House of Representatives

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

As we bring to an end this 106th Congress, grant good closure to our work and stability to this Nation. May we take leave of one another in peace and be agents of reconciliation for Your people.

As we approach religious holy days and celebrate family holidays, grant us joyful spirits and safe travel. May we bring happiness to those we love and all we meet.

May hearts filled with generosity and charity bring good news to the poor and those most in need.

Bless us now and forever.

Amen.

The SPEAKER. The Chair thanks the Chaplain for his optimism.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the great gentleman from Texas (Mr. ARCHER) come forward and lead the House in the Pledge of Allegiance.

Mr. ARCHER 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER. The Chair will entertain 1 minutes after the bill under suspension of the rules.

INSTALLMENT TAX CORRECTION ACT OF 2000

Mr. ARCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3594) to repeal the modification of the installment method.

The Clerk read as follows:

H.R. 3594

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Installment Tax Correction Act of 2000”.

SEC. 2. REPEAL OF MODIFICATION OF INSTALLMENT METHOD.

(a) IN GENERAL.—Subsection (a) of section 536 of the Ticket to Work and Work Incentives Improvement Act of 1999 (relating to modification of installment method and repeal of installment method for accrual method taxpayers) is repealed effective with respect to sales and other dispositions occurring on or after the date of the enactment of such Act.

(b) APPLICABILITY.—The Internal Revenue Code of 1986 shall be applied and administered as if that subsection (and the amendments made by that subsection) had not been enacted.

The SPEAKER pro tempore (Mr. PEAZE). Pursuant to the rule, the gentleman from Texas (Mr. ARCHER) and the gentleman from Wisconsin (Mr. KLECKZA) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3594.

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

There was no objection.

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

Mr. Speaker, while the nature of this bill is complex, the purpose is quite simple; and that purpose is to protect as many as 260,000 small businesses from a harmful tax provision. More important, it should serve as a lesson to all politicians who talk about closing loopholes.

This was presented originally in President Clinton’s fiscal year 2000 budget and included in the 1990 Tax Expenditure package at the insistence of the White House and it outlawed the use of the installment sales method by

NOTICE

Effective January 1, 2001, the subscription price of the Congressional Record will be $393 per year or $197 for six months. Individual issues may be purchased for $4.00 per copy. The cost for the microfiche edition will remain $141 per year with single copies remaining $1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

Michael F. DiMario, Public Printer
taxpayers using the accrual method of accounting.

The accrual method of accounting generally requires that taxpayers recognize income in the year in which the right to receive the income occurs regardless of when the taxpayer actually receives the cash in that year.

The installment method of accounting allows a taxpayer to defer recognition of income until the taxpayer actually receives the payment, and that is appropriate.

During the negotiations in the 1999 tax package, we were told this provision was a “loophole closer,” that it was noncontroversial, and that no one would be heard. Months after the bill became law, however, we learned from the small business community that this harmless loophole closure would, in fact, hurt and hurt significantly. So now there is strong bipartisan support to undo this mistake and to go back to the way things were before this tax change was made. But this should serve as a lesson to all of us, not just today but in future Congresses. “Closing loopholes” always is a good sound bite for politicians. Whereas the real-life result is usually a bigger tax bite on American workers or businesses.

Today we will right the wrong and provide a little more peace of mind to thousands of small business owners across the country.

I urge my colleagues to support this important and time-sensitive legislation.

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

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

Mr. Speaker, I rise today in support of the Installment Tax Correction bill.

As the author of the first bill introduced in the House of Representatives to reinstate the installment method of accounting for accrual basis taxpayers, I commend California Congressman Tom Lantos (Mr. ARCHER) for his efforts on this issue.

Mr. Speaker, this legislation is needed to correct a flaw in the Ticket to Work and Work Incentives Improvement Act, which was passed by Congress last year.

Although the Ticket to Work bill contained many important provisions, it repealed the installment method of accounting for most accrual basis taxpayers. The bill before us is necessary to fix this repeal.

The installment sales method is frequently used in the sale and purchase of a small business where bank financing is unavailable. Under the Ticket to Work Act, small business owners selling a business using the installation sales method when selling their business because bank financing is often unavailable. Under an installment sales method when selling a business, the seller is taxed on the entire $100,000 up front even though he has only received the initial $10,000 each year over 10 years. Under the old rule, the seller would pay tax on the gain from the sale as he received the payments. In other words, violations were never fully paid off because the tax should be equally spread on all of us. However, the important thing is that the Congress will correct this inequity today.

I urge my colleagues to vote yes on H.R. 3594.

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

Mr. ARCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. HERGER) a highly respected member of the Committee on Ways and Means who has spent such terrific effort in bringing this issue to fruition on the floor today.

Mr. HERGER. Mr. Speaker, I say to the chairman, as this is the last bill that will be considered by the House under his chairmanship, I want to thank him for helping to bring this important legislation to the floor and for all he has done to improve the Tax Code and make it fairer for all Americans. Our Nation owes him a great debt of gratitude.

Mr. Speaker, earlier this year I was pleased to join with my colleagues from both sides of the aisle to introduce the legislation before us today, the Installment Tax Correction Act. This bill corrects a change in tax law which has had serious, unanticipated consequences for small business owners.

Last year, Congress passed and the President signed a change in law to disallow the installment method by accrual basis taxpayers. An unexpected result of this new law is to create a serious barrier to small business ownership. Many small business sales across the country have been canceled, while others have been put on hold while waiting for Congress to act. Additionally, the value of some businesses has been reduced by as much as 10 or 20 percent. And perhaps most urgently, business owners who have sold their business under the new tax law now face a large unexpected tax burden.

The time has come to correct this situation. This legislation, which is retroactive to the time of the tax change last December, will ensure that small business owners who find themselves facing a large tax burden as a result of an installment sale will receive tax relief before having to file their tax returns next year.

This much needed measure will make certain that elderly small business owners waiting to finance their retirement through the sale of their business would not have to wait any longer.

Mr. Speaker, most small business owners have chosen to use the installment sales method when selling their business because bank financing is often unavailable. Under an installment sale, the buyer makes a down payment up front and pays for the rest of the business over a period of years. Such sales grant greater flexibility to the buyer and seller than other sales methods. Under the new rule, the seller is taxed on the entire $100,000 up front even though he has only received the initial $10,000 payment.

We believe it is simply unfair to ask small business owners to pay tax on money they have not yet received. Our legislation will fix this problem by once again allowing business owners to pay the tax as they receive the payments. And because our legislation is retroactive to the time of the tax change last December, small business owners who have completed installment sale this year would no longer face an unexpected tax burden.
Mr. Speaker, this is a serious problem. The National Federation of Independent Business estimates that as much as 200,000 small business sales each year could be adversely affected if we do not act. I believe we owe it to small businessmen and businesswomen to have a Tax Code which treats them fairly, and I look forward to our approval today of this very worthy legislation, thus ensuring that small business remains a path to prosperity for millions of Americans.

Mr. KLECZKA. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARROLL), a member of the Committee on Ways and Means.

Mr. CARROLL. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. KLECZKA) for his independent thinking and the contributions that he has made to the committee. I would say to my friend from Maryland that I am also saddened that we did not get the pension reform bill passed. We had over 400 votes here on the floor of the House in support of it. He, along with the gentleman from Ohio (Mr. PORTMAN), did tremendous work in putting that package together. It would benefit all working Americans with greater retirement security opportunities.

But it will come another day. It will come, I am sure, in the next Congress; and all of the work that our committee has put into it and the gentleman from Maryland along with the gentleman from Ohio (Mr. PORTMAN) has put into it will not be lost.

I think we finish this year on a very positive note. This bill is a bill that can be supported by all of us. The tax provisions that will go in the ultimate package that we will vote on later today are provisions that I believe all of us should be able to support. I am pleased that we finish this Congress on this high level of harmony. I hope that it can extend into the next Congress.

Mr. Speaker, I urge full support of this bill.

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

Mr. KLECZKA. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I am afraid we are getting into the area of everything having been said about this bill but not everybody having said it. Nonetheless I think it is important to reflect and realize that this action that was taken last year by the House was done with the sound of the gavel. This made no sense, as the gentleman from Texas (Mr. ARCHER) for at least making it possible to correct this mistake this year to get it enacted. It is the right thing to do. I fully support it. I hope that we will pass it with broad support on both sides of the aisle.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume to thank my friend from Maryland for all of his contributions in the years that I have been on the Committee on Ways and Means and also to thank the gentleman from Wisconsin (Mr. KLECZKA) for his independent thinking and the contributions that he has made to the committee.

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

Mr. KLECZKA. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL) and the gentleman from Ohio (Mr. KLECZKA), who is the ranking member of the subcommittee. I think this is a good thing we do to straighten out an obvious error that was made last year in the haste of closing up shop for the year. I hope we do not have to do this again next year.

We should recount what has been put into this bill and the contributions that he has made to the committee. I am proud of the work that our committee has put into it and the gentleman from Ohio (Mr. PORTMAN) who has done tremendous work in putting that package together. It would benefit all working Americans with greater retirement security opportunities.

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Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume to thank my friend from Maryland for all of his contributions in the years that I have been on the Committee on Ways and Means and also to thank the gentleman from Wisconsin (Mr. KLECZKA) for his independent thinking and the contributions that he has made to the committee.

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Mr. Speaker, I urge full support of this bill.

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

Mr. KLECZKA. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HERGER) and others, myself and others, put a bill in, H.R. 3994, some time ago. I am glad we are getting this done.

This is truly, I think by anyone's definition, the law of unintended consequences at work. It demands that one who has an accrual basis of accounting in one's business when one sells it to report all of the income at the time of the sale when one has, as Members know under accrual accounting, a right to the income.

This makes no sense, as the gentleman from Maryland (Mr. CARDIN) said; and so we changed it back to the way it was and the way that is sensible, simple, and reasonable. And so what we will do is by this change assure every small business owner, every small business prospective buyer that on the installment sales contract method of transaction, one may count on not having a tax liability until the money is actually realized.

I want to thank the gentleman from Texas (Mr. ARCHER) for working with us on this this year and also the gentleman from New York (Mr. RANGEL) and the gentleman from Ohio (Mr. KLECZKA), who is the ranking member of the subcommittee. I think this is a good thing we do to straighten out an obvious error that was made last year in the haste of closing up shop for the year. I hope we do not have to do this again next year.

Mr. KLECZKA. Mr. Speaker, I yield myself such time as I may consume. What I would like to indicate at this point is that this is the last tax bill that will be managed by the able chairman of the Committee on Ways and Means, the gentleman from Texas (Mr. ARCHER). I know this is not the tax bill he really wanted to bring to the floor to manage for his last bill but nevertheless that was not to be this session.

But I would want to tell the gentleman and the Members who are listening that the gentleman will be missed. He was a real gentleman on the committee. I really appreciated the opportunity to work with him. What was especially heartening was his knowledge of the Tax Code and the fairness with which he treated all members of the committee, both Democrat and Republican. He is moving on to a much deserved retirement.

However, with the new administration taking over, there are some of us who would like to put together a letter to recommend to President-elect Bush that we look very seriously upon him as the new Secretary of the Treasury. So if he gives me a wink and a nod, I am sure we can put something together on that score.

However, if that is not to be, I personally wish him the very, very best. He is going to be missed sorely in the House.

Mr. BOEHNER. Mr. Speaker, will the gentleman yield?

Mr. KLECZKA. I yield to the gentleman from Ohio.

Mr. BOEHNER. I thank the gentleman from Wisconsin for yielding and
thank all the members of the Committee on Ways and Means, especially the chairman, for moving this piece of legislation. This was, in fact, an oversight that was affecting thousands of businesses if not more across the country. I know, for example, in my district, small-business people, have asked to have this corrected. I am glad that we are, in fact, doing it.

Let me add to the chorus of remarks to my good friend the gentleman from Texas (Mr. Archer). The gentleman from Texas and I have worked very closely together during the years that I served in the Republican leadership and as the gentleman from Texas was the chairman of the Committee on Ways and Means. I do not think one could find a more dedicated public servant, someone who believed in reforming the Tax Code and worked hard on behalf of not only his constituents but taxpayers all across the country. After 30 years in the Congress, he deserves a little rest. He has been a pleasure to work with and I think a model Member of this body. I wish him well in his retirement.

Mr. Bereuter, Mr. Speaker, this Member wishes today to express his support for H.R. 3594, the Installment Tax Correction Act of 2000, of which this Member is a cosponsor. This bill, which is being considered under suspension of the rules, will have a positive effect on small businesses nationwide.

At the outset, this Member would like to thank both the distinguished gentleman from California (Mr. Herger) for introducing this legislation and the distinguished Chairman of the House Ways and Means Committee from Texas (Mr. Archer) for his efforts in bringing this measure to the House Floor.

This legislation, H.R. 3594, eliminates the provision of the tax code which repealed the use of the installment method of accounting for accrual method taxpayers. This bill is necessary because of a provision in the Ticket to Work and Work Incentives Improvement Act (P.L. 106–170), which was signed into law in 1999. Unfortunately, this Act included a prohibition on the use of the installment method by accrual method taxpayers. As a result of this provision, these types of taxpayers are currently required to pay tax on all capital gains in the first year of an installment sale, regardless of when cash payment is received.

This provision is particularly onerous for small businesses. For example, installment sales methods are common for situations where the seller continues to stay involved in the transferred small business or when a family business transfers from one generation to the next. Furthermore, this Member has been told that neither the Administration nor the Ways and Means Committee anticipated or understood the effect the inclusion of this prohibition in the Ticket to Work and Work Incentives Improvement Act would have on small businesses. Fortunately, H.R. 3594 remedies this situation by eliminating the prohibition regarding the use of the installment method of accounting for accrual method taxpayers.

Therefore, for these reasons, this Member urges his colleagues to support H.R. 3594, the Installment Tax Correction Act of 2000.

Mr. Udall of Colorado. Mr. Speaker, as a cosponsor of H.R. 3594, I rise in strong support of the bill. I am very glad that it is being considered today rather than being left to languish until the next Congress convenes next month.

The bill would repeal a change in the tax law that was part of the “Ticket to Work” bill enacted last year. It evidently was included as a way to help offset the costs of that bill by increasing tax receipts. However, I do not think that it was necessary or appropriate.

The 1999 change prohibited use of the “installation method” for calculating tax on certain asset sales where the seller is paid over time rather than all at once. The effect of this is to make it much harder for small-business owners to sell their businesses or to seriously reduce the amount they can receive if they do sell. I have heard from many people in Colorado who have been and remain concerned about this aspect of the changes made in 1999.

H.R. 3594 would repeal that, restoring the ability of sellers to spread their receipts—and taxes—over several years. I think that is a good idea, which is why I joined as a cosponsor.

I urge the House to approve the bill. Mr. Kleczka. Mr. Speaker, I yield back the balance of my time.

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

The Speaker pro tempore. The question is on the motion to reconsider the House of Representatives.

Mr. Norton. Mr. Speaker, I move to reconsider the House of Representatives.

The Speaker. The motion to reconsider the House of Representatives is agreed to.

The House adjourned at 4 o'clock and 47 minutes a.m., to meet again tomorrow at 10 o'clock a.m., under the Speaker pro tempore.

Mr. Norton. Mr. Speaker, I yield back the balance of my time.

The Speaker. The recess having expired, the House is in recess.

Accordingly (at 10 o'clock and 25 minutes a.m.), the House stood in recess subject to the call of the Chair.

R E C E S S

The Speaker pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

☐ 1647

A F T E R R E C E S S

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Pease) at 4 o'clock and 47 minutes.

The committee of conference on the disagreement of the House upon the amendment to the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Related Agencies Appropriations Act, 2001, for fiscal year 2001.

The committee of conference upon the amendment of the Senate to the bill (H.R. 4565) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes, having met, after full and free conference, have agreed to insert the same and do recommend to their respective Houses as follows:

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

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

□ 1647

J O H N E D W A R D P O R T E R,
A BILL Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated in this Act:

1. For the Department of Labor, for the fiscal year ending September 30, 2001, and for other purposes, namely:

   TITLe I—DEPARTMENT OF LABOR
   EMPLOYMENT AND TRAINING ADMINISTRATION
   TRAINING AND EMPLOYMENT SERVICES

   For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; the Women in Apprenticeship and Nontraditional Occupations Act; and the National Skill Standards Act of 1994; $3,207,805,000 plus reimbursements, of which $1,088,465,000 is available for obligation for the period July 1, 2001 through June 30, 2002, of which $317,965,000 is available for obligation for the period April 1, 2001 through June 30, 2002, including $1,102,965,000 to carry out chapter I of the Workforce Investment Act and $275,000,000 to carry out section 169 of such Act; and of which $20,375,000 is available for the period July 1, 2001 through June 30, 2004 for necessary expenses of construction, rehabilitation, and acquisition of Job Centers: Provided, That $9,098,000 shall be for carrying out section 172 of the Workforce Investment Act, and $3,500,000 shall be for carrying out the National Skill Standards Act of 1994; Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Centers: Provided further, That funding provided to carry out projects under section 171 of the Workforce Investment Act that are identified in the Conference Agreement, shall subject to the requirements of section 171(b)(2)(A) of such Act, the requirements of section 171(c)(4)(D) of such Act, or the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(D) of such Act: Provided further, That funding appropriated herein for Dislocated Worker Employment and Training Activities under section 123(a)(2)(A) of the Workforce Investment Act may be distributed to Dislocated Worker Projects under section 171(d) of the Act without regard to the 10 percent limitation contained in section 171(d) of the Act: Provided further, That of the funds made available for Job Corps operating expenses in the Department of Labor Appropriations Act, 2000, as enacted by section 1004(a)(4) of Public Law 106-113, §§ 487 and 488, $3,500,000 shall be for the development of the Job Corps Center in the city of Vergennes, Vermont in settlement of the city's claim: Provided further, That $4,600,000 provided herein for dislocated worker employment and training activities is available for reimbursable provider payments under the New Mexico Telecommunications Call Center Training Consortium for training in telecommunications-related occupations.

   For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period July 1, 2001 through June 30, 2002, and of which $100,000,000 is available for the period October 1, 2001 through June 30, 2004, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

   COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

   To carry out title V of the Older Americans Act of 1965, as amended, §440, $2,000,000.

   FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

   For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $406,550,000, together with such sums as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

   STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

   For authorized administrative expenses, $193,452,000, together with not to exceed $3,172,246,000 (including not to exceed $1,228,000,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be made available for the Employment Security Administration account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, §3307(a)(7) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and the sums available in the allocation for activities authorized by title I of the Social Security Act, as amended (42 U.S.C. 502-504), and the sums available in the allocation for administrative expenses for carrying out §5 U.S.C. 8501-8523, shall be available for obligation by the States through December 31, 2001, except that funds used for automation shall be available for obligation by the States through September 30, 2003; and of which $193,452,000, together with not to exceed $773,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2001 through June 30, 2002, to fund activities under the Act of June 6, 1993, as amended, including the funds authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: Provided, That to the extent that the Affordable Housing Weekly Insured Underwriting (AHWI) fund for fiscal year 2001 is projected by the Department of Labor to exceed $2,396,000, an additional $28,600,000 shall be available for obligation for every $10,000 increase in such fund (including a pro rata amount for any increment less than $100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A-87.

   ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

   For repayable advances to the Unemployment Trust Fund authorized by sections 905(d) and 125(c)(1) of the Social Security Act, and for payments to the Black Lung Disability Trust Fund as authorized by section 951(c)(1) of the Internal Revenue Code of 1986, as amended, $406,550,000.
Revenue Code of 1954, as amended; and for non- repayable advances to the Unemployment Trust Fund as authorized by section 809 of title 5, United States Code, and to the "Federal emergency unemployment benefit accounts" established by section 305(a) of the Emergency Unemployment Compensation Act of 1986, as amended (29 U.S.C. 211(d) and 224) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1901 et seq.).

SALARIES AND EXPENSES

For the necessary expenses of the Pension and Welfare Benefits Administration, $107,832,000.

PENSION BENEFIT GUARANTY CORPORATION

For necessary expenses of the Pension Benefit Guaranty Corporation, $3,815,491,000.

