it said when we add up all the spending bills this year, it will be more than any other year in modern history, including the Great Society. We are increasing these social programs in the HUD part of the bill by 18 percent. The earmarking has exploded. We have not seen the final list, but we know it is up to at least $292 million, up from $123 million in the committee-passed bill, and $240 million from last year. That is too much. We have funding in here for everything from renovating theaters to restoring carousels. This is not something the Federal Government needs to be doing.

Finally, there is language in the Senate report that suggests that some of my colleagues are wavering from a commitment that has been made by the Senate and the House to ensure that the allocation of veterans health care funds reflects the reality of where veterans live.

Four years ago, under the leadership of Senator MCCAIN, Congress implemented the Veterans Equitable Resource Allocation System. This was done at the request of the Veterans' Administration. Up until then, the formula that VA used did not take into account shifts in population that are relevant in assessing where resources are needed. In particular, we found in Arizona a lot of so-called snow birds, those great folks who live in the cold States and come down to visit Arizona in the wintertime because it is warmer in Arizona. We didn't have the facilities to take care of all of those people because the dollars associated with their care were allocated to the Northeast primarily, or to the North.

The Senate, therefore, voted overwhelmingly to implement this new system that let the dollars follow the patients, so to speak. That vote was 79–18. Yet some who benefited from the earlier faulty formula complained, and as a result we find language in here that will require a study. The money for this study is going to have to come from the health care that otherwise would be provided to veterans.

I don't believe the way the language in the report is written the investigators are going to have a fair approach to this because of the one-sided list of items they are to explore.

I want to be able to support the veterans part of this bill. I want to support the energy and water component of this legislation, but it will be very difficult considering the explosive growth in the HUD part of the bill.

I commend the chairman of the committee, Senator BOND, and Senator MIKULSKI. They have an impossible task. Everybody comes to them with requests. The bottom line is we have to draw the line at some point. It seems to me this is the point at which the American taxpayers deserve to be represented.

The PRESIDING OFFICER. The Senator from California is recognized to offer an amendment.

Mrs. BOXER. Mr. President, I ask unanimous consent I be allowed 2 minutes of additional time to talk about the situation in the Middle East.

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

Mrs. BOXER. I thank Senators MIKULSKI and BOND for their graciousness. I know they are anxious to move their bill forward. I also thank them and Senator DASCHLE and Senator LOTT for receiving an agreement with me, whereby I could offer these very important amendments to this appropriations bill.

(The remarks of Mrs. BOXER are located in today's RECORD under "Morning Business.")

AMENDMENT NO. 4308

Mrs. BOXER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California (Mrs. BOXER), for herself and Mr. BAUCUS, proposes an amendment numbered 4308.

(Purpose: To strike the riders that delay the Environmental Protection Agency's new standard on arsenic in drinking water and that prohibit the designation of nonattainment areas under the Clear Air Act)

On page 103, strike the first three lines.

On page 138, strike section 427.

Mr. BOND. Mr. President, may I ask if we can have a copy of the amendment?

Mrs. BOXER. Certainly. I say to my friend that it is a very simple amendment. It strikes two riders. We will send it over to the Senator at this time. It doesn't have any language. It simply strikes two of the riders.

Mr. President, will you please tell me when I have 5 minutes remaining of my time?

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Chair.

Mr. President, my amendment strikes two egregious anti-environment riders that have been attached to this appropriations bill. These riders are opposed by 21 environmental groups.

There is a letter on everyone's desk from the League of Conservation Voters. They consider this to be extremely important.

We also have another letter that came in this morning signed by the most respected environmental groups in the country supporting both of my amendments.

We will try to put these on the desks. I will go through the groups in a moment.

Twenty-one environmental groups oppose these riders. They say they believe these riders would "jeopardize public health or the environment."

The first rider deals with arsenic in drinking water. Let me take a moment to explain why I think this rider should be stricken. In the Safe Drinking Water Act Amendment of 1996, which the Senate approved unanimously, we told the EPA to update its drinking water standard for arsenic by January 1, 2001. We included this provision in the law because we learned from public health experts that the current standard for arsenic is severely dangerous and outdated. The standard was set in 1975, but it was based on public health data from 1942.

What do scientists and health experts say about the dangers of arsenic? According to a National Academy of Sciences report, arsenic in water is known to cause cancer of the lungs, skin, and bladder. The National Academy of Sciences study and other studies also found that arsenic in drinking water may cause kidney and liver cancer. Arsenic is also known to cause other severe problems, including toxicity to the central and peripheral nervous system, hypertension, cardiovascular disease, skin lesions, and could cause birth defects and reproductive problems.

Here is the national shocker. The National Academy of Sciences estimates that 1 in every 100 people who drink water containing arsenic at the current standard may well develop cancer caused by arsenic. This is a cancer risk that is 10,000 times higher than the cancer risk EPA allows in food.

The National Resources Defense Council analyzed EPA's base data, and they looked at 25 States serving approximately 100 million Americans. They found that approximately half of those Americans are drinking water with arsenic levels that could cause 1 in 100 of them to develop cancer.

The arsenic levels in those systems meet the EPA's outdated 50 parts per billion standard. As the NAS has said, the outdated standard "does not achieve EPA's goal for public health protection and requires revision as promptly as possible."

Let me repeat that. This is science. They base these rules on science. The

sciences say set the standard at a lower level as soon as possible.

In this rider we push the date back. It is a delay. I think it is a dangerous delay.

The EPA has been working on this new standard for a long time. They have held numerous public hearings. Actually, they have been working on updating the standard since the early 1980s.

It is time to do this. The EPA was told by Congress to move forward by January 1, and now this rider was slipped into this bill.

I know my friends believed at the time that these riders were not that much of a problem. Whoever told them that—and I was not in the room—I believe was wrong. They are proven wrong by science. They have been proven wrong.

Call me old fashioned, but I think when you play around with the arsenic levels in drinking water, it deserves to have the light of day. It should not be attached to some rider. I am the ranking member on the subcommittee on the Environment. My chairman of the full committee is here, Senator BAUCUS. We are working hard to make sure that drinking water is safe. Yet we push back the date. That is not the right thing to do.

I appreciate my friends giving me 15 minutes of time, and I am going to give Senator BAUCUS about 5 minutes of that time when he is ready. I have saved 5 minutes.

This is no way to legislate on an issue such as arsenic.

In closing, before I yield my time to my friend, I want to talk about the other part of this amendment which deals with another egregious rider that has to do with clean air. The clean air rider is very important. It essentially would prohibit EPA from designating new regions of the country as being in violation of smog standards. In other words, it is a gag order on EPA, telling them they cannot, in fact, tell communities their air is dirty. This is a fact.

I do not understand, again, why we would be doing this. There is a court case pending on the power of the EPA. It specifically says in that court case that EPA has the right to designate these areas and to tell people in these areas they are not meeting the smog standard. Administrator Browner made a very strong comment about this rider in the past.

I ask how much time I have remaining.

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mrs. BOXER. What I would like to do at this time is yield 3 minutes to my friend, Senator BAUCUS, and 2 minutes following to my friend, Senator LAUTENBERG. Then I would have 3 minutes remaining, which I would retain.

The PRESIDING OFFICER. The Senator would have 3 minutes.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank my good friend from Maryland, Senator MIKULSKI—I worked with her on this bill—and also Senator BOXER for offering these amendments.

I strongly support Senator BOXER in her efforts to delete these provisions. Not only do they intrude upon the jurisdiction of the Environment and Public Works Committee, they are clearly legislation. Our committee was not consulted. The Appropriations Committee is now writing legislative language in an appropriations bill. It also is very unsound public policy.

One of these riders, the so-called Linder-Collins provision, is really an attack on the public's right to know. The provision prohibits the Environmental Protection Agency from identifying those areas which do not the meet the 8-hour standard ozone pollution provision until next June. In other words, even if the EPA knew an area had unhealthy air, it could not tell citizens or their government.