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of the Emergency Unemployment Compensation Act of 1979, for processing applications and issuing certificates under section 310 of the Emergency Unemployment Compensation Act of 1986 and for processing claims with respect to a report of an employment accident, and to assess a penalty for violations of section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, with respect to a report of an employment accident, and to assess a penalty for violations of section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, and for processing applications and issuing certificates under section 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $110,651,000, including $6,431,700 for training and education for the training of employees, of which $22,590,000, to be used for the conversion to a paperless office, $7,050,000; (3) for consultation, technical assistance, educational and training programs, $110,651,000, including not to exceed $88,493,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act of 1970, and in addition, not less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, not exceeding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants; Provided, That, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants; Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2001, to collect and retain fees for services provided to located Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international labor standards; (4) to take any action authorized by such Act in connection with the termination of an employment benefit or allowance'' account, to be collected, and may utilize such sums for occupational safety and health training and education grants; Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2001, to collect and retain fees for services provided to located Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international labor standards; (4) to take any action authorized by such Act in connection with the termination of an employment benefit or allowance'' account, to

SALARIES AND EXPENSES

For necessary expenses of the Employment Standards Administration, $318,000 for Management, Salaries and Expenses, $21,590,000 for transfer to Departmental Management, Salaries and Expenses, $318,000 for the Office of Inspector General, and $356,000 for payment into miscellaneous receipts for the expenses of the Department of Labor of the Pension and Welfare Benefits Administration, $107,832,000.

EMPLOYMENT STANDARDS ADMINISTRATION

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $361,491,000; together with $1,985,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

For necessary expenses for the Pension and Welfare Benefits Administration, $107,832,000.

PENSION BENEFIT GUARANTY CORPORATION

For necessary expenses of the Pension Benefit Guaranty Corporation, $3,815,491,000.

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of the Emergency Unemployment Compensation Act of 1979, for processing applications and issuing certificates under section 310 of the Emergency Unemployment Compensation Act of 1986 and for processing claims with respect to a report of an employment accident, and to assess a penalty for violations of section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, with respect to a report of an employment accident, and to assess a penalty for violations of section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, and for processing applications and issuing certificates under section 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 224) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1901 et seq.).

SALARIES AND EXPENSES

For the necessary expenses of the Pension and Welfare Benefits Administration, $107,832,000.
temporary labor camp and employs 10 or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $374,327,000, of which $246,747,000 may be expended from the Employment Security Administration account in the Unemployment Trust Fund; the Secretary may be used by the Solicitor of Labor to participate in the Unemployment Trust Fund: Provided, Further, the decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary, or any other time the Board determines it is considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: Provided further, That these provisions shall not apply to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.): Provided further, That the beginning in fiscal year 2001, there is an increase in the compensation of individuals, referred to in section 603(a)(5)(H)(ii) (as redesignated by Public Law 106-113) is amended by striking "subparagraph (H)" and inserting "subparagraph (I)"; and (ii) by striking ``(H), and (I)'' and inserting ``(H)'' and 

DEPARTMENTAL MANAGEMENT
SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, including up to $1,000,000 for mine rescue and survival operations in the event of a major disaster,

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SEC. 103. Section 403(a)(5)(C)(viii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(viii)) is amended by striking ``3 years'' and inserting "5 years.

SEC. 104. (a) Section 218(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(c)(4)) is amended by adding at the end the following sentence: "The determination as to whether the housing furnished by an employer for an H-2A worker meets the requirements imposed by this paragraph must be made prior to the date the worker is hired in accordance with (A) the Department of Labor is required to make a certification described in subsection (a)(1) with respect to a petition for the importation of such work-

SEC. 105. Section 286s(g) of the Immigration and Naturalization Act (8 U.S.C. 1356s(g)) is amended by inserting, "and section 212(a)(5)(A)" after the second reference to "section 212(a)(5)(A)."

SEC. 107. (a) Section 403(a)(5) of the Social Security Act (as amended by section 806(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is amended by striking subparagraph (E) and redesignating subparagraphs (F) through (K) as subparagraphs (E) through (J), respectively.

(b) The Social Security Act (as amended by section 806(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is further amended as follows:

(3) Section 403(a)(5)(A)(I) (42 U.S.C. 603(a)(5)(A)(I)) is amended by striking "subparagraph (I)" and inserting "subparagraph (J)'.

(2) Subclause (I) of each of subparagraphs (A) and (B) of section 403(a)(5) (42 U.S.C. 603(a)(5)(A) and (B)) is amended—

(A) in item (aa)—

(i) by striking "(I)" and inserting "(H)"; and

(ii) by striking "(G), and (H)" and inserting "(G)"; and

(B) in item (bb), by striking "(F)" and inserting "(E)".

(3) Section 403(a)(5)(B)(iv) (42 U.S.C. 603(a)(5)(B)(iv)) is amended in the matter preceding subclause (I) by striking "(I)" and inserting "(H)".

(4) Subparagraphs (E), (F), and (G) of section 403(a)(5) (42 U.S.C. 603(a)(5)), as so redesignated by subsection (a) of this section, are each amended by striking "(I)" and inserting "(H)".


(c) Section 403(a)(5)(H)(i)(II) of such Act (42 U.S.C. 603(a)(5)(H)(i)(II)) is amended by striking subparagraph (A) of section 806(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is further amended by striking "$1,450,000,000" and inserting "$1,400,000,000".

(d) The amendments made by subsections (a), (b), and (c) of this section shall take effect on October 1, 2000.

This title may be cited as the "Department of Labor Appropriations Act, 2001".
H12104

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T I T L E  I I — D E P A R T M E N T  O F  H E A L T H  A N D  H U M A N  S E R V I C E S

H E A L T H  R E S O U R C E S  A N D  S E R V I C E S

A D M I N I S T R A T I O N

H E A L T H  R E S O U R C E S  A N D  S E R V I C E S

For the operation of the Department, including the Public Health Service, and the National Institutes of Health, for the year ending September 30, 2001, $61,775,000,000, to remain available until expended, of which $6,610,000,000 shall be available from amounts available under section 241 of the Public Health Service Act, $3,000,000,000 shall be available from amounts available under section 241 of the Public Health Service Act, $30,000,000, which shall become available on October 1, 2001, and shall remain available until expended; Provided, That such amount shall not be counted toward compliance with the allocation required under section 302(a)(1) of such Act: Provided further, That the allocation made under section 302(a)(1) of such Act and the funding share of each state shall be adjusted in the event that the amount available for a state is less than the amount available for the state in the prior fiscal year; Provided further, That in no case shall the amount available to a state under section 302(a) of such Act, as calculated pursuant to the allocation formula prescribed under such section and the regulations promulgated thereunder, be less than the amount available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: Provided, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: Provided further, That of the funds made available under this heading, $250,000 shall be available until expended for a reduction in the implementation of Public Law 106-557, the American Federation of Negro Affairs Education Program under title X of the Public Health Service Act, $5,474,000, of which $226,224,000 shall be available for the construction and renovation of health care and other facilities, and of which $226,224,000 shall be available for the construction and renovation of the Centers for Disease Control and Prevention: Provided further, That the funds provided under this heading may be used for the construction of the National Institutes of Health in Baltimore, Maryland, including the purchase or lease of real property, for the purpose of carrying out the 21st Century Construction Program: Provided further, That if the funding share of each state is less than the amount available for carrying out the facilities master plan for equipment, hire, and maintenance, the Director of the National Institutes of Health shall reduce the amount made available to the state by the difference between the amount available for carrying out the facilities master plan for equipment, hire, and maintenance, and the amount made available to the state for the purchase or lease of real property under this section: Provided further, That the funds provided under this heading shall be available only for the reward and recruitment of biomedical scientists, as defined in section 501(a)(2) of such Act, and such funds shall be available only for the purpose of carrying out the Medicare rural hospital flexibility grants program under section 1820(j) of the Social Security Act: Provided further, That the National Institutes of Health may retain funds made available under this heading for administrative purposes, including the purchase or lease of real property, subject to the limitations of section 302(a)(1) of such Act: Provided further, That the funds available for the construction and renovation of the Centers for Disease Control and Prevention may be used for the construction and renovation of facilities necessary to carry out the provisions of Public Law 106-557, the National Institutes of Health, $1,766,866,000, and not to exceed 3.5 percent of such amount, to be used for the full costs of operating the program, and shall remain available to the extent provided for in section 228 of the Health Resources and Services Administration, and shall be available only to public and private entities which agree that, with respect to an adolescent to whom the entity provides abstinence education under such grant, the entity will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking such information or services: Provided further, That funds expended for such evaluations may not exceed 5 percent of such amount.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary to carry out the purpose of such program, authorized by section 1509 of the Public Health Service Act, as amended: Provided, That funds obligated for administrative expenses to carry out the guaranteed loan program, including section 155, of the Public Health Service Act, $1,303,385,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary to carry out the purpose of such program, authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,679,000.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, PREVENTION, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Refugee Education Assistance Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act, 1970, title XVII of the Public Health Service Act, as amended, and the Poison Control Center Enhancement Act of 1984, section 1509 of the Public Health Service Act, $1,984,000,000, of which $250,000,000 shall be available for the full costs of operating the program, and shall remain available until expended: Provided, That no more than $65,000,000 of the proceeds of amounts made available for the full costs of operating the program shall be available until expended: Provided, That funds obligated for administrative expenses to carry out the guaranteed loan program authorized by section 155 of the Public Health Service Act referred to above may remain available until expended: Provided, That in no case shall the amount available for carrying out the facilities master plan for equipment, hire, and maintenance, the Director of the National Institutes of Health shall reduce the amount made available to the state by the difference between the amount available for carrying out the facilities master plan for equipment, hire, and maintenance, and the amount made available to the state for the purchase or lease of real property under this section: Provided further, That the funds provided under this heading shall be available only for the reward and recruitment of biomedical scientists, as defined in section 501(a)(2) of such Act, and such funds shall be available only for the purpose of carrying out the Medicare rural hospital flexibility grants program under section 1820(j) of the Social Security Act: Provided further, That the grants made shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entity provides abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking such information or services: Provided further, That the funds provided for administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,679,000.

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $3,757,242,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,299,866,000.

NATIONAL INSTITUTE OF DENTAL AND CRESTAL DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to oral health, $9,280,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,176,402,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $2,043,208,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,535,823,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $976,455,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $510,611,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to environmental health sciences, $502,549,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $786,039,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $396,687,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to hearing, $2,043,208,000.
deafness and other communication disorders, $300,581,000.

NATIONAL INSTITUTE OF NURSING RESEARCH
For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $104,370,000.

NATIONAL INSTITUTE ON ALCOHOL AND ALCOHOLISM
For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol and alcoholism, $340,678,000.

NATIONAL INSTITUTE ON DRUG ABUSE
For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $781,327,000.

NATIONAL INSTITUTE OF MENTAL HEALTH
For carrying out sections 301 and title IV of the Public Health Service Act with respect to mental health, $1,107,028,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE
For carrying out the activities at the John E. Fogarty International Center, $50,514,000.

NATIONAL LIBRARY OF MEDICINE
For carrying out the activities at the John E. Fogarty International Center, $50,514,000.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE
For carrying out the activities of the Office of the Director, National Institutes of Health, $213,581,000, of which $48,271,000 shall be for the office of AIDs Research: Provided, That not more than $20,000,000 shall be available for the purchase of not to exceed 20 passenger motor vehicles for replacement only: Provided further, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: Provided further, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: Provided further, That the National Institutes of Health is authorized to give consideration to the purchase of earthquake-resistant structural building improvements for the cost of qualified buildings or portions thereof that are insured by the Federal National Mortgage Association, $817,475,000: Provided further, That not more than 20 passenger motor vehicles for transporting such data shall be used to pay recipients of general research support grants: Provided further, That $75,000,000 shall be for extramural facilities construction grants.

JOHN E. FOGARTY INTERNATIONAL CENTER
For carrying out the activities at the John E. Fogarty International Center, $50,514,000.

NATIONAL LIBRARY OF MEDICINE
For carrying out the activities of the Office of the Director, National Institutes of Health, $213,581,000, of which $48,271,000 shall be for the office of AIDs Research: Provided, That $100,000 shall be available for the purchase of not to exceed 20 passenger motor vehicles for replacement only: Provided further, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: Provided further, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: Provided further, That the National Institutes of Health is authorized to give consideration to the purchase of earthquake-resistant structural building improvements for the cost of qualified buildings or portions thereof that are insured by the Federal National Mortgage Association, $817,475,000: Provided further, That not more than 20 passenger motor vehicles for transporting such data shall be used to pay recipients of general research support grants: Provided further, That $75,000,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE
For carrying out the activities of the Office of the Director, National Institutes of Health, $213,581,000, of which $48,271,000 shall be for the office of AIDs Research: Provided, That $100,000 shall be available for the purchase of not to exceed 20 passenger motor vehicles for replacement only: Provided further, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: Provided further, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: Provided further, That the National Institutes of Health is authorized to give consideration to the purchase of earthquake-resistant structural building improvements for the cost of qualified buildings or portions thereof that are insured by the Federal National Mortgage Association, $817,475,000: Provided further, That not more than 20 passenger motor vehicles for transporting such data shall be used to pay recipients of general research support grants: Provided further, That $75,000,000 shall be for extramural facilities construction grants.

OFFICE OF THE DIRECTOR
INCLUDING TRANSFER OF FUNDS
For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $213,581,000, of which $48,271,000 shall be for the Office of AIDs Research: Provided, That $100,000 shall be available for the purchase of not to exceed 20 passenger motor vehicles for replacement only: Provided further, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: Provided further, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: Provided further, That the National Institutes of Health is authorized to give consideration to the purchase of earthquake-resistant structural building improvements for the cost of qualified buildings or portions thereof that are insured by the Federal National Mortgage Association, $817,475,000: Provided further, That not more than 20 passenger motor vehicles for transporting such data shall be used to pay recipients of general research support grants: Provided further, That $75,000,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR MINORITY HEALTH AND HEALTH DISPARITIES
For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $130,200,000.

NATIONAL CENTER FOR MINORITY HEALTH AND HEALTH DISPARITIES
For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $130,200,000.
for research, demonstration, and evaluation activities shall be awarded to the West Virginia University School of Medicine’s Eye Center to test interventions and improve the quality of life for individuals with a low vision, with a particular focus on the elderly: Provided further, That $1,000,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to the Iowa Department of Public Health for the establishment and operation of a mercantile prescription drug purchasing cooperative or non-profit corporation demonstrating further, That the amount of the available amount for research, demonstration, and evaluation activities shall be awarded to Ohio State University to determine the benefits of race packaging: Provided further, That $855,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to Children’s Hospice International for a demonstration project to provide a continuum of care for children with life-threatening conditions and their families: Provided further, That $921,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to Equip for Quality for a demonstration project to document the impact of an independent investigative unit to investigate abuse, neglect, or other serious allegations of abuse and neglect of people with disabilities at facilities in Illinois: Provided further, That $1,000,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to Duke University Medical Center to demonstrate the potential savings in the Medicare program of a reimbursement system based on preventive care: Provided further, That $1,843,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to Bucks County, Pennsylvania, for a demonstration program to improve clinical data coordination among Medicaid providers: Provided further, That $646,000 of the amount available for research, demonstration, and evaluation activities shall be awarded for the Shelby County Regional Medical Center to establish a Master Patient Index to determine patient Medicaid TennCare eligibility: Provided further, that the Secretary of Health and Human Services is directed to collect fees in fiscal year 2001 from Medicaid enrollees pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1115(b)(3) of that Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available for the second year limitation on payment of outstanding obligations. During fiscal year 2001, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES PARTNERSHIP VIOLENCE PREVENTION SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV-D, X, X-I, X-XV, and X-XVII of the Public Health Service Act of July 5, 1960 (24 U.S.C. ch. 9), to remain available until expended; and for such purposes for the first quarter of fiscal year 2001, $1,000,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children and the Foster Care Assistance under the Older Americans Act before the effective date of the program of Temporary Assistance to Needy Families (TANF) with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV-A in any fiscal year shall not exceed the amount appropriated and under such title IV-A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations established under title IV-A; and Provided further, That for making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV-D, X, X-I, X-XV, and X-XVII of the Public Health Service Act, July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, in addition to amounts already appropriated for fiscal year 2001, $300,000,000.

For making payments under title XXVI of the Omnibus Reconciliation Act of 1981, $300,000,000: Provided, That these funds are hereby designated by the Congress to be emergency requirements pursuant to section 315(h)(2)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That these funds shall be made available only after submission to the Congress of a formal budget request by the President that in cludes designation of the entire amount of the request as an emergency requirement as defined in such Act.

REFUGEES AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1988, $765,000,000: Provided, That of the funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act for fiscal year 2001 shall be available for the States that have been designated as refugee resettlement areas through September 30, 2003: Provided further, That up to $5,000,000 is available to carry out the Trafficking Victims Protection Act of 2000.

PAYMENTS TO STATES FOR THE CHILDE CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658 through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act), to States for activities authorized by titles IV-D, X, X-I, X-V, X-VIII, and X-XVII of the Public Health Service Act, $9,024,000,000: Provided, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act for fiscal year 2001 shall be available for the States that have been designated as refugee resettlement areas through September 30, 2003: Provided further, That these funds shall be available for grants to States for assistance activities authorized by title IV of the Social Security Act (42 U.S.C. 670±679) and may be made for grants completed in fiscal years 1999 and 2000; of which $682,876,000 shall be for making payments under the Childcare and Development Block Grant Act; and of which $6,200,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2001 and remain available through September 30, 2002: Provided, That to the extent Community Services Block Grant funds are distributed as grant funds to a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with the purposes for which the funds are provided.

For making payments to States for activities authorized under section 413(h) of the Social Security Act shall be reduced by $15,000,000.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 430 of the Social Security Act, $305,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, $4,863,100,000.

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, for the first quarter of fiscal year 2002, $1,735,900,000.

ADMINISTRATION ON AGING SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Act.
For expenses necessary, not otherwise provided for, in the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, $33,849,000: Provided, That of such amount, necessary for providing protective services to the Secretary and investigating non-payment of child support cases, which non-payment is a Federal offense under 18 U.S.C. 228, each of which activities is hereby authorized in this and subsequent fiscal years.

For expenses necessary for the Office of Civil Rights, $37,000,000: Provided, That none of the funds made available under this heading for carrying out title XX of the Social Security Act, $30,377,000, shall be for activities specified in section 203(b)(2), of which $10,157,000 shall be for prevention service demonstration grants under section 10(b)(2) of title V of the Social Security Act, as amended, without limitation of the section 10(c) of said title XX: Provided, Further, That no funds shall be obligated for minority AIDS prevention and treatment activities until the Department of Health and Human Services submits an operating plan to the House and Senate Committees on Appropriations.

For expenses necessary for the Office for Civil Rights, $37,000,000: Provided, That none of the funds made available under this heading for carrying out title XX of the Social Security Act, $30,377,000, shall be for activities specified in section 203(b)(2), of which $10,157,000 shall be for prevention service demonstration grants under section 10(b)(2) of title V of the Social Security Act, as amended, without limitation of the section 10(c) of said title XX: Provided, Further, That no funds shall be obligated for minority AIDS prevention and treatment activities until the Department of Health and Human Services submits an operating plan to the House and Senate Committees on Appropriations.

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, $33,849,000: Provided, That of such amount, necessary for providing protective services to the Secretary and investigating non-payment of child support cases, which non-payment is a Federal offense under 18 U.S.C. 228, each of which activities is hereby authorized in this and subsequent fiscal years.

For retirement pay and medical benefits for commissioned officers, $27,000,000: Provided, That the amount distributed is as follows: Centers for Disease Control and Prevention, $181,131,000, of which $32,000,000 shall be for the Health Alert Network program, and shall be for the study of the anthrax vaccine; and Office of Emergency Preparedness, $60,100,000.
Foundation, unless the contractor is accredited by the Association for the Assessment and Accreditation of Laboratory Animal Care International or has a Public Health Services assurance, charged must agree with egregious violations of the Animal Welfare Act: Provided, That the requirements of section 481A(a)(1) shall not apply to funds awarded to nonhuman primate research facilities of special interest to NIH.

SEC. 217. No grants may be awarded under the first paragraph under the heading "Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services" in chapter 4 of title II of the Emergency Supplemental Act, 2000 (Public Law 106-113) until March 1, 2001.

SEC. 218. (a) The second sentence of section 594(d) of title 5, United States Code, is amended to read as follows: "No agreement shall be entered into under this section later than September 30, 2005, nor shall any agreement cover a period of service extending beyond September 30, 2005.


SEC. 219. (a) Congress makes the following findings:

1. Organ procurement organizations play an important role in the effort to increase organ donation rates.

2. The current process for the certification and recertification of organ procurement organizations conducted by the Department of Health and Human Services has created a level of uncertainty that is interfering with the effectiveness of organ procurement organizations in raising the level of organ donation.