Since my time is so limited, I will not speak more on that issue. Senator BOXER will, and I believe other Senators will, too.

I also want to speak a bit on the other one, and that is the arsenic provision. The other rider postpones EPA's final rules on arsenic standards for drinking water for 6 months. This is very important. This is yet another unhealthy delay that could expose Americans to unnecessary danger. Why do I say that? First, arsenic is a poison. We now know it is also a carcinogen. So it is an especially serious contaminant in drinking water.

Get this. The current standard for arsenic was written in 1942, before we knew that arsenic causes cancer. Then, in 1996, Congress completed a comprehensive rewrite of the Safe Drinking Water Act. We put some common sense into the act, some risk assessment, some additional funding for the States. We also put in place a plan to resolve the remaining scientific issues.

As a result of the scientific study done by the National Academy of Sciences, we learned that arsenic is even more deadly than previously thought. NAS found:

> There is sufficient evidence from human epidemiological studies . . . that chronic ingestion of inorganic arsenic causes bladder and lung cancer as well as skin cancer.

The study also said the current standard should be revised downward ''as promptly as possible.''

Furthermore, when the Environment and Public Works Committee had a hearing on the matter, in response to a question, Dr. Michael Cossett, a member of the NAS group who studied the arsenic issue, said:

> Our committee specifically in its conclusions felt that the standards should be lowered as promptly as possible.

He went on to say that the current standard certainly was not protective of public health.

Yet we have this anti-environmental rider. It is further delay in protecting the American public from better arsenic standards. I cannot understand it. I think it is very bad public policy, and I strongly urge Congress to delete these provisions which, if not deleted, are going to cause serious harm to the American public.

Mr. President, earlier today we had a discussion about the arsenic rider. I want to assure Mr. BOND and Ms. MIKULSKI that although the minority committee staff was notified about the intention to pursue this rider, they objected to its inclusion. I just want to be sure the RECORD accurately reflects what occurred.

I yield the remainder of my time to my friend from California.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, time is short. I will try to get to the point very quickly.

I support Senator BOXER's amendments to this VA–HUD appropriations bill. I want to point out one thing. Under the leadership of Senators BOND and MIKULSKI, the bill our subcommittee reported last month was far better than the one before us today.

What we see today with these riders that have come over from the House side of the Capitol is delayed corporate responsibility. That is what these amendments ought to be called: Just take care of the corporations and forget about our obligation to our people to protect us from contaminated, polluted environments.

One of these amendments is there because it is strongly supported by General Electric, an extremely powerful corporation. I like General Electric. I know a lot of the people who run that company. But they have, according to the League of Conservation Voters, polluted 200 miles of New York and Connecticut coastline with a million pounds of PCBs. Their slogan is: ''Bring Good Things To Life.'' We have heard it. I would rather have them say: ''Bring Good Life To Things,'' like fish and birds and people. That is where they ought to be.

I commend Senator BOXER for bringing up this amendment. I hope our colleagues are going to support it.

This is a good bill, other than this part. Again, I commend Senators BOND and MIKULSKI for a very tough job well done. But we ought not let the corporations escape getting on with their responsibilities.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I would like to retain my 3 minutes if I might, Mr. President.

The PRESIDING OFFICER. The Senator from Missouri now has 15 minutes.

Mr. BOND. Mr. President, I yield myself 2 minutes.

Very briefly, this bill includes the provision that provides up to an additional 6 months for EPA to finalize the arsenic in drinking water rule. They can finalize it before June 2001 but will not be held to the statutory deadline. And EPA does not anticipate finalizing the rule until April or May, despite the

act's requirements. The practical effect of knocking this out would be to force EPA to spend its resources fighting in court to do what it cannot otherwise do, and that is take the time necessary to do the job right.

The Safe Drinking Water Act called for a full year of comment. The full year would be up June 2001. The most conservative estimates of compliance, including EPA's, for the smallest communities show water rates increasing by hundreds of dollars per family.

The State of Utah Department of Environmental Quality says the rate increase to remove arsenic from the Heartland Mobile Home Park would be $230 per month per customer. Even the EPA said it would be $70 per month per customer.

Do you know what is going to happen? No system. They are going to be off the system. There will be no water. They will get it from sources that are not protected at all.

This is a very important rule that needs to be worked out scientifically. EPA has not identified the specific level in drinking water below which there is not a significant risk to public health.

On the ozone nonattainment designation, it seems to me completely unreasonable that EPA should be making designations when that standard is before the U.S. Supreme Court. Why do the EPA and the State expend resources giving communities a black eye by designating them nonattainment areas when the entire ability to designate may be repealed by the Supreme Court? The EPA would be allowed, under this legislation, to move forward when the Supreme Court acts but no later than June 2001.

Do not blacklist communities before there is a statutory authorization. The National Association of Counties has said this process will brand hundreds of new counties across the country clean air violators resulting in lost jobs and lost economic opportunity.

The PRESIDING OFFICER (Mr. ALLARD). The time of the Senator has expired.

Mr. BOND. I yield 5 minutes to my distinguished colleague from Maryland.

Ms. MIKULSKI. Mr. President, I oppose the Boxer amendment on arsenic in drinking water, and I urge my colleagues to vote against it.

This amendment is not needed, and its adoption will effectively kill this bill.

Let me be clear about what we did.

In our negotiations with the House, bill language was added that allows EPA to take until June 22, 2001 to issue a final rule setting the allowable level of arsenic in drinking water.

EPA remains free to issue the final rule anytime up to June 22, 2001.

This provision was carefully negotiated with the administration.

It does not prevent, prohibit or restrict EPA's ability to issue a final rule for arsenic in drinking water.

Since EPA missed the deadline for proposal of this rule, this extension from the current January 1, 2001 statutory deadline would allow EPA the same length of time—12 months—to consider public comments as contemplated in the Safe Drinking Water Act Amendments of 1996.

This provision is fully consistent with the Safe Drinking Water Act.

Our provision maintains all of the protections for public health and safety.

If it didn't, I would not support it.

This is not a debate about arsenic in drinking water.

We all agree that arsenic in drinking water should be reduced or eliminated consistent with science based public health standards.

This is a disagreement over process, not substance.

Let me be very clear, the language contained in the VA/HUD bill is permissive and does not prevent EPA from issuing the regulation earlier than June 2001 if EPA is prepared to promulgate the final rule.

Also, public interest groups would still be allowed to file suit next June if EPA misses the revised deadline—just as they can now.

No one's rights or privileges have been taken away.

Our provision on arsenic simply moves a date. It poses no threat to public health or the environment.

It is fully consistent with the Safe Drinking Water Act, and it maintains EPA's full authority.

I point out to my colleagues that this bill contains $825 million for the safe drinking water revolving loan program.

This is EPA's main program to upgrade and improve our Nation's public drinking water systems.

Overall, our bill provides $3.6 billion for all clean water programs—a $200 million increase over last year and, over $700 million more than the President's request.

If the Boxer amendment is adopted, it will kill this bill and jeopardize the funding increases for our clean water programs.

If this bill dies, there is no guarantee that we will be able to maintain our current level of funding.

The administration supports our provision, and I urge my colleagues to vote against the Boxer amendment.

Mr. President, I oppose the Boxer amendment on ozone nonattainment and I urge my colleagues to oppose it.

This amendment is not needed and should it pass, it will effectively kill this bill.

The administration supports the provision in our bill, and I urge my colleagues to support it and vote against this amendment.

Let me be clear about what the ozone nonattainment provision in the VA/HUD bill does.

The provision prohibits EPA from issuing new ozone nonattainment designations until June 15, 2001, or until the Supreme Court issues its ruling in this matter, whichever comes first.