3. The General Accounting Office, the Institute of Medicine, and the Harvard School of Public Health have identified substantial limitations in the organ procurement organization certification and recertification process and have recommended changes in that process.

4. The limitations in the recertification process include:

(A) An exclusive reliance on population-based measures of performance that do not account for the potential in the population for organ donation and do not permit consideration of other outcomes, standards that are vulnerable to manipulation or that do not accurately reflect the relative capability and performance of each organ procurement organization.

(B) A lack of due process to appeal to the Secretary of Health and Human Services for recertification on either substantive or procedural grounds.

(C) The Secretary of Health and Human Services has the authority under section 1138(b)(1) of the Social Security Act (42 U.S.C. 1320b-8(b)(1)(A) and (B)) to extend the period for recertification of an organ procurement organization from 2 to 4 years on the basis of its past practices in order to avoid the inappropriate disruption of the nation's organ system.

(D) The Department of Health and Human Services may use the extended period described in paragraph (5) for certification of all organ procurement organizations to develop multiple performance measures that would reflect organ donor potential and interim outcomes, and to test these measures to ensure that they accurately measure performance differences among the organ procurement organizations; and

(E) Improve the overall certification process by incorporating process as well as outcome performance measures into the recertification and developing equitable process for appeals.

(b) Section 371(b)(1) of the Public Health Service Act (42 U.S.C. 273(b)(1)) is amended—

(1) by designating paragraphs (D) through (G) as subparagraphs (E) through (H), respectively; and

(2) by realigning the margin of subparagraph (F) as so redesignated so as to align with subparagraph (E) as so redesignated; and

(3) by inserting after subparagraph (C) the following:

"(D) notwithstanding any other provision of law, has met the other requirements of this section and has been certified or recertified by the Secretary in the previous year period as an organ procurement organization through a process that 

(ii) grants certification or recertification within such 4-year period with such certifi- 

ication or recertification in effect as of January 1, 2000, and remaining in effect through the ear- 

lier of

(I) December 31, 2001; or

(II) January 1, 2002; or

(III) the completion of recertification under the requirements of this section;

(iii) is defined through regulations that are promulgated by the Secretary by not later than January 1, 2002, that:

(I) require recertifications of qualified organ procurement organizations not more frequently than once every 4 years;

(ii) rely on outcome and process performance measures that meet or exceed statistical evidence, obtained through reasonable efforts, of organ donor potential and other related factors in each service area of qualified organ procure- 

ment organizations;

(iii) use multiple outcome measures as part of the certification process; and

(iv) provide a qualified organ procure- 

ment organization to appeal a decertifica- 

tion to the Secretary on substantive and procedural grounds;"

SEC. 220. (a) In order for the Centers for Disease Control and Prevention to carry out international HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2001, the Secretary of Health and Human Services is authorized to—

(1) utilize the authorities contained in sub- 

section (c) of the State Department Basic Au- 

thorities Act of 1956, as amended, subject to the limitations set forth in subsection (b), and

(2) enter into reimbursable agreements with the Department of State using any funds appropriated to the Department of Health and Human Services, for the purposes for which the funds were appropriated in accordance with authority granted to the Department of Health and Human Services or under authority governing the activities of the Department of State.

(b) In exercising the authority set forth in subsection (a), the Secretary shall—

(1) provide for the monitoring and evaluation, technical assistance, and program improvements for all agreements:

Provided: Further, That with respect to any funds appropriated to carry out section 1001 et seq. in this Act, the Secretary shall strongly encourage applications for funds to be submitted jointly by a local educational agency (or a consortium of local educational agencies) and a community-based organization that has experience in providing before- and after-school services and all applications submitted to the Secretary shall contain evidence that the project contains elements that are designed to assist students in meeting or exceeding state and local standards in core academic subjects, as appropriate to the needs of participating children:

Provided further, That $125,000,000, which shall become available on otherwise applicable Federal procurement laws and regulations to the maximum extent practicable.

SEC. 221. Notwithstanding any other provision of law, the Director, National Institutes of Health, may enter into and administer a long-term lease for facilities for the purpose of prom- 

oting scientific and engineering research for bio- 

medical and behavioral research at the Bayview Campus in Baltimore, Maryland. Provided: That the House and Senate Appropriations Committees shall be notified of the terms and conditions of the lease upon its execution.

SEC. 222. Of the funds appropriated in this Act for the National Institutes of Health, $5,800,000 shall be transferred to the Office of the Secretary, General Departmental Manage- 

ment to support the newly established Office for Human Research Protections.

SEC. 223. Of the funds appropriated in this Act for the National Institutes of Health, $5,707,000 shall be transferred to the Office of the Director in order to support the newly established Office of Science Policy and Strategic Planning, including the National Center for Science and Engineering Policy.

SEC. 224. Of the funds appropriated in this Act for the National Institutes of Health, $1,000,000 shall be transferred to the Office of the Director for the purpose of carrying out the responsibilities of the Office of Science Policy and Strategic Planning.

SEC. 225. The National Institutes of Health may enter into and administer a long-term lease for facilities for the purpose of promoting scientific and engineering research at the Bayview Campus in Baltimore, Maryland. Provided: That the House and Senate Appropriations Committees shall be notified of the terms and conditions of the lease upon its execution.

SEC. 226. No agreement shall be entered into under this section later than September 30, 2001, nor shall any agreement cover a period of service extending beyond September 30, 2001.

Provided further, that $225,000,000 of these funds shall be allocated among the States in the same proportion as funds are allocated among the States under section 1122, to carry out section 1116(c) of this Act. Provided further, that the funds appropriated under this section shall be allocated under the preceding proviso, and all other local educational agencies that are within a State that receives funds under part A of title I of the Elementary and Secondary Education Act of 1965 (other than a local educational agency within a State receiving a minimum grant under section 1122A or 1122A4 of such Act), shall provide all students enrolled in a school identified under section 1116(c) with the option to transfer to another public school within the local educational agency, a parochial or a public charter school, that has not been identified for school improvement under section 1116(c), unless such option to transfer is prohibited by State law, or local law, which includes school board-approved local educational agency policy: Provided further, That if the local educational agency demonstrates to the satisfaction of the Secretary that the educational agency lacks the capacity to provide all students with the option to transfer to another public school, and after giving notice to the parents of students affected that it is not possible, consistent with State and local law, to accommodate the transfer request of every student, the local educational agency shall permit as many students as possible (who shall be selected by the local educational agency on an equitable basis) to transfer to a public school that has not been identified for school improvement under section 1116(c): Provided further, That up to $3,500,000 of these funds shall be available to the Secretary on October 1, 2000, to obtain updated quality level, accountability, and remedial data from the Bureau of the Census: Provided further, That $1,364,000,000 shall be available for concentration grants under section 1124A: Provided further, That grant awards under sections 1124 and 1124A of title I of the Elementary and Secondary Education Act of 1965 shall be not less than the greater of 100 percent of the amount each State and local educational agency received under this authority in fiscal year 2000 or the amount such State and local educational agency may use such excess funds to carry out initiatives to promote the retention of highly qualified teachers who have a record of success in helping low-achieving students improve their academic success: Provided further, That each State educational agency may use such excess funds to carry out activities under section 2201 of the Elementary and Secondary Education Act of 1965: Provided further, That both State educational agencies and State agencies for higher education may also use such excess funds for multi-week institutes, such as those provided in the summer months, that provide intensive professional development to local educational agencies, and grants to partnerships of such entities as local educational agencies, institutions of higher education, and private providers, to recruit, and provide professional development to, and help retain, school principals and superintendents, especially for such individuals who serve, or are about to serve, in low-performing schools and local educational agencies: Provided further, That such activities may be undertaken in consortium with other States: Provided further, That $44,000,000 shall be appropriated for part B of title II of the Elementary and Secondary Education Act of 1965, $45,000,000 shall be available to States and allocated in accordance with section 2202(b) of that Act: Provided further, That $44,000,000 shall not apply: Provided further, That notwithstanding any other provision of law, each State shall use the amount made available under the preceding proviso to meet the requirements for State eligibility for the Ed-Flex Partnership Act of 1999 or the requirements under section 1111 of title I of the Elementary and Secondary Education Act of 1965: Provided further, That $44,000,000 shall be available for national activities under section 2102 of the Elementary and Secondary Education Act of 1965: Provided further, That of the amount made available in the preceding proviso, $3,000,000 shall be made available to the Secretary for the Troops-to-Teachers Program for transfer to the Defense Agency for Non-Traditional Education Support ("DA-NES") program: Provided further, That the funds transferred under the preceding proviso shall be used by the Secretary of Defense to administer the Troops-to-Teachers Program, including the activities of persons indicated in the Program under the Troops-to-Teachers Program Act of 1999 (title XVII of Public Law 106-65, 20 U.S.C. 9301 et seq.): Provided further, That for purposes of sections 1121(b) and (c) of the Troops-to-Teachers Program Act of 1999, the Secretary of Education shall be the administering Secretary and may, at the Secretary's discretion, carry out activities under section 1720(c) of that Act and reserve a portion of the funds made available for the Troops-to-Teachers Program to carry out section 1720(b) and (c) of that Act: Provided further, That of the amount made available under the preceding proviso for national activities under section 2102 of the Elementary and Secondary Education Act of 1965, the Secretary is authorized to use a portion of such funds to carry out activities to increase the knowledge and skills of early childhood educators and caregivers who work in urban and rural communities with high concentrations of young children living in poverty: Provided further, That the amount appropriated, $3,208,000,000 shall be for title VI of the Elementary and Secondary Education Act of 1965 and to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.): Provided further, That the amount made available for title VI,
$1,623,000,000 shall be available, notwithstanding any other provision of law, in accordance with section 306 of this Act in order to reduce class size, particularly in the early grades, using highly qualified teachers to improve educational achievement for regular and special needs children: Provided further, That of the amount made available for title VI, $1,200,000,000 shall be available, notwithstanding any other provision of law, for grants for school repair and renovation, activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), and technology activities, in accordance with section 321 of this Act: Provided further, That funds made available under this heading to carry out section 211 of the Rehabilitation Act of 1965 shall be available for education reform projects that provide same gender schools and classrooms, consistent with applicable law: Provided further, That of the amount made available to carry out activities authorized under part C of title IX of the Elementary and Secondary Education Act of 1965, $1,000,000 shall be for the Alaska Humanities Forum for operation of the Rose student exchange program and $1,000,000 shall be for the Alaska Native Heritage Center to support its program of cultural activities: Provided further, That the amount made available for subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965, $10,000,000, to remain available until expended, shall be for Project School Emergency Response to Violence to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis.

Reading Excellence

For necessary expenses to carry out the Reading Excellence Act, $91,000,000, which shall become available on July 1, 2001 and shall remain available through September 30, 2002.

Indian Education

For expenses necessary to carry out, to the extent not otherwise provided, titles I, IX, part A of the Elementary and Secondary Education Act of 1965, as amended, $115,500,000.

Bilingual and Immigrant Education

For carrying out, to the extent not otherwise provided, bilingual, foreign language and immigrant education activities authorized by parts A and C of title VII of the Elementary and Secondary Education Act of 1965, $460,000,000: Provided, That State educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies.

Special Education

For carrying out the Individuals with Disabilities Education Act, $7,439,948,000, of which $2,090,452,000 shall become available for obligation on or after October 1, 2001 and shall remain available through September 30, 2002, $1,000,000 shall remain available until expended, and of which $572,000,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002, for academic year 2001-2002: Provided, That $9,500,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials: Provided further, That $1,500,000 shall be for the recipient of funds provided by Public Law 105-78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, eligibility, and teaching strategies for children with disabilities: Provided further, That $7,353,000 of the funds for section 672 of the Act shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

Rehabilitation Services and Disability Research

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, the Kellogg National Center Act, $2,805,339,000: Provided, That the funds provided for title I of the Assistive Technology Act of 1998 (the "AT Act") shall be available for carrying out section 105(b)(1) of the AT Act: Provided further, That each State shall be provided $50,000 for activities under section 102 of the AT Act: Provided further, That $4,600,000 of the funds provided for parts A, B, and C of the AT Act shall be used to support grants for up to three years to States under title III of the AT Act, of which the Federal share shall not exceed 75 percent in the first year, 50 percent in the second year, and 25 percent in the third year, and that the requirements in section 301(c)(2) and section 302 of that Act shall not apply to such grants: Provided further, That $1,623,000,000 of the funds for section 303 of the Rehabilitation Act of 1973 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: Provided further, That $400,000 of the funds for title II of the Rehabilitation Act of 1973 shall be for the Cerebral Palsy Research Foundation in Wichita, Kansas to support research, development, and training to study and recommend incentives for employers to hire persons with significant disabilities.

Special Institutions for Persons with Disabilities

American Printing House for the Blind

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $12,000,000.

National Technical Institute for the Deaf

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $53,376,000, of which $5,376,000 shall be for construction started and $48,000,000 of which shall become available on October 1, 2001 and remain available through September 30, 2002.

Gallaudet University

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $99,400,000: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

Vocational and Adult Education

For carrying out, to the extent not otherwise provided, titles I, III, IV, VI, and VII of the Higher Education Act of 1965, as amended, and sections 316 of the Higher Education Act of 1965, of which the Federal share shall be for the Carl D. Perkins Vocational and Adult Education Act of 1998, and the Helen Keller National Center Act, $2,805,339,000: Provided, That $400,000 of the funds for section 207 of the Rehabilitation Act of 1973 shall be for the Cerebral Palsy Research Foundation in Wichita, Kansas to support research, development, and training to study and recommend incentives for employers to hire persons with significant disabilities.

Special Education

For carrying out the Individuals with Disabilities Education Act, $7,439,948,000, of which $2,090,452,000 shall become available for obligation on or after October 1, 2001 and shall remain available through September 30, 2002, and of which $5,072,000,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002, for academic year 2001-2002: Provided, That $9,500,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials: Provided further, That $1,500,000 shall be for the recipient of funds provided by Public Law 105-78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, eligibility, and teaching strategies for children with disabilities: Provided further, That $7,353,000 of the funds for section 672 of the Act shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.
of the Elementary and Secondary Education Act of 1965 shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall be unpaid.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III of the Higher Education Act of 1965, as amended, $208,000.


The total amount of bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall be unpaid.

For administrative expenses to carry out the mandates of the Higher Education Act of 1965, as amended, $50,000,000 shall be available until expended.
section is less than the starting salary for a new fully qualified teacher in that agency, who is certified within the State (which may include certification through State or local alternative routes). This serves to make certain that high-level knowledge, skills, and subject matter knowledge required to teach in his or her content areas, that agency may use funds under this section to (A) help provide for the education and training of a full-time, part-time, or on-call teacher hired to reduce class size, which may be in combination with other Federal, State, or local funds; or (B) pay the salary of any teacher hired under this section to carry out activities described in subsection (c)(2)(A)(iii) which may be related to teaching in smaller classes.

(c)(2) The specific purpose and intent of this section is to reduce class size with fully qualified teachers. Each local educational agency that receives funds under this section shall describe and implement effective approaches to reducing class size with fully qualified teachers who are certified within the State, including teachers certified through State or local alternative routes, and who demonstrate competency in the areas in which they teach, to improve educational achievement for both regular and special needs children, with particular consideration given to the class size in the elementary grades for which some research has shown class size reduction is most effective.

(2)(A) Each such local educational agency may use funds received under this section—

(i) recruiting (including through the use of signing bonuses, and other financial incentives), hiring, and training fully qualified regular and special education teachers and teacher assistants (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and non-disabled children) and teacher assistants of special-needs children who are certified within the State, including teachers certified through State or local alternative routes, and who demonstrate competency in the content areas in the elementary grades for which some research has shown class size reduction is most effective.

(ii) by providing professional development and enrichment programs, to teachers who are not hired under this section.

Funds under this section may be used to provide for the salaries of teachers under section 307 of the Department of Education Appropriations Act, 1999, or under section 310 of the Department of Education Appropriations Act, 2000.

(I)(i) Each such agency shall use funds under this section only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section.

(ii) No funds made available under this section may be used to increase the salaries or provide benefits other than participation in professional development, professional development and enrichment programs, to teachers who are not hired under this section.

Funds under this section may be used to pay the salaries of teachers hired under section 307 of the Department of Education Appropriations Act, 1999, or under section 310 of the Department of Education Appropriations Act, 2000.

(I)(i) Each such agency shall use funds under this section only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section.

(ii) No funds made available under this section may be used to increase the salaries or provide benefits other than participation in professional development, professional development and enrichment programs, to teachers who are not hired under this section.

Funds under this section may be used to provide for the salaries of teachers under section 307 of the Department of Education Appropriations Act, 1999, or under section 310 of the Department of Education Appropriations Act, 2000.

(3) Each such agency shall report on activities in the State under this section, consistent with section 6202(a)(2) of the Elementary and Secondary Education Act of 1965.

(2) Each State and local educational agency receiving funds under this section shall publicly report to parents on its progress in reducing class size, increasing the percentage of classes in core academic areas taught by fully qualified teachers who are certified within the State and demonstrate competency in the content areas in the elementary grades for which some research has shown class size reduction is most effective.

(3) Each such agency that receives funds under this section shall report on activities in the State under this section, consistent with section 6202(a)(2) of the Elementary and Secondary Education Act of 1965.

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(3) Each such agency that receives funds under this section shall report on activities in the State under this section, consistent with section 6202(a)(2) of the Elementary and Secondary Education Act of 1965.

(2) Each State and local educational agency receiving funds under this section shall publicly report to parents on its progress in reducing class size, increasing the percentage of classes in core academic areas taught by fully qualified teachers who are certified within the State and demonstrate competency in the content areas in the elementary grades for which some research has shown class size reduction is most effective.

(3) Each such agency that receives funds under this section shall report on activities in the State under this section, consistent with section 6202(a)(2) of the Elementary and Secondary Education Act of 1965.
SEC. 310. Section 117(i) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2327(i)) is amended by inserting "such sums as may be necessary for" before "each of the 4 years".

SEC. 311. Section 432(m)(1) of the Higher Education Act of 1965 (20 U.S.C. 1082(m)(1)) is amended—

(1) by striking clause (iv) of subparagraph (D); and

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

"(E) PERFECTION OF SECURITY INTERESTS IN STUDENT LOANS.—

"(i) UNIFORM COMMERCIAL CODE.—Notwithstanding the provisions of section 9-511 of the Uniform Commercial Code as in effect in any State, a security interest in loans made under this part may be perfected without regard to the provisions of 34 CFR part 668.

"(ii) C OLLATERAL DESCRIPTION .—In addition to any other method for describing collateral in a financing statement, if any State has a lien law permitting the description of collateral in any financing statement filed pursuant to this paragraph as defined in section 9-513 of the Uniform Commercial Code as in effect in any State, a security interest in loans made under this part shall be perfection in the manner provided by the applicable State's lien law for perfection of security interests in accounts, as including applicable transition provisions. If any such State's law provides for a statutory lien to such State's law may be amended to from time to time (including applicable transition provisions). If any such State's law provides for a statutory lien to be created in such loans, such statutory lien may be created by the entity or entities governed by such State law in accordance with the applicable statutory provisions created such a statutory lien.

"(ii) COLLATERAL DESCRIPTION.—In addition to any other method for describing collateral in a financing statement, if any State has a lien law permitting the description of collateral in any financing statement filed pursuant to this paragraph as defined in section 9-513 of the Uniform Commercial Code as in effect in any State, a security interest in loans made under this part may be perfected without regard to the provisions of 34 CFR part 668.

"(iii) SALES.—Notwithstanding clauses (i) and (ii) and any provisions of any State law to the contrary, including the Uniform Commercial Code as in effect in any State, a security interest in loans made under this part may be perfected without regard to any other provisions of any other law (as defined in section 432(d)) that attaches, be perfected, and be assigned in the manner provided by the applicable State's lien law for perfection of security interests in accounts, as including applicable transition provisions. If any such State's law provides for a statutory lien to such State's law may be amended to from time to time (including applicable transition provisions). If any such State's law provides for a statutory lien to be created in such loans, such statutory lien may be created by the entity or entities governed by such State law in accordance with the applicable statutory provisions created such a statutory lien.

"(iii) Collateral Description.—In addition to any other method for describing collateral in a financing statement, if any State has a lien law permitting the description of collateral in any financing statement filed pursuant to this paragraph as defined in section 9-513 of the Uniform Commercial Code as in effect in any State, a security interest in loans made under this part may be perfected without regard to the provisions of 34 CFR part 668.

"(iii) Collateral Description.—In addition to any other method for describing collateral in a financing statement, if any State has a lien law permitting the description of collateral in any financing statement filed pursuant to this paragraph as defined in section 9-513 of the Uniform Commercial Code as in effect in any State, a security interest in loans made under this part may be perfected without regard to the provisions of 34 CFR part 668.

"(2) by striking subparagraph (D) and inserting the following:

"(D) the development and implementation of character education and training programs that reflect the values of parents, teachers, and local communities, and incorporate elements of good character, including honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness; and

"(3) by inserting in lieu thereof the following:

"(B) providing scholarships for eligible students—

"(I) who are in their first 2 years of postsecondary education and who are receiving Federal Pell Grants under subpart 1; or

"(ii) making awards that—

"(I) supplement Pell grants received under section 413C(b)(2) by eligible students who demonstrate financial need; or

"(ii) by providing community service work-study awards under section 413C(b)(2) to additional eligible students who demonstrate financial need;

"(2) by inserting after subsection (b) the following new subsection:

"(y) USE OF FUNDS FOR ADMINISTRATIVE COSTS PROHIBITED.—A State receiving a grant under this paragraph shall not use any of the grant funds to pay administrative costs associated with any of the authorized activities described in subsection (c)."

SEC. 312. Section 4020 of the Higher Education Act of 1965 (20 U.S.C. 1070a-14) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(C) SPECIAL RULE.—For student aid—

"(1) USE FOR STUDENT AID.—A recipient of a grant that undertakes any of the permissible services identified in subsection (b) may, in addition, use such funds to provide grant aid to students who use such funds for the purposes described in subsection (b). Such a grant shall not exceed the maximum appropriated Pell Grant or, be less than the minimum appropriated Pell Grant, for the current academic year.

"(2) ELIGIBLE STUDENTS.—For purposes of receiving grant aid under this subsection, eligible students shall include students who are participating in a student support services program offered by the institution and be—

"(A) students who are in their first 2 years of postsecondary education and who are receiving Federal Pell Grants under subpart 1; or

"(B) students who have completed their first 2 years of postsecondary education and who are receiving Federal Pell Grants under subpart 1; or

"(ii) these students are at high risk of dropping out; and

"(iii) it will first meet the needs of all its eligible first- and second-year students for services under this paragraph.

"(3) DETERMINATION OF NEED.—A grant provided to a student under paragraph (1) shall not be considered in determining that student's need for grant aid after a work assistance grant, except that in no case shall the total amount of student financial assistance awarded to a student under this title exceed that student's cost of attendance, as defined in section 472.

"(4) MATCHING REQUIRED.—A recipient of a grant who uses such funds for the purpose described in paragraph (1) shall match the funds used for such purposes, in cash, from non-Federal funds, in an amount that is not less than 33 percent of the total amount of funds used for that purpose. This paragraph shall not apply to any grant recipient that is an institution of higher education eligible to receive funds under part A or B of title I or title V.

"(5) RESERVATION.—In no event may a recipient use more than 20 percent of the funds received under this section for grant aid.

"(6) SUPPLEMENT, NOT SUPPLANT.—Funds received under a grant recipient that are used under this subsection shall be used to supplement, and not supplant, non-Federal funds expended for student support services programs.

The amendments made by subsection (a) shall apply with respect to student support services grants awarded on or after the date of enactment of this Act.

SEC. 313. (a) Subparagraph (B) of section 427A(c)(4) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)(4)) is amended as follows:

"(I) the bond equivalent rate of 52-week Treasury bills auctioned at the auction final held prior to such June 1, plus

"(ii) 2.25 percent.

"(II) For any 12-month period beginning on July 1 and ending on or before June 30, 2001, the rate determined under this subparagraph is determined on the preceding June 1 and is equal to—

"(i) the bond equivalent rate of 52-week Treasury bills auctioned at the auction final held prior to such June 1, plus

"(ii) 3.25 percent.

"(II) For any 12-month period beginning on July 1, 2001 or any succeeding year, the rate determined under this subparagraph is determined on the preceding June 26 and is equal to—

"(i) the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week ending on or before such June 26, plus

"(ii) 4.25 percent.

"(b) Subparagraph (A) of section 455(b)(4) of such Act (20 U.S.C. 1087e(b)(4)) is amended to read as follows:

"(A) Federal Direct PLUS Loans for which the first disbursement is made on or after July 1, 1994, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on or before June 30, be determined on the preceding June 1 and be equal to—

"(i) the bond equivalent rate of 52-week Treasury bills auctioned at the auction final held prior to such June 1, plus

"(ii) 3.1 percent, except that such rate shall not exceed 9 percent.

"(B) For any 12-month period beginning on July 1, 2001 or any succeeding year, the applicable rate of interest determined under this subparagraph shall be determined on the preceding June 1 and be equal to—

"(i) the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week ending on or before such June 26, plus

"(ii) 3.1 percent, except that such rate shall not exceed 9 percent.

"(C) the Secretary of Education Amendments of 1992 (20 U.S.C. 1070 note) is
amended by adding at the end the following new subsection:

"(e) **DESIGNATION.**—Scholarships awarded under this section shall be known as 'B. J. Stupak Scholarships'."

**Sect. 321.** (a) Subject to subsection (c), the Secretary of Education shall release the reversionary interests that were retained by the United States to the extent that the United States no longer retains any interest in, or has possession of, all or any portion of that real property situated in the County of Marin, State of California, in an April 3, 1978 Quitclaim Deed, which was filed for record on June 5, 1978, in Book 3884, at page 33, of the official Records of Marin County, California.

(b) The Secretary shall execute the release of the reversionary interests under subsection (a) without consideration.

(c) The Secretary shall execute and file in the appropriate office or offices a deed of release, amended deed, or other appropriate instruments effectuating the release of the reversionary interests under subsection (a), in all other respects the provisions of the April 3, 1978 Quitclaim Deed shall remain intact.

**Sect. 321.** (a) **GRANTS TO NATIVE AMERICAN SCHOOLS AND STATE EDUCATIONAL AGENCIES.**—

1. **ALLOCATION OF FUNDS.**—Of the amount made available to carry out the "school improvement programs" for grants made in accordance with this section for school repair and renovation, activities under part B of the Individuals with Disabilities Education Act of 1965 (20 U.S.C. 1401 et seq.), and technology activities, the Secretary of Education shall allocate—

- **(A)** $75,000,000 for grants to impacted local educational agencies as defined in paragraph (3) for school repair, renovation, and construction;
- **(B)** $3,250,000 for grants to outlying areas for school repair and renovation in high-need schools and communities, allocated on such basis, and subject to such terms and conditions, as the Secretary determines appropriate; and
- **(C)** such amount as the Secretary determines necessary for the purpose of administering the distribution of grants under this subsection.

2. **DETERMINATION OF GRANT AMOUNT.**—

- **(A)** determination of weighted student units.—For purposes of computing the grant amount under subparagraph (A)(i) for fiscal year 2001, the Secretary shall determine the results obtained by the computation made under section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) with respect to children described in subsection (a)(1)(C) of such Act for the preceding school year constituting at least 50 percent of the total student enrollment in the schools of the agency during such school year.
- **(B)** within-state allocations.—

1. **ADMINISTRATIVE COSTS.**—

- **(A)** State educational agency administration.—Except as provided in paragraph (B), each State educational agency may reserve not more than 1% of its allocation under subsection (a)(1)(D) for the purpose of administering the distribution of grants under this subsection.

2. **STATE ENTITY ADMINISTRATION.—**If the State educational agency to which funds are allocated under paragraph (2)(A), the agency shall transfer such amount of the amount reserved under this paragraph for the purpose of administering the distribution of grants under this subsection.

3. **RESERVATION FOR COMPETITIVE SCHOOL REPAIR AND RENOVATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.**—

(a) **IN GENERAL.**—Subject to the reservation under paragraph (1), of the funds allocated to a State educational agency under subsection (a)(1)(D) the State educational agency shall distribute 75% of such funds to local educational agencies or, if such State educational agency is not responsible for the financing of education facilities, the agency shall transfer such funds to the State entity responsible for the financing of education facilities (referred to in this section as the 'State entity') for distribution by such entity to local educational agencies in accordance with this paragraph, to be used, consistent with subsection (c), for school repair and renovation.

(b) **COMPETITIVE GRANTS TO LOCAL EDUCATIONAL AGENCIES.**—

(i) **IN GENERAL.**—The State educational agency or State entity shall carry out a program of competitive grants to local educational agencies for the purpose described in subparagraph (A).

(ii) The amount of a grant to an impacted local educational agency described in clause (i), in the aggregate, at least an amount which bears the same relationship to such total amount as the aggregate amount such local educational agencies received under part A of title I of the Elementary and Secondary Education Act of 1965 for fiscal year 2000 bears to the aggregate amount such local educational agencies received under part A of title I of the Elementary and Secondary Education Act of 1965 for fiscal year 2000, shall be used in the State, in the aggregate, to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), to the extent that such State or such local educational agencies have access to funding for the project through the financing methods available to other public schools or local educational agencies in the State.

(iii) The likelihood that the local educational agency will maintain, in good condition, any facility whose repair or renovation is assisted under this section.

(D) **POSSIBLE MATCHING REQUIREMENT.**—

(i) **IN GENERAL.**—A State educational agency or State entity may require local educational agencies to match funds awarded under this subsection.

(ii) **MATCH AMOUNT.**—The amount of the match described in clause (i) may be established by the agency using a sliding scale that takes into account the relative poverty of the population served by the local educational agency.

3. **RESPORT FOR COMPETITIVE IDEA OR TECHNOLOGY GRANTS TO LOCAL EDUCATIONAL AGENCIES.**—

(i) **IN GENERAL.**—Subject to the reservation under paragraph (1), of the funds allocated to a State educational agency under subsection (a)(1)(D), the State educational agency shall distribute 25% of such funds to local educational agencies through competitive grant processes, to be used for the following:

- **(i)** to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.),

- **(ii)** for technology activities that are carried out in connection with school repair and renovation, including—

- **(i)** wiring;

- **(ii)** acquiring hardware and software;

- **(iii)** acquiring connectivity; linkages and resources; and

- **(iv)** acquiring microwave, fiber optics, cable, and satellite transmission equipment.

- **(B) REQUEST FOR AWARD.**—In awarding competitive grants under subparagraph (A) to be used to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), a State educational agency shall take into account the following criteria:

- **(i)** the need of a local educational agency for additional funds for a student whose individual allocable cost for expenses related to the Individuals with Disabilities Education Act substantially exceeds the State's per-pupil expenditure (as defined in section 14101(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001(2)))

- **(ii)** the need of a local educational agency for additional funds for special education and related services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.),

- **(iii)** the need of a local educational agency for additional funds for assistive technology devices (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401) or assistive technology services (as so defined) for children being served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1401)
B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in order for children with disabilities to make progress toward meeting the performance goals and indicators established by the State under section 612(a)(16) of such Act (20 U.S.C. 1412).

(2) CRITERIA FOR AWARDING TECHNOLOGY GRANTS.—In awarding competitive grants under subparagraph (A), the Secretary shall give priority to proposals that describe how the grant funds will be used to improve the instruction of children with disabilities, as provided in section 1410(l) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901(l)).

(3) RULES APPLICABLE TO SCHOOL REPAIR AND RENOVATION.—With respect to funds made available under this section that are used for school repair and renovation, the following rules shall apply:

(a) PERMISSIBLE USES OF FUNDS.—School repair and renovation shall be limited to one or more of the following:

(1) Emergency repairs or renovations to public school facilities only to ensure the health and safety of students and staff, including—

(i) work on roofs, electrical wiring, plumbing systems, or sewage systems;

(ii) repairing, replacing, or installing heating, ventilation, or air conditioning systems (including insulation); and

(iii) bringing public schools into compliance with fire and safety codes;

(b) Special Rule.—Each local educational agency may be required to submit a report to the Secretary of Education under section 664 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7372) that describes the extent to which funds provided under this section are used for the following purposes:

(i) emergency repairs or renovations to public school facilities, including the activities described in subclauses (i) through (IV) of subparagraph (A) of section 622(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7322), that are necessary to ensure the health and safety of students and staff;

(ii) repair, replacement, or installation of roofs, electrical wiring, plumbing systems, or sewage systems;

(iii) asbestos abatement or removal from public school facilities.

(c) RENOVATION, repair, and acquisition needs.—Each local educational agency shall ensure that, if it carries out repair or renovation, a State educational agency shall take into account the need for local educational agencies for additional funds for such activities, including the need for the activities described in subclauses (I) through (IV) of subparagraph (A) of section 622(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7322).

(d) S UPPLEMENT, NOT SUPPLANT .—Excluding Federal funds received under section (a)(1)(D), a local educational agency shall comply with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9002) by local educational agencies for school repair and renovation and the application to other persons or circumstances is judicially determined to be invalid, the provisions of the remainder of the section and the application to other persons or circumstances shall not be taken into account for purposes of such section if the per-pupil expenditures for services described in subparagraph (B) for students enrolled in private nonpublic elementary and secondary schools that have child poverty rates at least 40 percent are consistent with the per-pupil expenditures under this section for children enrolled in the public schools in the school district of the local educational agency receiving funds under this section.

(e) PUBLIC COMMENT. —Each local educational agency shall provide the public with adequate and timely notice of the availability and terms of funds made available under this section, including the activities described in subclauses (I) through (IV) of subparagraph (B) of section (a)(1)(D) of such part, shall apply to subsection (b)(3)(A)(ii).

(f) STATE REPORTING.—Each State educational agency shall submit to the Secretary of Education, not later than December 31, 2002, a report on the expenditure for funds made available under subsection (a)(1)(D) of such part, shall apply to subsection (b)(3)(A)(ii).

(g) ADDITIONAL REPORTS.—Each entity receiving funds allocated under subsection (a)(1)(A) or (B) shall submit to the Secretary, not later than December 31, 2002, a report on the expenditure for funds made available under subsection (a)(1)(D) of such part, shall apply to subsection (b)(3)(A)(ii).

(i) PARTICIPATION OF PRIVATE SCHOOLS.—In general.—Section 402 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7372) shall apply to subsection (b)(2) in the same manner as it applies to activities under title VI of such Act, except that—

(A) such section shall not apply with respect to the title to any real property renovated or re-paired with assistance provided under this section;

(B) the term “services” as used in section 4002 of such Act with respect to funds under this section shall be provided only to private, nonprofit elementary or secondary schools with a rate of child poverty of at least 40 percent and may include for purposes of paragraph (b)(2) only—

(i) modifications of school facilities necessary to meet the standards applicable to public schools under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and

(ii) asbestos abatement or removal from school facilities; and

(iii) notwithstanding the requirements of section 6402(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7372(b)), expenditures for services provided using funds made available under this section shall be considered equal for purposes of such section if the per-pupil expenditures for services described in subparagraph (B) for students enrolled in private nonpublic elementary and secondary schools that have child poverty rates at least 40 percent are consistent with the per-pupil expenditures under this section for children enrolled in the public schools in the school district of the local educational agency receiving funds under this section.

(h) REMAINING FUNDS.—If the expenditure for services described in paragraph (a)(1)(D) is less than the amount calculated under paragraph (a)(1)(C) because of insufficient need for such services, the remainder shall be available to the local educational agency for repair and renovation of public school facilities.

(i) APPLICATION.—If any provision of this section or the application to any person or circumstance is judicially determined to be invalid, the provisions of the remainder of the section and the application to other persons or circumstances shall not be taken into account for purposes of such section if the per-pupil expenditures for services described in subparagraph (B) for students enrolled in private nonpublic elementary and secondary schools that have child poverty rates at least 40 percent are consistent with the per-pupil expenditures under this section for children enrolled in the public schools in the school district of the local educational agency receiving funds under this section.

(j) DEFINITIONS.—For purposes of this section:

(1) CHARTER SCHOOL.—The term “charter school” has the meaning given such term in section 617(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(4)).

(2) ELEMENTARY SCHOOL.—The term “elementary school” has the meaning given such term in section 1410(14) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(14)).

(3) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” has the meaning given such term in paragraphs (A) and (B) of section 1410(18) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(18)).

(4) OUTLIERING AREA.—The term “outlying area” has the meaning given such term in section 1410(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(21)).

(5) POOR CHILDREN AND CHILD POVERTY.—The term “poor children” and “child poverty” refer to children 5 to 17 years of age, inclusive, who are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9002)) applicable to a family of the size involved for the most recent fiscal year, or such data satisfactory to the Secretary are available.

(6) RURAL LOCAL EDUCATIONAL AGENCY.—The term “rural local educational agency” means a local educational agency that the State determines is located in a rural area using objective data and a commonly employed definition of the term “rural area.”

(7) SECONDARY SCHOOL.—The term “secondary school” has the meaning given such term in section 1410(25) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(25)).

The term “school” has the meaning given such term in section 611 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).
SEC. 10322. GRANTS TO ELIGIBLE ENTITIES.

(a) In General.—The Secretary shall award at least one grant to an eligible entity described in section 10330(2)(A), at least one grant to an eligible entity having applications approved under this subpart to demonstrate innovative methods of assisting charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

(b) Special Rule.—In the event the Secretary determines that the funds available are insufficient to permit the Secretary to award not less than 3 grants to eligible entities having applications approved under this subpart to demonstrate innovative methods of assisting charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing, the Secretary shall evaluate each application submitted, and shall make a determination of which are sufficient to merit approval and which are not. The Secretary shall make a determination of which are sufficient to merit approval only if at least one grant to an eligible entity described in section 10330(2)(A), at least one grant to an eligible entity described in section 10330(2)(B), and at least one grant to an eligible entity described in section 10330(2)(C), if any, of applications are submitted that permit the Secretary to do so without approving an application that is not of sufficient quality to merit approval.

(c) Grant Characteristics.—Grants under this subpart shall be of a sufficient size, scope, and quality as to ensure an effective demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.

(d) Special Rule.—In the event the Secretary determines that the funds available are insufficient to permit the Secretary to award not less than 3 grants in accordance with subsection (c), the Secretary may determine the appropriate number of grants to be awarded in accordance with subsection (c).

SEC. 10323. APPLICATIONS.

(a) In General.—To receive a grant under this subpart, an eligible entity shall submit to the Secretary an application in such form as the Secretary may require.

(b) Contents.—An application under subsection (a) shall contain—

(1) a statement identifying the activities proposed to be undertaken with funds received under this subpart, including how the applicant will determine which charter schools will receive assistance and what types of assistance charter schools will receive;

(2) a description of the involvement of charter schools in the application’s development and the design of the proposed activities;

(3) a description of the applicant’s expertise in capital market financing;

(4) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding used and otherwise enhance credit availability to charter schools;

(5) a description of how the applicant possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program in which the financing is sought;

(6) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure charter schools within the State that receive the funding they need to have adequate facilities; and

(7) such other information as the Secretary may reasonably require.

SEC. 10324. CHARTER SCHOOL OBJECTIVES.

(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) or unimproved real property that is necessary to commence or continue the operation of a charter school.

(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

(3) Making a determination of which are sufficient to merit approval and which are not. The Secretary shall make a determination of which are sufficient to merit approval only if at least one grant to an eligible entity described in section 10330(2)(A), at least one grant to an eligible entity described in section 10330(2)(B), and at least one grant to an eligible entity described in section 10330(2)(C), if any, of applications are submitted that permit the Secretary to do so without approving an application that is not of sufficient quality to merit approval.

(c) Reinvestment of Earnings.—Any earnings on funds received under this subpart shall be deposited in the reserve account established under this subpart (other than funds received under this subpart (other than funds used for administrative costs in accordance with section 10326) a reserve account established by an eligible entity under this subpart).

(d) Investment.—Funds received under this subpart and deposited in the reserve account shall be invested in obligations issued or guaranteed by the United States, or purchased under section 10325(a); or

(e) Exercise of Authority.—The Secretary shall not exercise the authority provided in subpart (a) to collect from any eligible entity any funds that are being used to achieve one or more of the purposes described in section 10325(a).

SEC. 10325. RECOVERY OF FUNDS.

(a) In General.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall—

(1) all of the funds in a reserve account established by an eligible entity under section 10325(a) or (b) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in section 10325(a); or

(2) all or a portion of the funds in a reserve account established by an eligible entity under section 10325(a) if the Secretary determines, not earlier than 2 years after the date on which the entity first received funds under this subpart, that the entity has failed to make substantial progress in carrying out the purposes described in section 10325(a); or

(b) Exercise of Authority.—The Secretary shall not exercise the authority provided in subpart (a) to collect from any eligible entity any funds that are being used to achieve one or more of the purposes described in section 10325(a).