The administration was involved in the negotiations over this provision and they support it.

I believe this provision is a matter of common sense. It makes no sense to issue new nonattainment designations, just to have the Supreme Court invalidate them.

That will do nothing more than confuse State and local governments and undercut EPA's authority and credibility.

I want to point out to my colleagues, that during our negotiations with the House, the language was modified to allow final designations to occur as soon as the U.S. Supreme Court rules on the ozone standard case, rather than waiting until June 15, 2001.

Depending on the Supreme Court's decision, this would potentially allow EPA to proceed with final designations several months earlier than under the original language.

This provision does not weaken the Clean Air Act, it does not threaten the Clean Air Act and, it does not undercut EPA's authority.

Our bill language does not preclude EPA from taking preparatory steps leading up to the final designations.

After the final designations are made, States have 3 years before they have to begin implementing their plans for achieving the new standard.

The additional time provided by this bill language, being tied to the Supreme Court process, minimizes any delay in moving forward with any clean air plans and acknowledges the uncertainty created by the ongoing litigation.

Our bill provides $209 million for State air assistance grants to help states meet Clean Air Act requirements.

If the Boxer amendment passes, the VA/HUD bill will be killed and funding levels that it contains will be in jeopardy.

I urge my colleagues to vote against the Boxer amendment and support the administration.

Mr. President, in summary, I oppose the Boxer amendments both on the issue of substance and procedure. No. 1, everybody complains about the process. Nobody complained about it more than BOND and MIKULSKI. We wanted to bring our bill to the floor, have a vote by the Senate, and go into a conference that was open and public. We were denied that.

Because we were worried about the homeless, because we were worried about veterans, because we were worried about the environment, we pressed on in a quasi-conference. BOND and MIKULSKI were united to delete the riders, but we lost. The House would not yield.

We then went to a fallback position because, again, we are worried about the homeless; we are worried about the veterans; we are worried about the environment and the National Service Corps, and all that is in this bill. When we negotiated, I invited into the room OMB—with the concurrence of my Republican colleagues—who brought in

the Council on Environmental Quality. The President's chief adviser on the environment was on the phone with the legal counsel at EPA. We did not make this up.

I thought I was proceeding on safe grounds because of the advice I received from the Council on Environmental Quality. I say to my Democratic colleagues: Do you believe in a letter from 21 groups or do you believe in President Clinton's Council on Environmental Quality? The choice is there. Do you believe the advocacy analysis or President Clinton's analysis? I go with President Clinton because I believe there is a track record on protecting the environment.

What about arsenic? It does not shackle anybody. It delays it by 6 months. Under the current law, EPA must give the regs by January 2001. They can issue them at any time up to 2001. EPA retains its authority and its flexibility to issue the regs any time, but it removes the old deadline. Why do we do this? So small rural communities can have time to get EPA information, cost, and other things they are going to need to comply.

Let's go to the ozone. That court case is before the Supreme Court of the United States. It is not going through some small court. It is in the Supreme Court. They are going to decide it in June. The Court term ends in June. This language will no longer apply once the Court issues its ruling. Also, the language becomes moot in 2001.

Why was this language added? To prevent EPA from making new attainment designations and then have the Supreme Court invalidate them. We are saying, let the Court act and move on. At the same time, EPA is allowed to go on with its own planning process. Once the Supreme Court acts, EPA is good to go.

We are not shackling anybody. We are not stymying anybody. I believe in each of these instances there is flexibility to meet the compelling needs of public health. If they did not have that, I would not have supported it. If President Clinton's own team did not tell me it was OK to do this, I would not have done it.

I stand on the advice we were given, and I believe the advice is accurate, responsible, and reliable. I urge my colleagues to defeat the Boxer amendments.

Mr. BOND. Mr. President, I thank my colleague from Maryland. I yield 3 minutes to the junior Senator from Idaho.

The PRESIDING OFFICER. The junior Senator from Idaho.