(c) Procedures.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act (20 U.S.C. 1234 et seq.) shall apply to the recovery of funds under subsection (a).

SEC. 10326. LIMITATION ON ADMINISTRATIVE COSTS.

An eligible entity may use not more than 0.25 percent of the funds received under this subpart for the administrative costs of carrying out its responsibilities under this subpart.

SEC. 10327. AUDITS AND REPORTS.

(a) Financial Record Maintenance and Audit.—The financial records of each eligible entity receiving a grant under this subpart shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

(b) Reports.—

(1) Grantee Annual Reports.—Each eligible entity receiving a grant under this subpart annually shall submit to the Secretary a report of its operations and activities under this subpart.

(2) Contents.—Each such annual report shall include—

(A) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant reviewing the financial records of the eligible entity;

(B) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under subsection (a) during the reporting period;

(C) an evaluation by the eligible entity of the effectiveness of its use of the Federal funds provided under this subpart in leveraging private funds;

(D) a listing and description of the charter schools served during the reporting period;

(E) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in section 10324; and

(F) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this subpart during the reporting period.

(3) Secretarial Report.—The Secretary shall review the reports submitted under paragraph (1) and shall provide a comprehensive annual report to the Congress on the activities conducted under this subpart.

SEC. 10328. NO FULL FAITH AND CREDIT FOR GRANTEES.

(a) In General.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall—

(1) all of the funds in a reserve account established by an eligible entity under section 10325(a) or (b) if the Secretary determines, not earlier than 2 years after the date on which the entity first received funds under this subpart, that the entity has failed to make substantial progress in carrying out the purposes described in section 10325(a); or

(b) exercise of authority.—The Secretary shall not exercise the authority provided in subpart (a) to collect from any eligible entity any funds that are being used to achieve one or more of the purposes described in section 10325(a).

(c) Procedures.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act (20 U.S.C. 1234 et seq.) shall apply to the recovery of funds under subsection (a).

SEC. 10329. AUTHORIZATION OF APPROPRIATIONS.

In this subpart:

(1) The term ‘charter school’ has the meaning given such term in section 10310.

(2) ‘Term eligible entity’ means—

(A) a public entity, such as a State or local governmental entity;

(B) a private nonprofit entity; or

(C) a consortium of entities described in subparagraphs (A) and (B).

SEC. 10331. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this subpart, there are authorized to be appropriated $100,000,000 for fiscal year 2001.”.
(b) Part C of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8061 et seq.) is amended in each of the following provisions by striking "part" each place such term appears, substituting "subsection" for such term:

(1) Sections 10301 through 10305.
(2) Section 10307.
(3) Sections 10309 through 10311.

SEC. 323. (a) Section 8003(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 703(b)(2)(F)) is amended—

(1) striking "Secretary shall use and inserting the Secretary—"

"(i) shall use"

(2) striking the period at the end and inserting "; and"

(3) by adding at the end the following:

"(ii) except as provided in subparagraph (C)(i)(I) of this section, the child described in subparagraph (F) and (G) of section (a)(1) enrolled in schools of the local educational agency in determining (I) the eligibility of the agency for assistance under this paragraph, and (II) the amount of such assistance if the number of such children meet the requirements of subsection (a)(3)."

(b) Section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 703(b)(2)) is amended by adding at the end the following:

"(G) DETERMINATION OF AVERAGE TAX RATES FOR FEDERAL FUND PURPOSES—For the purpose of determining average tax rates for federal fund purposes for educational agencies in a State under this paragraph (except under subparagraph (C)(ii)(II)(bb)), the Secretary shall use either:

(1) an average tax rate for federal fund purposes for comparable local educational agencies, as determined by the Secretary in regulations; or

(2) the average tax rate of all the local educational agencies in the State.

This title may be cited as the "Department of Education Appropriations Act, 2003."

TITLE II
AGENCIES
FOR ARMED FORCES
RETIEMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers’ and Airmen’s Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $69,832,000, of which $9,832,000 shall remain available until expended for construction of the Armed Forces Retirement Home at the United States Soldiers’ and Airmen’s Home and the United States Naval Home:

Provided, That, notwithstanding any other provision of law, any contract or agreement for contracts for development and construction, to include construction of a long-term care facility at the United States Naval Home, may be employed which collectively include the full scope of the project:

Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 2.212-18 and 252.227-7007, Limitation of Government Obliga-

TIONS.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $363,850,000: Provided, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by section 112 of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the poverty level.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communica-

tions Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2003, $365,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting for this Act shall be used to pay for receptions, parties, or other similar forms of entertainment for government officials or employees: Provided further, That funds made available by this Act shall be used for the following:

(1) The Corporation for Public Broadcasting shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against on the basis of age, national origin, religion, or sex: Provided further, That in addition to the amounts provided above, $20,000,000, to remain available until expended, shall be for improved access, pending enactment of authorization legislation.

FEDERAL MEDIATION AND CONCILIATION SERVICE
SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171-180, 182-183), including hire of passenger motor vehicles, for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 177a), and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act of 1978 (Pub. L. 95-454, ch. 71), $38,200,000, including $1,500,000, to remain available through September 30, 2002, for activities authorized by the Labor-management Cooperation Act of 1974 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and assistance, excluding those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director’s jurisdiction.

FEDERAL MINES SAFETY AND HEALTH REVIEW COMMISSION
SALARIES AND EXPENSES


INSTITUTE OF MUSEUM AND LIBRARY SERVICES
OFFICE OF LIBRARY SERVICES; GRANTS AND LOANS

For carrying out subtitle B of the Museum and Library Services Act, $207,219,000: Provided, That the amount provided, $1,000,000, shall be awarded to the National Endowment for the Arts in the Arts in Washington, D.C., $700,000 shall be awarded to the University of Idaho Institute for the Historic Study of Jazz, $2,600,000 shall be awarded to Southern Methodist University, $900,000 shall be awarded to the Heritage Harbor Museum in Rhode Island, $500,000 shall be awarded to the Alaska Museum of Natural History, $1,000,000 shall be awarded to the Franklin Institute in Philadelphia, $925,000 shall be awarded to the Please Touch Museum, $250,000 shall be awarded to the Brooklyn Museum of Art, $1,265,000 shall be awarded to the Franklin Institute in Philadelphia, $1,800,000 shall be awarded to the Franklin Pierce College in New Hampshire, $500,000 shall be awarded to the Library of Congress in Washington, D.C., $1,500,000 shall be awarded to the Oregon Historical Society, $1,200,000 shall be awarded to the Mississippi Museum of Natural History, $1,000,000 shall be awarded to the Sierras Bronson Library in Waterbury, Connecticut, $213,000 shall be awarded to the Wildlife Conservation Society in New York, $265,000 shall be awarded to the City of Ontario, California Public Library, and $500,000 shall be awarded to the Massachusetts Historical Society in Boston, Massachusetts, $120,000 shall be awarded to the North Carolina Museum of Life and Science, $2,435,000 shall be awarded to the New York Public Library, $2,475,000 shall be awarded to the Brookfield Public Library in Brookfield, Wisconsin, $723,000 shall be awarded to the George C. Page Museum in Los Angeles, California, $461,000 shall be awarded to the Abrahams Public Library in Hackettstown, New Jersey, and $410,000 shall be awarded to the AE Seaman Mineral Museums in Houghton, Michigan.

December 15, 2000
CONGRESSIONAL RECORD—HOUSE
H12117
For expenses necessary to carry out section 1805 of the Social Security Act, $8,000,000, to be transferred to this appropriation from the Federal Old-Age and Survivors Insurance Trust Fund.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345, as amended), $1,495,000.

NATIONAL COUNCIL ON DISABILITY

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,615,000.

NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, $1,500,000.

NATIONAL LABOR RELATIONS BOARD

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, $8,720,000, to remain available until expended.

NATIONAL MEDIATION BOARD

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-189), the National Mediation Boards apportioned by the President, $10,400,000.

NATURAL RESOURCES CONSERVATION SERVICE

For expenses necessary for the Natural Resources Conservation Service, $137,355,000, to be available until expended.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $8,720,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $160,000,000, which shall include amounts becoming available in fiscal year 2001 pursuant to section 224(c) of the Social Security Act (20 U.S.C. 133-76) and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportionally to the amount by which the product of recipients of railroad retirement benefits received exceeds $160,000,000. Provided further, that the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unencumbered checks, $150,000, to remain available through September 30, 2002, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $95,000,000, to be derived in such fiscal year from the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

For expenses necessary for the Office of Inspector General for audit, investigatory and related activities, provided further, that not less than $1,800,000 shall be for the Social Security Disability Insurance Trust Fund.

FEDERAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 202(g), and 113(b)(2) of the Social Security Act, $20,400,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, $23,043,000,000, to remain available until expended.

DUAL BENEFITS PAYMENTS ACCOUNT

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977, for the first quarter of fiscal year 2002, $114,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out the provisions of title XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment or transfer of funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $23,043,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATION

For making benefit payments under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For needed expenses for the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

OFFICE OF INSPECTOR GENERAL (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $16,944,000, together with not to exceed $52,500,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act, from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.
In addition, an amount not to exceed 3 per cent of the total provided in this appropriation may be transferred from the “Limitation on Administrative Expenses”, Social Security Administration, by the head of such agency, to the extent available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the United States Appropriations Committees.

United States Institute of Peace Operating Expenses

For necessary expenses of the United States Institute of Peace as authorized in such Act, United States Institute of Peace Act, $5,000,000.

Title V—General Provisions

Sec. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

Sec. 502. No part of any appropriation contained in this Act shall remain available for obligations made in any fiscal year unless expressly so provided herein.

Sec. 503. (a) No part of any appropriation contained in this Act shall be used, other than for necessary expenses of the Department, for recognition of executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or other presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any contract recipient or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

Sec. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $20,000 and $15,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director or a party to the争议 and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for “Salaries and expenses, Federal Mediation and Conciliation Service”.

Sec. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to pay the salary or expenses of any contract recipient or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

Sec. 506. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State’s or locality’s contribution of Medicaid matching funds) for the following:

(1) The creation of a human embryo or embryos for research purposes; or

(2) Research in which a human embryo or embryos are destroyed, discarded, or knowinglyincrusted by a physician, place the woman in danger of death unless an abortion is performed.

(c) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, or private person of State, local, or private funds (other than a State’s or locality’s contribution of Medicaid matching funds) for the following:

(1) The creation of a human embryo or embryos for research purposes; or

(2) Research in which a human embryo or embryos are destroyed, discarded, or knowinglyincrusted by a physician, place the woman in danger of death unless an abortion is performed.

(d) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, or private person of State, local, or private funds (other than a State’s or locality’s contribution of Medicaid matching funds) for the following:

(1) The creation of a human embryo or embryos for research purposes; or

(2) Research in which a human embryo or embryos are destroyed, discarded, or knowinglyincrusted by a physician, place the woman in danger of death unless an abortion is performed.

(e) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, or private person of State, local, or private funds (other than a State’s or locality’s contribution of Medicaid matching funds) for the following:

(1) The creation of a human embryo or embryos for research purposes; or

(2) Research in which a human embryo or embryos are destroyed, discarded, or knowinglyincrusted by a physician, place the woman in danger of death unless an abortion is performed.

(f) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, or private person of State, local, or private funds (other than a State’s or locality’s contribution of Medicaid matching funds) for the following:

(1) The creation of a human embryo or embryos for research purposes; or

(2) Research in which a human embryo or embryos are destroyed, discarded, or knowinglyincrusted by a physician, place the woman in danger of death unless an abortion is performed.
(2) IN GENERAL.—The Secretary shall prepare and distribute educational materials on the health care providers and the public that include information on HPV. Such materials shall address—
(A) modes of transmission;
(B) consequences of infection, including the link between HPV and cervical cancer;
(C) the available scientific evidence on the effectiveness or lack of effectiveness of condoms in preventing infection with HPV; and
(D) the importance of regular Pap smears, and other diagnostics for early intervention and prevention of cervical cancer purposes in preventing cervical cancer.

(2) MEDICALLY ACCURATE INFORMATION.—
Educational material under paragraph (1), and all other relevant educational and prevention materials prepared and printed from this date forward for the public and health care providers by the Secretary (including materials prepared through the Centers for Disease Control and Prevention, and the Health Resources and Services Administration), or by contractors, grantees, or subgrantees, shall—
(A) be medically accurate concerning the overall effectiveness or lack of effectiveness of condoms in preventing sexually transmitted diseases, including HPV;
(B) provide accurate information specifically designed to address STDs including HPV shall contain medically accurate information regarding the effectiveness or lack of effectiveness of condoms in preventing sexually transmitted diseases, including HPV; and
(C) be available in multiple languages.

SEC. 4. LABELING OF CONDOMS.
The Secretary of Health and Human Services shall reexamine existing condom labels that are authorized pursuant to the Federal Food, Drug, and Cosmetic Act to determine whether the labels are medically accurate regarding the overall effectiveness or lack of effectiveness of condoms in preventing sexually transmitted diseases, including HPV.

SEC. 517. Section 403(o) of the Food, Drug, and Cosmetic Act (21 U.S.C. 343(o)) is repealed.

SEC. 518. (a) Title VIII of the Social Security Act (42 U.S.C. 1320a±8a) is amended—
(1) in subparagraph (A)(i), by striking ``(1)'' and inserting `(1)';
(2) in clause (ii), by striking the period at the end and inserting a comma;
(3) by striking ``(a)'' and inserting `(a)';
(4) by striking ``(c)(1)'' and inserting `(c)(1)';
(5) by striking ``(d)'' and inserting `(d)';
(6) by striking ``(e)'' and inserting `(e)';
(7) by striking ``(f)'' and inserting `(f)';
(8) by striking ``(g)'' and inserting `(g)';
(9) by striking ``(h)'' and inserting `(h)';
(10) by inserting a semicolon at the end of paragraph (1);
(11) by inserting a semicolon at the end of paragraph (2); and
(12) by inserting a semicolon at the end of paragraph (3).

(b) The Secretary shall, in the case of any specified individual or institution described in subsection (a), require that the Secretary make an emergency withdrawal of any assistance or benefit authorized under such individual or institution described in subparagraph (A)(i) and subparagraph (A)(ii).
"PART I—PHYSICAL EDUCATION FOR PROGRESS"

"SEC. 10990A. SHORT TITLE.

This part may be cited as the 'Physical Education for Progress Act'.

"SEC. 10990B. Purposes.

The purpose of this part is to award grants and contracts to local educational agencies to enable the local educational agencies to initiate, expand and improve physical education programs for all kindergarten through 12th grade students.

"SEC. 10990C. FINDINGS.

Congress makes the following findings:

(1) Physical education is essential to the development of growing children.
(2) Physical education helps improve the overall health of children by improving their cardiovascular endurance, muscular strength and power, and flexibility, and by enhancing weight regulation, bone development, posture, skillful moving, active lifestyle habits, and constructive use of leisure time.
(3) Physical education helps improve the self esteem, interpersonal relationships, responsible behavior, and independence of children.
(4) Participation in high quality daily physical education programs tend to be more healthy and physically fit.
(5) The percentage of young people who are overweight and double in the 30 years preceding 1999.
(6) Low levels of activity contribute to the high prevalence of obesity among children in the United States.
(7) Obesity related diseases cost the United States economy more than $100,000,000,000 every year.
(8) Inactivity and poor diet cause at least 300,000 deaths a year in the United States.
(9) Physically fit adults have significantly reduced risk factors for heart attacks and strokes.
(10) Children are not as active as they should be and fewer than 1 in 4 children get 20 minutes of vigorous activity every day of the week.
(12) Twelve years after Congress passed House Concurrent Resolution 97, 100th Congress, on November 11, 1987, encouraging State and local governments and local educational agencies to provide high quality daily physical education programs for all children in kindergarten through grade 12, little progress has been made.
(13) Every student in our Nation's schools, from kindergarten through grade 12, should have the opportunity to participate in quality physical education. It is the unique role of quality physical education programs to develop the health-related fitness, physical competence, and cognitive understanding about physical activity for all students so that the students can adopt healthy and physically active lifestyles.

"SEC. 10990D. PROGRAM AUTHORIZED.

The Secretary is authorized to award grants to, and enter into contracts with, local educational agencies to pay the Federal share of the costs of initiating, expanding, and improving physical education programs for kindergarten through grade 12 students by—
(1) providing equipment and support to enable students to actively participate in physical education activities; and
(2) providing training for staff and teacher training and education.

"SEC. 10990E. APPLICATIONS; PROGRAM ELEMENTS.

"(a) APPLICATIONS.—Each local educational agency desiring a grant or contract under this part shall submit to the Secretary an application that contains a plan to initiate, expand, or improve physical education programs in the schools served by the agency in order to make progress toward meeting State standards for physical education.
(b) PROGRAM ELEMENTS.—A physical education program described in any application submitted under subsection (a) may provide—
(1) programs of instruction and assessment to help children understand, improve, or maintain their physical well-being;
(2) instruction in a variety of motor skills and physical activities designed to enhance the physical, mental, and social or emotional development of every child;
(3) development of cognitive concepts about motor skill and physical fitness that support a lifelong healthy lifestyle;
(4) opportunities to develop positive social and cooperative skills through physical activity participation;
(5) instruction in healthy eating habits and good nutrition; and
(6) teachers of physical education the opportunity for professional development to stay abreast of the latest research, issues, and trends in the field of physical education.
(c) SPECIAL RULE.—For the purpose of this part, extracurricular activities such as team sports and Reserve Officers' Training Corps (ROTC) program activities shall not be considered as part of the curriculum of a physical education program assisted under this part.

"SEC. 10990F. PROPORIONALITY.

The Secretary shall ensure that grants awarded and contracts entered into under this part shall be equitably distributed between local educational agencies serving urban and rural areas, and between local educational agencies serving large and small numbers of students.

"SEC. 10990G. PRIVATE SCHOOL AND HOME-Schooled STUDENTS.

An application for funds under this part may provide for the participation in the activities funded under this part of—
(1) homeschooled children, and their parents and teachers; or
(2) children enrolled in private nonprofit elementary schools or secondary schools, and their parents and teachers.

"SEC. 10990H. REPORT REQUIRED FOR CONTINUING FUNDING.

As a condition to continue to receive grant or contract funding for the first year of a multiyear grant or contract under this part, the administrative agency for each local educational agency that receives a grant or contract under this part shall submit to the Secretary an annual report that describes the activities conducted during the preceding year and progress not later than June 1, 2003, that describes as part of the curriculum of a physical education program assisted under this part.

"SEC. 10990I. REPORT TO CONGRESS.

The Secretary shall submit a report to Congress not later than June 1, 2003, that describes the programs assisted under this part, documents the success of such programs in improving physical fitness, and makes such recommendations as the Secretary deems appropriate for the continuation and improvement of the programs assisted under this part.

"SEC. 10990J. ADMINISTRATIVE COSTS.

Not more than 5 percent of the grant or contract funds made available to a local educational agency under this part for any fiscal year may be used for administrative costs.

"SEC. 10990K. FEDERAL SHARE, SUPPLEMENT NOT SUPPLANT.

"(a) FEDERAL SHARE.—The Federal share under this part may not exceed—
(1) 90 percent of the total cost of a project for the first year for which the project receives assistance under this part; and
(2) 75 percent of such cost for the second and each subsequent year.
(b) SUPPLEMENT NOT SUPPLANT.—Funds made available under this part shall be used to supplement and not supplant other Federal, State and local funds available for physical education activities.

"SEC. 10990L. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $30,000,000 for fiscal year 2001, $70,000,000 for fiscal year 2002, and $100,000,000 for each of the fiscal years 2003 through 2005 under this part. Such funds shall remain available until expended.

TITLE VIII—EARLY LEARNING OPPORTUNITIES

SEC. 801. SHORT TITLE, FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "Early Learning Opportunities Act".
(b) FINDINGS.—Congress finds that—
(1) medical research demonstrates that adequate stimulation of the young child's brain between birth and age 5 is critical to the physical development of the young child's brain;
(2) parents are the most significant and effective teachers of their children, and they alone are responsible for choosing the best early learning opportunities for their child;
(3) parent education and parent involvement are critical to the success of any early learning program or activity;
(4) the more intensively parents are involved in their child's early learning, the greater the cognitive and noncognitive benefits to their children;
(5) many parents have difficulty finding the information and support they need to help their child grow to their full potential;
(6) each day approximately 13,000,000 young children, including 6,000,000 infants or toddlers, spend some or all of their day being cared for by someone other than their parents;
(7) quality early learning programs, including those designed to promote effective parenting, can increase the likelihood of school graduation rate, the employment rate, and the college enrollment rate for children who have participated in voluntary early learning programs and activities;
(8) early childhood interventions can yield substantial advantages to participants in terms of emotional and cognitive development, education, economic well-being, and health, with the latter 2 advantages applying to the children's families as well;
(9) participation in quality early learning programs, including those designed to promote effective parenting, can decrease the future incidence of teenage pregnancy, welfare dependency, at-risk behaviors, and juvenile delinquency for children;
(10) several cost-benefit analysis studies indicate that for each $1 invested in quality early learning programs, the Federal Government can save over $5 by reducing the number of children and families who participate in Federal Government programs like special education and welfare;
(11) for children placed in the care of others during the workday, the low salaries paid to the child care staff, the lack of career progression for the staff, and the lack of child development specialists involved in early learning and child care programs, make it difficult to attract and retain the quantity of staff necessary for a positive early learning experience;
(12) Federal Government support for early learning has primarily focused on out-of-home care programs like those established under the Head Start Act, the Child Care and Development Block Grant of 1990, and part C of the Individuals with Disabilities Education Act, and these programs—
(A) serve far fewer than half of all eligible children;
(B) are not primarily designed to provide support for parents who care for their young children in the home; and
(C) lack a means of coordinating early learning opportunities in each community; and
SEC. 802. PURPOSES.

The purposes of this title are:

(1) by helping communities increase, expand, and better coordinate early learning opportunities for children and their families, the productivity and creativity of future generations will be enhanced, and will be prepared for continued leadership in the 21st century.

(2) by increasing the availability of voluntary programs, services, and activities that support early childhood development, increase parent effectiveness, and promote the learning readiness of young children so that young children enter school ready to learn;

(3) to support parents, child care providers, and caregivers who want to incorporate early learning activities into the daily lives of young children;

(4) to remove barriers to the provision of an accessible system of early childhood learning programs in communities throughout the United States;

(5) to increase the availability and affordability of professional development activities and compensation for caregivers and child care providers; and

(6) to facilitate the development of community-based public or private delivery models characterized by resource sharing, linkages between appropriate supports, and local planning for services.

SEC. 803. DEFINITIONS.

In this title:

(a) CAREGIVER.—The term “caregiver” means an individual, including a relative, neighbor, or friend, or a public service delivery model that frequently provides care, with or without compensation, for a child for whom the individual is not the parent.

(b) CHILD CARE PROVIDER.—The term “child care provider” means a provider of nonresidential child care services (including center-based, family-based, and in-home child care services) for compensation who or that is legally operating the child care center or facility and complies with applicable State and local requirements for the provision of child care services.

(c) EARLY LEARNING.—The term “early learning”, used with respect to a program or activity, means learning designed to facilitate the development of cognitive, language, motor, and social-emotional skills for, and to promote learning readiness in, young children.

(d) EARLY LEARNING PROGRAM.—The term “early learning program” means the services or activities that helps parents, caregivers, and child care providers incorporate early learning into the daily lives of young children; or a program that directly provides early learning to young children.

(e) INDIAN TRIBE.—The term “Indian tribe” has the meaning given in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(f) LOCAL COUNCIL.—The term “Local Council” means a Local Council established or designated under section 84(a) that serves one or more localities.

(g) LOCATION.—The term “location” means a city, county, borough, township, or area served by another Local Council or unit of local government, an Indian tribe, a Regional Corporation, or a Native Hawaiian entity.

(h) PARENT.—The term “parent” means a biological parent, an adoptive parent, a stepparent, a foster parent, or a legal guardian of, or a person standing in loco parentis to, a child.

(i) POVERTY LINE.—The term “poverty line” means the poverty line as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Development Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(j) REGIONAL CORPORATION.—The term “Regional Corporation” means an entity listed in section 419(4)(B) of the Social Security Act (42 U.S.C. 619(A)).

(k) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(l) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(m) TRAINING.—The term “training” means instructional training that—

(A) is required for certification under State and local laws, regulations, and policies;

(B) is required to receive a nationally or State recognized credential or its equivalent;

(C) is received in a postsecondary education program focused on early learning or early childhood development in which the individual is enrolled;

(D) is provided, certified, or sponsored by an organization that is recognized for its expertise in promoting early learning or early childhood development.

(n) YOUNG CHILD.—The term “young child” means any child from birth to the age of mandatory school attendance in the State where the child resides.

SEC. 804. PROHIBITIONS.

(a) PARTICIPATION NOT REQUIRED.—No person, including a parent, shall be required to participate in an early learning program, early childhood education, early learning, parent education, or developmental screening pursuant to the provisions of this title.

(b) RIGHTS OF PARENTS.—Nothing in this title shall be construed to affect the rights of parents otherwise established in Federal, State, or local law.

(c) PARTICULAR METHODS OR SETTINGS.—No entity that receives funds under this title shall be required to provide services under this title through any particular instructional method or in a particular instructional setting to comply with this title.

(d) NONDUPICUATION.—No funds provided under this title shall be used to carry out an activity funded under another provision of law providing for Federal child care or early learning programs, unless an expansion of such activity is identified in the local needs assessment and performance goals under this title.

SEC. 805. AUTHORIZATION AND APPROPRIATION OF FUNDS.

There are authorized to be appropriated to the Department of Health and Human Services to carry out this title—

(1) $750,000,000 for fiscal year 2001;

(2) $1,000,000,000 for fiscal year 2002;

(3) $1,500,000,000 for fiscal year 2003; and

(4) such sums as may be necessary for each of the fiscal years thereafter.

SEC. 806. COORDINATION OF FEDERAL PROGRAMS.

(a) COORDINATION.—The Secretary and the Secretary of Education shall develop mechanisms to resolve administrative and programmatic conflicts between Federal programs that would be a barrier to parents, caregivers, service providers, or children related to the coordination of services and funding for early learning programs.

(b) USE OF EQUIPMENT AND SUPPLIES.—In the case of a collaborative activity funded under this title and another provision of law providing for Federal child care or early learning programs, the use of equipment and nonconsumable supplies and products purchased with funds made available under this title or such provision shall not be restricted to children enrolled or otherwise participating in the program carried out under this title or such provision during a period in which the activity is predominately funded under this title or such provision.

SEC. 807. PROGRAM AUTHORIZED.

(a) GRANTS.—Amounts appropriated under section 805 the Secretary shall award grants to States to enable the States to award grants to Local Councils to pay the Federal share of the cost of early learning programs within a community and between early learning programs and health care services for young children.

(b) FEDERAL SHARE.—(1) IN GENERAL.—The Federal share of the cost described in subsections (a) and (e) shall be 85 percent for the first and second years of the grant, 75 percent for the third and fourth years of the grant, and 75 percent for the fifth and subsequent years of the grant.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost described in subsections (a) and (e) may be contributed in cash or in kind, fairly evaluated, including facilities, equipment, or services, which may be provided from State or local public sources, or through donations from private entities. For the purposes of this paragraph the term “facilities” includes the use of facilities, but the term does not include donated equipment and not the use of equipment.

(c) MAINTENANCE OF EFFORT.—The Secretary shall not award a grant under this title to any State unless the Secretary first determines that the total expenditures by the State and its political subdivisions to support early learning programs (other than funds used to pay the non-Federal share under subsection (b)(2) for the fiscal year for which the determination is made) is equal to or greater than such expenditures for the fiscal year for which the grant is first awarded.

(d) SUPPLEMENT NOT SUPPLANT.—Amounts received under this title shall be used to supplement and not supplant other Federal, State, and local public funds expended to promote early learning.

(e) SPECIAL RULE.—If funds appropriated to carry out this title are less than $150,000,000 for any fiscal year, the Secretary shall award grants for the fiscal year directly to Local Councils, on a competitive basis, to pay the Federal share of the cost of carrying out early learning programs in the localities served by the Local Council.

(f) USES OF FUNDS.—Subject to section 810, and paragraphs (1), (2), and (3) of section 811a shall not apply:

(1) of States described in section 811a shall be carried out by the Local Council with regard to the locality;

(2) the Secretary shall provide such technical assistance and monitoring as necessary to ensure that the use of the funds by Local Councils and the distribution of the funds to Local Councils are consistent with this title; and

(3) expenditures under this title to the agencies and Local Councils are used for 3 or more of the following activities:

(a) helping parents, caregivers, child care providers, and educators increase their capacity to enhance early childhood literacy.

(b) promoting effective parenting.

(c) enhancing early childhood literacy.

(d) developing linkages among early childhood programs within a community and between early childhood programs and health care services for young children.

(e) increasing access to existing early learning opportunities for young children with special needs, including developmental delays, by facilitating coordination with other programs serving such young children.

(f) increasing access to existing early learning opportunities for young children with special needs, including developmental delays, by facilitating coordination with other programs serving such young children.
(7) Improving the quality of early learning programs through professional development and training activities, increased compensation, and recruitment and retention incentives, for early learning professionals;

(8) Removing ancillary barriers to early learning, including transportation difficulties and absence of programs during nontraditional work times.

(c) REQUIREMENTS.—Each Lead State Agency designated under section 810(c) and Local Councils receiving a grant under this title shall ensure—

(1) that Local Councils described in section 814 work with local educational agencies to identify, prioritize, and direct early learning and developmental abilities which are necessary for children’s readiness for school;

(2) that the programs, services, and activities assisted under this title shall represent developmentally appropriate steps toward the acquisition of those abilities; and

(3) that the programs, services, and activities assisted under this title collectively provide benefits for children cared for in their own homes as well as children placed in the care of others.

(d) SLIDING SCALE PAYMENTS.—States and Local Councils receiving assistance under this title shall ensure that programs, services, and activities assisted under this title which customarily require direct and indirect services, or activities, adjust the cost of such programs, services, and activities provided to the individual or the individual’s child based on the individual’s need.

SEC. 810. GRANT ADMINISTRATION.

(a) SET-ASIDE.—No State shall be eligible for a grant under this title if the Secretary determines that the State has not made the set-aside required under section 805 for the fiscal year.

(b) CHALLENGE.—If the Secretary determines that a State has not made the required set-aside, the Secretary shall notify the Governor of the State of the determination and the Governor of the State shall be provided an opportunity to challenge the determination.

(c) ALLOCATION OF FUNDS.—The Lead State Agency described in paragraph (1) shall allocate funds to Local Councils as described in section 813.

(d) PERFORMANCE—

(A) REQUIREMENTS.—The Lead State Agency shall—

(i) develop and submit an annual performance plan to the Secretary;

(ii) monitor and report on the activities carried out in the State under this title, which shall include a statement describing the extent to which funds received under this title are expended and documentation of the extent to which the objectives described in this title have been achieved;

(iii) assess the effectiveness of the programs, services, and activities provided under this title with other resources provided under this title, including the extent to which the programs, services, and activities provided under this title are used by families and individuals with low income and other vulnerable populations;

(iv) assess the extent to which the programs, services, and activities provided under this title support the coordination of programs and services provided by other Federal, State, and local agencies.

(B) PERFORMANCE REPORT.—The Lead State Agency shall submit an annual performance report to the Secretary, which shall include—

(i) an assessment of the extent to which the programs, services, and activities provided under this title are used by families and individuals with low income and other vulnerable populations;

(ii) an assessment of the extent to which the programs, services, and activities provided under this title support the coordination of programs and services provided by other Federal, State, and local agencies.

(C) PROGRAM EVALUATION.—The Lead State Agency shall—

(i) evaluate the effectiveness of the programs, services, and activities provided under this title with other resources provided under this title, including the extent to which the programs, services, and activities provided under this title are used by families and individuals with low income and other vulnerable populations;

(ii) assess the extent to which the programs, services, and activities provided under this title support the coordination of programs and services provided by other Federal, State, and local agencies.

(D) IMPROVEMENT PLANS.—The Lead State Agency shall—

(i) develop a performance improvement plan to address any deficiencies identified in the annual performance report submitted under paragraph (2);

(ii) submit the performance improvement plan to the Secretary; and

(iii) implement the performance improvement plan.

(E) STATE AGENCY.—The Lead State Agency described in paragraph (1) shall—

(i) develop and submit the State application; and

(ii) report annually to the Secretary on the activities carried out in the State under this title, which shall include a statement describing the extent to which funds received under this title are expended and documentation of the extent to which the objectives described in this title have been achieved.

(F) LOCAL COUNCIL.—The Local Councils described in paragraph (1) shall—

(i) develop and submit applications to the Lead State Agency; and

(ii) report annually to the Lead State Agency on the activities carried out in the locality served by the Local Council, which shall include a statement describing the extent to which funds received under this title are expended and documentation of the extent to which the objectives described in this title have been achieved.

(G) REPORT.—The Lead State Agency shall submit an annual report to the Secretary on the effectiveness of the programs, services, and activities provided under this title.

(H) PROGRAM EVALUATION.—The Lead State Agency shall—

(i) evaluate the effectiveness of the programs, services, and activities provided under this title with other resources provided under this title, including the extent to which the programs, services, and activities provided under this title are used by families and individuals with low income and other vulnerable populations;

(ii) assess the extent to which the programs, services, and activities provided under this title support the coordination of programs and services provided by other Federal, State, and local agencies.

(I) IMPROVEMENT PLANS.—The Lead State Agency shall—

(i) develop a performance improvement plan to address any deficiencies identified in the annual report submitted under paragraph (2); and

(ii) submit the performance improvement plan to the Secretary.
SEC. 813. LOCAL APPLICATIONS.

(a) IN GENERAL.—To be eligible to receive funds under this title, a local educational agency shall include a statement that the local educational agency is eligible to receive funds under this title.

(b) CONTENTS.—Each application submitted pursuant to subsection (a) shall include a statement that the local educational agency is eligible to receive funds under this title.

(c) REQUIREMENTS.—Each application submitted pursuant to subsection (a) shall include a statement that the local educational agency is eligible to receive funds under this title.

SEC. 814. LOCAL ADMINISTRATION.

(a) LOCAL COUNCIL.—

(1) IN GENERAL.—To be eligible to receive funds under this title, a local educational agency shall designate a Local Council, which shall be composed of representatives of local educational agencies, local educational agencies, and representatives of local educational agencies.

(b) ELIGIBILITY.—A local educational agency shall be an entity that is comparable to the Local Council under this title.

(c) LOCAL EDUCATIONAL AGENCY.—Each local educational agency shall be an entity that is comparable to the Local Council under this title.

(d) LOCAL EDUCATIONAL AGENCY.—Each local educational agency shall be an entity that is comparable to the Local Council under this title.

(e) LOCAL EDUCATIONAL AGENCY.—Each local educational agency shall be an entity that is comparable to the Local Council under this title.

(f) LOCAL EDUCATIONAL AGENCY.—Each local educational agency shall be an entity that is comparable to the Local Council under this title.

(g) LOCAL EDUCATIONAL AGENCY.—Each local educational agency shall be an entity that is comparable to the Local Council under this title.

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(y) LOCAL EDUCATIONAL AGENCY.—Each local educational agency shall be an entity that is comparable to the Local Council under this title.

(z) LOCAL EDUCATIONAL AGENCY.—Each local educational agency shall be an entity that is comparable to the Local Council under this title.

SECTION 201. RURAL EDUCATION INITIATIVE.

Subpart 2 of part J of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8291 et seq.) is amended to read as follows:

“Subpart 2—Rural Education Initiative

SEC. 10971. SHORT TITLE.

This subpart may be cited as the ‘Rural Education Achievement Program’.
and on the basis of the results of the assessments or tests described in subsection (a), determine whether the students served by the local educational agency participating in the program performed better on the assessments or tests after the third year of the participation than the students performed on the assessments or tests after the first year of the participation; and

(2) prohibit the local educational agencies that participated in the program and served students that performed better on the assessments or tests, as described in paragraph (1), to continue to participate in the program for an additional period of 3 years; and

(3) prohibit the local educational agencies that participated in the program and served students that performed better on the assessments or tests, as described in paragraph (1), from participating in the program, for a period of 3 years from the date of the determination.

SEC. 10977. RATTABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.

"(a) In General.—If the amount appropriated for any fiscal year and made available for grants under this subparagraph is insufficient to pay the full amount for which all agencies are eligible under this subsection, the Secretary shall ratably reduce each such amount by an appropriate proportion."

"(b) Additional Amounts.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that are reduced under subsection (a) shall be increased on the same basis as such payments were reduced.

SEC. 10978. APPLICABILITY.

Sections 10951 and 10952 shall not apply to this subsection.

This Act may be cited as the "Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001.


Following is explanatory language on H.R. 5656, as introduced on December 14, 2000.

The conferences direct the Department, within the funds appropriated for fiscal year 2000 for National Emergency Grants within the Dislocated Worker program, to respond to an anticipated request by the State of Wisconsin for emergency funds to address layoffs in the community of Wisconsin Rapids.

The conferences direct the Department, within the funds appropriated for F.Y. 2001 for National Emergency Grants within the Dislocated Worker program, to provide in response to an anticipated request by the State of Vermont to address emergency funds to address major layoffs in the community of Goshen County.

With respect to the projects listed below for the Dislocated Worker program and the Pilots and Demonstrations Authority, the conferences acknowledge changes under the Workforce Investment Act to develop and implement techniques and approaches, and demonstrate the effectiveness of specialized methods of addressing the employment and training needs of individuals. The conferences encourage the Department to ensure that these projects are coordinated with local Workforce Investment Boards. The conferences also encourage the Department of Labor to ensure that project performance is adequately documented and evaluated. The conference agreement includes the following amounts for the following projects and activities:

- Dislocated workers
  - $600,000 to develop and implement technology training through the Resource Recovery Program—Campbellsville University, Texas.
  - $500,000 for Workforce Development project to retrain older incumbent workers for Montana workforce—Montana State University.
  - $620,000 to the Montana Tech Foundation for the Northwest Regional Miner—Training and Research Facility—Butte, Montana.
  - $600,000 for the River Valley Machine Tool Technology program to retrain displaced workers—Central Maine Technical College.
  - $1,400,000 for the Clayton College and State University.
  - $1,590,040,000 for the Dislocated Worker program.
  - $1,102,965,000 for Youth Activities.
  - $2,463,141,000 as proposed by the Senate. Of the amount appropriated, $2,463,000,000 is an advance appropriation for the fiscal year 2001 for North Carolina workforce.
  - $1,400,000,000, which is the House level for Job Corps, but eliminates the October 1, 2000 availability of funds for hiring new Corporation employees.
  - $1,365,000,000 for the Conference agreement includes $15,000,000 for the purpose, but the funds are made available on July 1, 2001, the normal funding cycle for Job Corps operations.
  - $1,548,487 made available for Job Corps operations for the state of Vermont in settlement of the city's claim.
  - $1,590,040,000 for the Dislocated Worker program, as a step toward providing all dislocated workers who want and need assistance the resources to train for or find new jobs.
  - $1,102,965,000 for Youth Activities. This increase will allow local communities to address the reduction in the number of youth served under the Job Corps program resulting from a shift to comprehensive services, to establish new local youth councils, and to implement other reforms to youth training and activities, as required under the Workforce Investment Act.
  - At the time the conferences acted on this bill, increase in the number which would not have yet been enacted by Congress. If Congress enacts an increase in the minimum wage prior to the beginning of program year 2001, which begins April 1, 2001 for the youth activities grants, the conferences expect the Administration to submit a supplemental request for the 2001 youth program as part of its fiscal year 2002 budget submission.
  - The conference agreement includes $500,000 for the River Valley Machine Tool Technology program to retrain displaced workers for the Dislocated Worker program for projects that provide assistance to new entrants in the workforce and incumbent workers as proposed by the Senate. The conference agreement also includes language in the Senate bill which contains a 10 percent limitation in the Workforce Investment Act with respect to the use of discretionary funds to carry out demonstration projects and multi-state projects with regard to dislocated workers and to waive certain other provisions in that Act. The language is similar to that in the Senate bill. The House bill contained no similar provisions.
  - The conference agreement includes a citation to the Women in Apprenticeship and Trade Demonstration Project, as proposed by the Senate. The House bill did not cite this Act.
  - The conferences direct the Department, within the funds appropriated for fiscal year 2000 for National Emergency Grants within the Dislocated Worker program, to respond to an anticipated request by the State of Wisconsin for emergency funds to address layoffs in the community of Wisconsin Rapids.
  - The conferences direct the Department, within the funds appropriated for F.Y. 2001 for National Emergency Grants within the Dislocated Worker program, to provide in response to an anticipated request by the State of Vermont to address emergency funds to address major layoffs in the community of Goshen County.
  - The conferences also encourage the Department of Labor to ensure that project performance is adequately documented and evaluated.
  - The conference agreement includes the following amounts for the following projects and activities:
  - Dislocated workers
    - $600,000 to develop and implement technology training through the Resource Recovery Program—Campbellsville University, Texas.
    - $500,000 for Workforce Development project to retrain older incumbent workers for Montana workforce—Montana State University.
    - $620,000 to the Montana Tech Foundation for the Northwest Regional Miner—Training and Research Facility—Butte, Montana.
    - $600,000 for the River Valley Machine Tool Technology program to retrain displaced workers—Central Maine Technical College.
    - $1,400,000 for the Clayton College and State University.
    - $1,590,040,000 for the Dislocated Worker program.
    - $1,102,965,000 for Youth Activities. This increase will allow local communities to address the reduction in the number of youth served under the Job Corps program resulting from a shift to comprehensive services, to establish new local youth councils, and to implement other reforms to youth training and activities, as required under the Workforce Investment Act.
    - At the time the conferences acted on this bill, increase in the number which would not have yet been enacted by Congress. If Congress enacts an increase in the minimum wage prior to the beginning of program year 2001, which begins April 1, 2001 for the youth activities grants, the conferences expect the Administration to submit a supplemental request for the 2001 youth program as part of its fiscal year 2002 budget submission.
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    - The conferences direct the Department, within the funds appropriated for F.Y. 2001 for National Emergency Grants within the Dislocated Worker program, to provide in response to an anticipated request by the State of Vermont to address emergency funds to address major layoffs in the community of Goshen County.
    - The conferences also encourage the Department of Labor to ensure that project performance is adequately documented and evaluated.
    - The conference agreement includes the following amounts for the following projects and activities:
      - Dislocated workers
        - $600,000 to develop and implement technology training through the Resource Recovery Program—Campbellsville University, Texas.
        - $500,000 for Workforce Development project to retrain older incumbent workers for Montana workforce—Montana State University.
        - $620,000 to the Montana Tech Foundation for the Northwest Regional Miner—Training and Research Facility—Butte, Montana.
        - $600,000 for the River Valley Machine Tool Technology program to retrain displaced workers—Central Maine Technical College.
        - $1,400,000 for Coastal Enterprises Inc.'s New Enterprise Initiative Fund (NEIF) to provide training for dislocated workers to transition into new jobs in Maine.
        - $650,000 for the Iowa Training Opportunities Program.
        - $927,000 for the J ob Links Program; and
        - $1,200,000 for Clemson University to retain tobacco farmers.
        - $185,000 for the Hawaii Department of Labor/Kauai Cooperative Extension.
        - $500,000 for High Tech Training—Maui, Hawaii.
        - $861,000 for the Clayton College and State University in Georgia for a virtual education and training project.
        - $184,000 for the Adult Computer Skills Training Initiative (ACSTI) through the
Education and Research Consortium of Western North Carolina, Inc.; $464,000 for the Bethel Native Corp.—Alaska; and $500,000 for the University of Alaska/Ketchikan Shipyards training program for shipyard workers.

Pilots and demonstrations

$1,275,000 for the Mott Community College Employment Development Institute for Manufacturing Simulation—access to electronic library of technology, developed as part of DOL’s America’s Learning Exchange Michigan program.

$1,000,000 for Jobs for America’s Graduates, School-to-Work projects for at-risk youth.

$500,000 to the University of Mississippi for Force training to support real time captioning initiatives for the hearing disabled—Oxford, Mississippi.

$750,000 for Technology Tool Kit to train at-risk young people in occupations related to the use of automated identification technologies—Mississippi Valley State University;

$550,000 to train Northern Maine’s workforce for employment in the metal trades—Northern Maine Technical College;

$600,000 for the Diego State University Foundation to implement innovative high-tech training programs;

$500,000 for the South Dakota Intertribal Bismarck Center, Upper Marlboro, Maryland, to develop the Exodus to Excellence Youth Development Program in partnership with workforce development system;

$250,000 for the Job Corps of North Dakota for the Fellowship Executive Training Program;

$276,000 to the City of Monrovia, CA to train youth in information technologies;

$500,000 for the California State Polytechnic University in Pomona, CA to develop technology training programs;

$921,000 to the University of Northern Iowa for a program to integrate immigrants and refugees into the workforce;

$921,000 for Transylvania Vocational Training Center, Upper Marlboro, Maryland, to develop the Exodus to Excellence Youth Development Program in partnership with workforce development system;

$550,000 for the Remote Rural Hawaii Job Training project for low income youth and adults;

$3,200,000 for Sanoai/Asian Pacific Job Training—Honolulu, HI for Training and Education Opportunities—University of Hawaii at Maui;

$200,000 for the Vermont Information Technology Extension Service—Champlain College, Burlington, VT for the Vermont Department of Employment and Training One-stop career center;

$1,900,000 for the North Country Career Center model implementation and training program—Newport, VT;

$92,000 for the Westchester-Putnam Counties Consortium for Workforce Education and Training, Inc. for apprenticeship and training programs to serve the NY construction industry;

$845,000 for Waukesha, Wisconsin, workforce training for economically disadvantaged youth and adults at La Casa de Esperanza;

$550,000 for the Dream Center to provide job and training skills for new labor market entrants or reentrants—LA, CA;

$300,000 for VT Technical College—Technology Training Initiative;

$900,000 for the OCCUPATE in Detroit for an Information Technologies Center that provides education and training programs to women and minorities;

$691,000 to Campbellsville (KY) Industrial Authority for programs to upgrade the information technology skills in the KY community;

$230,000 to CareerVisions, Inc. in Louisville, KY to pilot computer-based assistive technology training;

$276,000 for Career Resources, Inc. in Louisville, KY to develop a basic computer training program focusing on workplace applications;

$461,000 to the University of Northern Iowa for a program to integrate immigrants and refugees into the workforce;

$469,000 for the Greater Sacramento Urban League, CA for an Urban Achievement Program targeting training, employment and support for urban youth;

$921,000 for Jones County Junior College in Ellisville, MS for development and implementation of a technology training program;

$921,000 for Haymarket Center in Chicago, IL to provide training services through the EXCEL Center;

$921,000 to National Student Partnerships in Washington, DC;

$921,000 to the International Agri-Center, in Tulare, CA for a E-Commerce training initiative;

$650,000 for the UNU Center for Workforce Development and Occupational Research;

$100,000 for the Community Self-Empowerment & Employment Program (CSEEP) (PA)—comprehensive employment readiness, job development, job placement, and case management for area low-income residents—Pennsylvania;

$500,000 for Philadelphia Revitalization and Education Program (PREP) to train minorities for careers in the building trades through its Diversity Apprenticeship Project (DAP)—Pennsylvania;

$921,000 to Wrightco Technologies, Inc. for information technology training through a “Fast Track to the Future” program;

$980,000 to the Naval Surface Warfare Center at the Manufacturing and Applied Technology Training Center (MATC)—Central Oregon Community College to provide occupational skills through its Youth Competency Development Program and training in the construction trades for low-income/minority women through partnership with Thaddeus Stevens State College of Technology—Lancaster, PA;

$3,000,000 for Green Thumb, Inc.—conduct program for low-income elders to develop computer skills—Pennsylvania;

$500,000 for Allegheny County, Pennsylvania—training of information technology workers;

$300,000 for Lehigh University Job Training for hard to serve disadvantaged youth in manufacturing sector—PA;

$638,000 for the Collegiate Consortium for Workforce & Economic Development, Phila Depot, Pennsylvania—PA;

$252,000 for the Yukon Kushkwim Health Corporation—Alaska;

$300,000 for Koahnic Broadcasting—Alaska;

$550,000 for Kawaiak, Inc. Vocational Training for Alaska Natives—Nome, Alaska;

$580,000 for Ilisagvik College—Barrow, Alaska;

$927,000 for the Alaska Federation of Natives;

$500,000 for the University of Alaska Fairbanks in consultation with the University of Alaska Regional Native Corporations to conduct job training programs;

$1,250,000 for the Alaska Native Heritage Center, and Bishop Museum in Hawaii;

$2,021,000 for Florida Community College at Jacksonville for workforce training for the disabled;

$276,000 to the South Metro Regional Leadership Center in University Park, IL, to provide training for people with developmental disabilities;

$194,000 for the More Opportunities for Viable Employment program through the Tulare (CA) County Office of Education, Services for Education and Employment Division;

$276,000 for the South Metro Regional Leadership Center in University Park, IL, to provide training for people with developmental disabilities;

$396,000 to Signature Academy Inc., to further develop the Exodus to Excellence Youth Program;

$950,000 for Sinclair Community College, Dayton, Ohio for an after-school youth training project;

$850,000 to Kingstown-Newbury Enterprise Community, Newburgh, New York, for a workforce development project;

$213,000 to the Sullivan-Warwasing Rural Economic Area Partnership, in Ferndale, New York for the planning and development of a manufacturing technology training center;

$723,000 for Reading Berks Emergency Shelter, Reading, Pennsylvania to provide employment and training opportunities for disadvantaged individuals;

$213,000 to the Melwood Horticultural Training Center, Upper Marlboro, Maryland, for workforce training for the disabled;

$340,000 to the Safeer Foundation, Chicago, Illinois for a workplace acclimation program for ex-offenders;

$170,000 for South Suburban College, South Holland, Illinois to expand a bus mechanic workforce development program;

$900,000 to the Dallas Urban League, Inc. in Dallas, Texas for the ACES program to provide literacy and job skills to disadvantaged youth and adults;

$927,000 for the Western New York Industrial Training and Expansion Network (WIRE-Net), Cleveland, Ohio;
The conference agreement includes $3,365,698,000 for state unemployment insurance and employment operations instead of $3,097,790,000 as proposed by the House and $3,249,430,000 as proposed by the Senate. The conference agreement includes $350,000 for the administration of the Head Start program and $11,652,000 for the administrative expense of the Child Support Enforcement program.

The conference agreement includes $363,476,000 for the employment standards administration, salaries and expenses instead of $363,000,000 as proposed by the Senate. The conference agreement does not include language to allow the Secretary to use fair share collections to fund capital investment projects and special investments to strengthen compensation fund control and oversight. The amounts cited in the House and Senate bills have been modified to reflect updated estimates of fair share collections from the non-appropriated agencies, such as the Postal Service, for fiscal year 2001.

The conference agreement includes a definate annual appropriation of $975,343,000 for black lung benefit payments and interest payments on advances made to the Trust Fund, as proposed by the Senate, instead of an indefinite permanent appropriation as proposed by the Senate.

The conference agreement includes $425,983,000 for occupational safety and health administration, salaries and expenses as proposed by the Senate instead of $381,620,000 as proposed by the House. The conference agreement does not include language proposed by the Senate that would have earmarked $22,200,000 of the increase over the fiscal year 2000 appropriation for education, training, and consultation activities. The House bill contained no similar provision. The detailed table at the end of this joint statement reflects the activity distribution agreed upon. The conference agreement also includes funding for management and oversight of projects and additional administrative funding for back-log reduction in the alien labor certification program as listed in the Senate report.

The conference agreement includes $159,158,000 for program administration instead of $146,000,000 as proposed by the House and $156,158,000 as proposed by the Senate. This joint statement reflects the activity distribution agreed upon.

The conference agreement includes $107,832,000 for the pension and welfare benefits administration, salaries and expenses instead of $98,034,000 as proposed by the House and $103,342,000 as proposed by the Senate. The increase will fully fund the request for expanded health and pension education and outreach efforts and enhanced pension enforcement.

The conference agreement includes $13,652,000 for administrative expenses for the Administration for Children and Families, as proposed by the Senate instead of $11,148,000 as proposed by the House.

The conference agreement includes $546,000,000 as proposed by the House and $3,365,698,000 as proposed by the Senate. This joint statement reflects the activity distribution agreed upon.

The conference agreement includes $424,747,000 for mine safety and health administration, salaries and expenses instead of $233,000,000 as proposed by the House and $244,747,000 as proposed by the Senate. The conference agreement includes $2,500,000 over the fiscal year 2000 appropriation for physical improvements at the National Mine Safety and Health Academy.

The conference agreement includes language proposed by the House to increase from $75,000 to $225,000 the MSHA's authority to deny relief requests. MSHA is required to develop a contingency plan for MSHA to retain and spend up to $1,000,000 in fees collected for the approval and certification of mine equipment and materials. The conference agreement includes language establishing a $1,000,000 contingency fund for mine rescue and recovery activities. The House bill contained no similar provisions.

The conference agreement includes $10,000,000 for the coal mine methane program, as proposed by the House. The Senate bill included funding of $5,000,000 for the pilot projects and $3,250,000 for the research program. The conference agreement includes $25,600,000 as proposed by the Senate. The conference agreement includes $2,500,000 for the construction of the Health Academy.
Millions of gallons of slurry coal waste broke free from an impoundment causing considerable damage to the environment and disrupting water supply for citizens along the Big Sandy and Ohio Rivers. The conferees believe this event warrants a thorough examination of current coal waste disposal methods and an exploration of possible alternative solutions. The conference agreement includes $24,889,000 as proposed by the House and $337,964,000 as proposed by the Senate.

The conference agreement includes $148,150,000 for the Bureau of International Labor Affairs instead of $70,000,000 as proposed by the House and $115,000,000 as proposed by the Senate. The conference agreement also includes language proposed by the Senate to authorize the expenditure of funds for the management of operation of Department of Labor multilateral technical assistance activities.

The conference agreement includes $82,000,000 to assist developing countries with the elimination of child labor. Of this amount, $45,000,000 is for expansion of ILO’s International Programme for the Elimination of Child Labor. In addition, $37,000,000 is provided for bilateral assistance to implement the ILO’s basic education in international areas with a high rate of abusive and exploitative child labor. These new initiatives are developed in coordination with USAID to ensure these programs fit with the overall foreign operations policy of the Administration and are in compliance with the Foreign Assistance Act. The conference agreement includes $45,000,000 as proposed by the Senate to augment the capacity of Ministries of Labor to enforce labor standards, to develop social and health programs, and to receive technical information on enforcement of labor laws around the world. The conference agreement includes $10,000,000 for the Global HIV/AIDS Workers’ Death and Disablement Program.

The conference agreement includes $23,022,000 for the Department of Labor to conduct studies on the issue of abusive and exploitative child labor and other labor-related issues; and

$250,000 to the Association of Farm-worker Opportunities Programs for public education on abusive child labor.

The conference notes from the recent World AIDS Conference that the impact of national economies continue to be profoundly and adversely affected by the HIV-AIDS pandemic. For example, employers in South Africa are reporting that HIV has had a negative impact on productivity and wages, with HIV and AIDS. Consequently, the conferees expect ILAB to assume a leading role in promoting strong domestic partnerships and labor market linkages with employers and unions to improve HIV-AIDS prevention and to improve coordination among the Labor Department, Commerce Department, and USAID.

The conference agreement includes $23,022,000 and language establishing the Office of Disability Employment Policy in the Department of Labor as proposed by the Senate. The House bill continued funding for the President’s Committee on Employment of People with Disabilities, but this activity is subsumed in the new Office of Disability Employment Policy.

The conference agreement includes $37,000,000 to establish a permanent, centralized information technology infrastructure.

The conference agreement includes $226,224,000 for the conference agreement includes $211,713,000 for veterans employment and training instead of $206,713,000 as proposed by the Senate. Included in this amount is $17,500,000 for the homeless veterans program.

The conference agreement includes $54,795,000 for the office of inspector general as proposed by the Senate instead of $51,925,000 as proposed by the House.

The conference agreement does not include a provision included in both the House and Senate bills relating to regulations issued by the Occupational Safety and Health Administration to provide for new economic process extensions.

The conference agreement includes a provision to extend the deadline for expenditure of Welfare to Work funds.

The conference agreement includes a provision proposed by the Senate extending the availability of Welfare to Work funds from three to five years.

The conference agreement includes a provision included in both the House and Senate bills relating to regulations issued by the Immigration and Naturalization Service to work closely with the stakeholders to expediently address concerns raised by the growers and to avoid any delays caused by the new system.

The conference agreement includes a provision regarding housing needs H2A temporary agricultural laborers. This provision ensures that the deadline for housing inspections will be extended to thirty days instead of the Secretary’s thirty day deadline for making H2A temporary agricultural labor certification decisions. The thirty day deadline may have been nullified in some cases by the current regulations requiring that inspections on employer-provided housing need not be completed until twenty days before the employer needs H2A workers. The provision requires housing inspections to be completed in time for the Secretary to make her certification decision in accordance with the thirty day statutory deadline.

The conference agreement includes a provision that authorizes the use of H1B fee revenue for the process of Alien Labor Certifications. This is needed because the recent legislation increasing the number of H1B visas authorized will result in a substantial increase in the volume of Alien Labor certification applications. The Department of Labor has made significant progress over the past 18 months to reduce the backlog of applications for permanent labor certifications, and in expediting the labor condition application process for the H-1B program. In order to allow the Department to continue these efforts for labor certifications without undermining the review process, the Secretary will be permitted to utilize a portion of fees generated by the Department to speed the administration of the permanent labor certification program.

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Texas; Englewood Hospital and Medical Center, Englewood, New Jersey; Plaza Community Center, Inc., Los Angeles, California; Children's Health and Social Services Center, Fairbanks, Alaska; Center for Health Sciences, Little Rock, Arkansas; Trinity Health Systems, Detroit, Michigan; Henderson County Rural Health Center in Oquawka, Illinois;和 City of Summersville, West Virginia, senior health and social services facilities.

The conferees are supportive of the efforts of the Academic Medicine Development Corporation to implement a strategic initiative for human genetics research in New York.

The conference agreement includes language to continue the demonstration project by the Utah Department of Health to increase access to primary and dental care services for medically underserved populations located in the areas of St. Louis City, and the Missouri counties of Jefferson, Lafayette, Greene, and Douglas.

The conference agreement includes $18,036,000 for the House's disease services instead of $17,016,000 as proposed by both the House and the Senate. Within the total proposed, $9,018,000 provides for the Experience Amputation Prevention program at the University of South Alabama.

The conference agreement includes $714,230,000 for the National Children's National and child health block grant instead of $709,130,000 as proposed by both the House and the Senate. The conference agreement includes bill language designating $513,728,000 of the funds provided for the block grant for special projects of the regional and national significance (SPRANS) as proposed by the House. It is intended that $5,000,000 of the SPRANS amount will be used for the continuation of the traumatic brain injury State demonstration projects as authorized by title XII of the Public Health Service Act. The Senate bill contained no similar provision, instead it provided $5,000,000 as a separate line item in the table of amounts for this purpose.

The conference agreement includes the following projects and activities in fiscal year 2001:

- $19,421,000 for the University of Southern Mississippi Center for Sustainable Health Services to underserved communities in Kane, Mar, Saline, and Will, Illinois counties on the southwest side of Chicago and in the API community on the north side of Chicago.
- $359,000 for outreach activities of the Lourdes Health Network in Pasco, Washington.
- $4,000,000 for the Texas A&M HERO program.
- $18,016,000 for Hansen's disease services in-

state report language regarding the distribution of funds appropriated for Title X.

The conference agreement includes $123,990,000 for the demonstration project by the Mercer County Health Department in Aledo, Illinois, to extend dental care services to rural underserved populations.

$300,000 for the Kansas City Community Health Care, Inc., St. Johnsbury, Vermont for a rural outreach initiative;

$170,000 for CAP Services in Stevens Point, Wisconsin to extend dental health services to underserved populations;

$500,000 for the Texas A&M HERO program;

$500,000 for State and University of Alaska to train emergency medical personnel in rural areas;

$500,000 for Inland Health Northwest;

$39,823,000 for Community outreach programs for low-income, rural populations;

$38,892,000 for the Mercer County Health Department in Aledo, Illinois, to extend dental care services to rural underserved populations.

The conference agreement includes $1,311,000 for outreach activities of the Western Kentucky University mobile health screening program;

$359,000 for the University of Southern Mississippi Center for Sustainable Health Outreach;

$1,316,000 for Carondelet Health Network of Arizona to improve the health status of multi-cultural and medically disenfranchised populations through health education and comprehensive continuum of care;

$213,000 for the Mercer County Health Department in Aledo, Illinois, to extend dental care services to rural underserved populations.