Mr. CRAPO. Mr. President, I thank Senator BOND and Senator MIKULSKI. As chairman of the Fisheries, Wildlife and Drinking Water Subcommittee, I rise today in strong opposition to the amendment to prevent the EPA from having the time necessary to produce a proper arsenic drinking water rule based on the available science. It is important to note that in 1996 this Congress directed the EPA to adopt a specific schedule to propose an arsenic standard to allow for a full year of public review and comments by scientific experts and then to implement a rule after taking into consideration those comments.

That is what is at stake. It is important to follow up on what Senators BOND and MIKULSKI have said about what this amendment really does. It has been characterized as stopping the EPA from protecting us from arsenic problems.

The reality is that all this amendment does is give the EPA up to an additional 6 months to complete its work. In fact, I am quite surprised to see this amendment today because the administration itself has said they do not have the ability to meet the statutory deadline, and they need this extra time to make sure the rule they adopt is scientifically justified and does not cause the immense damage to local small communities in rural areas that is of concern.

We have held hearings on this issue in our subcommittee, and witness after witness has raised questions about whether the science is there to justify the direction in which the EPA is going. The EPA has acknowledged these questions. The EPA has said it needs time to further review the science, and the EPA has said it will take that time if we give it to them to do a good rule that will protect the country and yet not do damage to small communities in rural areas.

It is also important to note that this amendment does not stop the EPA from acting at any time the EPA deems it is ready to act. If the EPA says it has the process finalized, it has the science understood and is ready to proceed, they can proceed tomorrow, they can proceed in November or December or January when the statutory deadline exists. Again, the EPA has told us they are not ready to do so and that they need this extra time. We believe they need the extra time because of the impending damage that could be caused to local communities across this country.

As Senator BOND has said, there are communities and individual families who will see their water bills go up by hundreds of dollars. There are communities that probably will have to go off their systems because of this. The potential damage if we do not give the EPA the time to act properly and to review the comments is immense, and that is why I must oppose this amendment. I yield back the remainder of my time.

Mr. BOND. Mr. President, I reserve the time that has been allocated to various Members. I now allocate 3 minutes to the distinguished senior Senator from Idaho.

The PRESIDING OFFICER. The senior Senator from Idaho is recognized.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 4205

Mr. CRAIG. Mr. President, on behalf of the leadership, I ask unanimous consent that the Senate proceed to the DOD authorization conference report following the consideration and vote on H.R. 4516 on Thursday; that the conference report be considered as having been read and debated under the following agreement: 2 hours under the control of the chairman of the Armed Services Committee; 2½ hours under the control of Senator LEVIN; 1 hour under the control of Senator GRAMM; 30 minutes under the control of Senator WELLSTONE; that following the debate just outlined, Senator BOB KERREY be recognized to make a point of order, and that the motion to waive the Budget Act be limited to 2 hours equally divided in the usual form. I further ask unanimous consent that following the use or yielding back of time on the motion to waive, the Senate proceed to vote on the motion and, if waived, a vote occur immediately on adoption of the conference report, without any intervening action, motion, or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, this is the agreement we have been attempting to work out for the last day. This is something Senator WARNER and Senator LEVIN have worked on very hard. It is a good bill. We, on this side, think the agreement is something that will be to the benefit not only of the Senate but the country.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Idaho.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS—Continued

Mr. CRAIG. Mr. President, I thank the chairman of my subcommittee for yielding.

I say to the Senator from California, her amendment is a perfect example of no good deed goes unpunished. I say that to the Senator from California for this very simple reason. This language has been worked out with all of the parties, and all of the staffs, with the administration, and with the EPA. While they do not like it, they understand their science, and where they are does not justify, at this time, the kind of regulation they are attempting to bring down.

From the State of the Senator from California, let me read from the Indian Wells Valley Water District. This is a water district of 10 to 12 wells, wells that, meeting the current standard proposed by EPA, would cost this water district $1 million per year—a 60- to 70-percent cost increase in their operations.

What happens when Government goes silly or crazy based on science they