The conference agreement includes $1,311,000 for outreach activities of the Western Kentucky University mobile health screening program;
$250,000 for the multiple sclerosis disease state management program at the University of Mississippi Center for Pharmaceutical Marketing; 
$330,000 for the Texas Tech University Health Sciences Center at El Paso and the University of Texas at El Paso for joint research on health problems of migrant workers; 
$400,000 for the McLaughlin Research Institute cancer education program; 
$921,000 for the University of Alaska to develop a research and evaluation agenda for health care delivery; 
$275,000 for the Marshfield Clinic in Marshfield, Wisconsin, for scientific, ethical, and citizen advisory groups and education programs in connection with the development of a personalized medicine program; 
$850,000 for the Virginia Center for Sustainable Health Outreach at James Madison University; 
$921,000 for Atlantic City Medical Center for prevention services and medical education activities; 
$1,275,000 for the University of North Dakota School of Medicine, Grand Forks, North Dakota, for a telemedicine program in preventive medicine and behavioral sciences; and 
$1,612,000 for the Carolina’s Community Health Initiative for its community health assessment plan.

The conferees encourage the National Genome Research Institute and the Agency for Healthcare Research and Quality to prioritize necessary technical assistance to HRSA in supporting the Marshfield Clinic project. 

The conference agreement includes $35,981,000 for telehealth instead of $25,000,000 as proposed by the Senate. The House provided funding for this program within rural health regulations.

The conferees include the following amounts for the following projects and activities in fiscal year 2001: 

$143,000 for networking capabilities of the Cullman Area, Alabama, Mental Health Authority; 
$43,000 for Arrowhead Regional Medical Center, Colton, California, for a telemedicine regional network; 
$85,000 for the New York Primary Care Health Foundation, Inc., Flushing, New York, for initiatives; 
$111,000 for Staten Island University Hospital to support a teleconferencing initiative to improve and strengthen linkages within campus health centers; 
$184,000 for the Union Hospital Telehealth Demonstration project in Terre Haute, Indiana; 
$300,000 for the University of Michigan Emergency Telemedicine Network; 
$350,000 for Molokai General Hospital to use the latest technology advances to provide health care services in rural areas; 
$340,000 for the Massachusetts College of Pharmacy and Health Sciences, Worcester, Massachusetts, for a telemedicine initiative; 
$361,000 for the Center for Telehealth and Distance Education at the University of Texas Medical Branch, Galveston, Texas, for a telehealth initiative; 
$430,000 for Daemen College in Amherst, New York to continue a project to provide distance learning/medical linkages to rural centers in Western New York State; 
$500,000 for a telehealth project at Magee-Women's Hospital; 
$500,000 for the Susquehanna Health Systems Regional Network in Pennsylvania for a telehealth initiative; 
$468,000 for the Southern Illinois University School of Medicine telemedicine and rural health initiative project; 
$500,000 for the Alaska Federation of Natives, Inc., for a telehealth initiative; 
$1,751,000,000 for emergency assistance, instead of $1,725,000,000 as proposed by the Senate. 

$3,000,000 for trauma care as proposed by the Senate and $6,000,000 as proposed by the House instead of $5,943,000 as proposed by the Senate. 

$6,600,000 as proposed by the House and $5,943,000 as proposed by the Senate. Funds are also intended to directly support educational and outreach grants to minority community-based organizations to increase the number of minorities participating in the AIDS Drug Assistance Program (ADAP). The continuing under representation of African Americans, Latinos, Native Americans, Asian Americans, Native Hawaiians and Pacific Islanders. These funds are expected to expand medical and supportive service capacity in communities of color, and expand peer treatment education that is both culturally and linguistically appropriate to individuals living with HIV/AIDS. 

Within Ryan White Title I, the agreement provides $34,000,000 to the competitive supplemental allocation targeted to minority community-based organizations, as defined by the Centers for Disease Control and Prevention, and directs that the funding be allocated through the established planning council processes of eligible metropolitan areas. These funds are designed to help minority community-based organizations to provide culturally and linguistically appropriate health care to minority community-based organizations, as defined by the Centers for Disease Control and Prevention. These funds are allocated as follows: 

Within Ryan White Title I, the agreement provides $34,000,000 to the competitive supplemental allocation targeted to minority community-based organizations, as defined by the Centers for Disease Control and Prevention, and directs that the funding be allocated through the established planning council processes of eligible metropolitan areas. These funds are designed to help minority community-based organizations to provide culturally and linguistically appropriate health care to minority community-based organizations, as defined by the Centers for Disease Control and Prevention. These funds are allocated as follows:
The conference agreement includes $7,700,000 to AIDS education and training centers. These funds are intended to increase the training of community-based minority health care professionals in AIDS-related treatments, standards, and care for those living with HIV/AIDS. The agency should use a significant portion of the remaining funds to expand comprehensive services for youth, both through existing and new grantees. The conference believes that the agency should expand efforts to facilitate ongoing communication with grantees so that prospective changes in the administration of the program can be discussed.

From within the increase provided to pediatric AIDS demonstrations, the conference encourages HRSA to target funds towards approved but unfunded applications from the previous fiscal year.

The conference agreement includes $140,000,000 for health care access for the uninsured instead of $25,000,000 as proposed by the Senate. The House bill did not contain funding for this authorized program. Of this amount, $125,000,000 is included to provide grants to public, private, and non-profit health entities to develop and expand integrated health services and substance abuse services. The programs will supplement existing categorical safety net programs to assist communities in better harnessing their current capabilities and resources. The national health care safety net is under enormous strain and the demand for this initiative large.

The remaining $15,000,000 is to continue the initiative that was begun in fiscal year 2000 to help change the characteristics of the uninsured within the state and approaches for providing all uninsured with health coverage through an expanded state, Federal and private partnership. States have shown great interest in committing to the initiative and a second year of funding will produce a more comprehensive set of designs for providing insurance coverage for the uninsured. Sufficient funds are included to support up to ten new state grants, provide technical assistance to grantees and, if necessary, to supplement existing state funding to states funded in fiscal year 2000 to complete their work. The Secretary is requested to submit a final report on state findings no later than October 1, 2001. The conferees should provide state by state summaries on baseline information, the process by which the states developed recommendations, including a description of data collection and partnerships, characteristics of the uninsured within the state, the proposed approaches for providing insurance for the uninsured, and the estimated public and private cost of providing coverage. The report should also highlight and summarize common findings, implementation efforts and approaches identified by the states.

The conference agreement includes $9,900,000 for an adoption awareness program as authorized by the Child Abuse Prevention Act of 2000.

The conference agreement includes $10,000,000 for authorized health-related activities of the Denali Commission.

The conference agreement includes $139,246,000 for program management instead of $128,123,000 as proposed by the House and $125,766,000 as proposed by the Senate.

The conferees include the following amount for the following projects and activities in fiscal year 2001:

- $230,000 for the Illinois Poison Center;
- $250,000 for the University of Alaska to establish an INPSYCH Center to train Alaska Natives as psychologists to practice in Alaska villages;
- $500,000 for the University of Alaska, Anchorage to recruit and train nurses;
- $700,000 to support the efforts of the American Academy of Family Physicians Education and Research Fund of Philadelphia;
- $900,000 for Northeastern University in Boston, Massachusetts to train doctors to serve low-income and minority communities;
- $900,000 for Des Moines University Osteopathic Medical Center for development of a model program for training and education in the field of geriatrics.

The Child Health Act of 2000 authorizes oral health activities intended to improve the oral health of children under six years of age who are eligible for services provided under a Federal health program. These activities should increase the utilization of dental services by such children and decrease the incidence of early childhood and baby bottle tooth decay. The conferees are supportive of these efforts.

Centers for Disease Control and Prevention

Disease Control, Research, and Training

The conference agreement includes $3,898,027,000 for disease control, research, and training instead of $3,856,369,000 as proposed by the House and $3,251,906,000 as proposed by the Senate.

The conference agreement includes $175,000,000 for equipment, construction, and renovation of facilities as proposed by the Senate instead of $145,000,000 as proposed by the House.

The conference agreement includes $673,367,000 as proposed by the House and $609,054,000 in vaccine purchases and distribution support in fiscal year 2001, for a total program level of $1,016,528,000.

The conferees recommend that CDC discontinue immunization incentive grants and the $900,000 as proposed by the House instead of $91,129,000 as proposed by the Senate. The conferees recommend the following as proposed by the Senate:

- $700,000 for the Roger Williams Medical Center in Providence, Rhode Island to develop and implement a comprehensive health promotion initiative for senior retirees.

Regional grant programs are subject to the normal notification procedures. In addition, for the Vaccines for Children (VFC) program funded through the Medicaid program, $469,054,000 is included in this amount. The conferees recommend that funds available for vaccine purchases are for all currently licensed and recommended vaccines. In addition, the conferees recommend that $29,461,000 be transferred to the州区 for childhood immunization instead of $472,966,000 as proposed by the House and $499,050,000 as proposed by the Senate.

The conferees recommend that $23,012,000 be transferred to the state of Alaska and the Alaska Community Health Aids Project ($46,000,000) as proposed by the House and $14,080,000 as proposed by the Senate.

The conferees recommend that $110,000 be transferred to the New York City Health Department ($110,000) as proposed by the Senate.

The conferees recommend that $500,000 be transferred to the University of New Mexico ($500,000) as proposed by the Senate.

The conference agreement includes $767,246,000 for HIV/AIDS instead of $640,000,000 as proposed by the Senate. Included in this amount is an additional...
prevent HIV/AIDS activities at CDC, which shall be available until September 30, 2002. This amount is an increase of $89,527,000 over the fiscal year 2000 funding for chlamydia and gonorrhea treatment required by CDC, all of this increase to be utilized in implementing country-wide care and treatment programs. This will include partnering with HRSA to develop services focused on racial and ethnic communities for the development of palliative care, basic treatment, and support services. In addition, CDC should begin to assist other areas at high risk for severe epidemics including other African countries, Southeast Asia, and the Caribbean/Latin American region. Finally, CDC should support both treatment demonstration projects in countries where sufficient care and treatment infrastructures exist. Within the total for International HIV/AIDS activities the conferees provide $3,000,000 through CDC to support HRSA activities aimed at improving professional education and training relating to this initiative. The conference agreement includes $184,000 for Onondaga County, New York Health Department to establish a prospective tuberculosis control program for New York's industries. The conference agreement includes $148,256,000 for sexually transmitted diseases instead of $136,743,000 as proposed by the Senate. The conferees intend that the increase over the President's request be used to reduce the number of foreign born TB cases contributing to the U.S. caseload, strengthen domestic TB control programs, and provide preventive therapy to individuals who have latent TB infection and are high-risk for developing active, infectious TB. The conference agreement includes $198,528,000 for tuberculosis (TB) instead of $202,364,000 as proposed by the House and $213,412,000 as proposed by the Senate. The conferees intend that the increase over the President's request be used to reduce the number of foreign born TB cases contributing to the U.S. caseload, strengthen domestic TB control programs, and provide preventive therapy to individuals who have latent TB infection and are high-risk for developing active, infectious TB. The conference agreement includes $136,593,000 for human immunodeficiency virus (HIV) instead of $132,396,000 as proposed by the Senate. The conferees intend that the increase over the President's request be used to reduce the number of foreign born HIV cases contributing to the U.S. caseload, strengthen domestic HIV control programs, and provide preventive therapy to individuals who have HIV infection and are high-risk for developing advanced HIV disease and AIDS. The conference agreement includes $1,050,000 for human immunodeficiency virus (HIV) instead of $1,000,000 as proposed by the Senate. The conferees intend that the increase over the President's request be used to reduce the number of foreign born HIV cases contributing to the U.S. caseload, strengthen domestic HIV control programs, and provide preventive therapy to individuals who have HIV infection and are high-risk for developing advanced HIV disease and AIDS.
Healthcare Research and Quality that will assess the elements of epilepsy treatment as they relate to clinical outcomes. CDC is expected to disseminate the findings of this report to other healthcare professionals, and the general public. The Director should be prepared to provide the next steps required to implement an early intervention policing statement, and referral recommendations at the fiscal year 2002 appropriations hearing.

The conference directed that CDC plans to convene a meeting to develop a national prostate cancer public health agenda. The conferees urge the agency to continue its work with voluntary public and professional organizations to develop and implement a national educational and outreach campaign with special attention to minority and underserved populations. CDC should be prepared to report on its prostate cancer programs at the fiscal year 2002 appropriations hearing.

The conferees urge CDC to give full and fair consideration to a proposal to develop a diversified screening demonstration project with the National Institute of Health and Social Services to study the impact of the West Nile virus in particular states and localities during calendar year 2001: To equitably distribute these funds based on the impact of the West Nile virus in particular states and localities during calendar year 2001:

Within the total provided for infectious diseases, $181,701,000 is for infectious diseases instead of $160,941,000 as proposed by the Senate. The conference agreement includes a proposal to develop the Center for Limb Loss Research.

Within the total provided for breast cancers, $57,900,000 is for the Healthcare Association Network to administer the Jesse Trice Cancer Prevention Research Center to provide a national model of diabetes outreach, prevention and control. Under this project, CDC should be prepared to report on its prostate cancer programs at the fiscal year 2002 appropriations hearing.

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The conference directs that CDC plans to convene a meeting to develop a national prostate cancer public health agenda. The conferees urge the agency to continue its work with voluntary public and professional organizations to develop and implement a national educational and outreach campaign with special attention to minority and underserved populations. CDC should be prepared to report on its prostate cancer programs at the fiscal year 2002 appropriations hearing.

The conferees urge CDC to give full and fair consideration to a proposal to develop a diversified screening demonstration project with the National Institute of Health and Social Services to study the impact of the West Nile virus in particular states and localities during calendar year 2001:

Within the total provided for infectious diseases, $181,701,000 is for infectious diseases instead of $160,941,000 as proposed by the Senate. The conference agreement includes a proposal to develop the Center for Limb Loss Research.

Within the total provided for breast cancers, $57,900,000 is for the Healthcare Association Network to administer the Jesse Trice Cancer Prevention Research Center to provide a national model of diabetes outreach, prevention and control. Under this project, CDC should be prepared to report on its prostate cancer programs at the fiscal year 2002 appropriations hearing.

The conference directs the agency to continue its work with voluntary public and professional organizations to develop and implement a national educational and outreach campaign with special attention to minority and underserved populations. CDC should be prepared to report on its prostate cancer programs at the fiscal year 2002 appropriations hearing.

The conference directs that CDC plans to convene a meeting to develop a national prostate cancer public health agenda. The conferees urge the agency to continue its work with voluntary public and professional organizations to develop and implement a national educational and outreach campaign with special attention to minority and underserved populations. CDC should be prepared to report on its prostate cancer programs at the fiscal year 2002 appropriations hearing.

The conferees urge CDC to give full and fair consideration to a proposal to develop a diversified screening demonstration project with the National Institute of Health and Social Services to study the impact of the West Nile virus in particular states and localities during calendar year 2001:

Within the total provided for infectious diseases, $181,701,000 is for infectious diseases instead of $160,941,000 as proposed by the Senate. The conference agreement includes a proposal to develop the Center for Limb Loss Research.
Also within the total provided is $34,577,000 for NEDSS/EID and an increase of $4,000,000 for malaria programs.

The conferees note that CDC is to give full and fair consideration to a proposal by Advance Paradigm to demonstrate the role of provider utilization of information technology to improve patient safety through management of polypharmacy outcomes.

The conferees include the following amounts for the following projects and activities in fiscal year 2001:

- $149,000 for Case Western Reserve University, Cleveland, Ohio for prion disease surveillance
- $250,000 for the Institute for Clinical Evaluation for the reduction of medical errors through the development and demonstration of reality medicine technology simulation for training health care workers in medical procedures.
- $300,000 for the Fletcher Allen Health Care, Burlington, Vermont for a demonstration to reduce medical errors.
- $300,000 for the Iowa Department of Public Health for CDC to strengthen its focus on injury and develop strategies to reduce adverse medical events.
- $61,000 for the University of Texas Medical Branch, Galveston, Texas for Tyler Border Infectious Disease Monitoring Program.
- $921,000 for the Emerging Infectious Diseases Center at the University of New Mexico to develop a network-based surveillance system.
- $1,843,000 to develop a comprehensive, statewide public health reporting system in the State of Delaware.

The conference agreement includes $34,935,000 for lead poisoning prevention instead of $31,019,000 as proposed by the House and $30,978,000 as proposed by the Senate. CDC is encouraged to work with Early Lead Start in developing a strategy identify and target childhood lead poisoning prevention to high-risk populations.

The conference agreement includes $174,951,000 for epidemic services instead of $155,338,000 as proposed by the House and $150,000,000 as proposed by the Senate.

The conference agreement includes $2,328,102,000 as proposed by the Senate.

The conference agreement includes $595,000,000 for program administration instead of $568,774,000 as proposed by the House and $648,774,000 as proposed by the House.

The conference agreement includes $13,593,000 for prevention research as proposed by the House and $13,386,000 as proposed by the Senate.

The conference agreement includes $3,757,242,000 for the National Cancer Institute instead of $3,793,587,000 as proposed by the House and $3,904,084,000 as proposed by the Senate.

NCI is encouraged to take appropriate steps to take full advantage of scientific opportunities that may be available from using geonദeological databases to understand, diagnose, treat, and prevent cancer and other diseases.

The conference agreement includes $2,098,866,000 for the National Heart, Lung and Blood Institute instead of $2,321,320,000 as proposed by the House and $2,328,102,000 as proposed by the Senate.

The conference agreement includes $2,098,866,000 for the National Heart, Lung and Blood Institute instead of $2,321,320,000 as proposed by the House and $2,328,102,000 as proposed by the Senate.

The conference agreement includes $32,184,000 as proposed by the Senate.
The conference agreement includes $306,488,000 for the National Institute of Dental and Craniofacial Research, $309,007,000 as proposed by the House and $309,923,000 as proposed by the Senate.

The conferees are concerned about the exceptions of severe dental caries suffered by American Indian children and encourage NIDCR to support long-term research on the etiology and pathogenesis of dental caries in American Indian populations. The conferees also encourage NIDCR to conduct research on effective ways to control severe caries in American Indian children through all available therapies, as appropriate, including clinical trials.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

The conference agreement includes $1,350,385,000 for the National Institute of Diabetes and Digestive and Kidney Diseases instead of $1,315,530,000 as proposed by the House and $1,318,106,000 as proposed by the Senate.

The conferees are supportive of plans to conduct a full national longitudinal study. To this end, the conferees have provided funds to support the maintenance and long-term learning of the progress made during the fiscal year 2002 appropriations hearing.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

The conference agreement includes $596,687,000 for the National Institute of Arthritis and Musculoskeletal and Skin Diseases instead of $400,025,000 as proposed by the Senate. Osteogenesis Imperfecta (OI), more commonly known as Children’s Brittle Bone Disease, is a rare genetic disorder for which there is presently no cure. The conferees strongly encourage NIH to expand its support for research into the causes, diagnosis, treatment, prevention, and eventual cure for OI and to coordinate public research efforts with those supported by the private sector. The conferees urge NIH to expand its research on environmental factors like diet, pesticides, and electromagnetic fields, no conclusive evidence exists. The conferees encourage NIEHS to conduct research activities on the development or advances in Spinal Muscular Atrophy (SMA) research that influence that metabolism, especially in the mitochondria-containing compounds on glucose receptors.

The conference agreement includes $1,355,823,000 for the National Institute of Dental and Craniofacial Research, $1,380,675,000 as proposed by the House and $1,554,176,000 as proposed by the Senate.

The conferees urge NIH to expand its efforts on the development or advances in Spinal Muscular Atrophy (SMA) research that influence that metabolism, especially in the mitochondria-containing compounds on glucose receptors.

The conference agreement includes $1,548,313,000 for the National Institute of Neurological Disorders and Stroke instead of $1,547,000,000 as proposed by the House and $1,545,176,000 as proposed by the Senate.

The conferees are aware of the efforts of NINDS to identify the gene that causes Mucolipidosis Type IV (ML-4), a debilitating genetic metabolic disorder that prevents normal development in children. The conferees encourage NINDS to consider conducting additional studies and expand research efforts in this area.

The conferees urge NINDS to enhance research activities on the development or advances in Spinal Muscular Atrophy (SMA) research that influence that metabolism, especially in the mitochondria-containing compounds on glucose receptors.

The conferees encourage NINDS to coordinate with the Office of Dietary Supplements on their findings on the chromium and diabetes nutrition conference held in November of 1999. The Institute is encouraged to enhance basic research grants to examine cellular glucose metabolism and the factors that influence that metabolism, especially in the insulin-resistant state.

The conferees urge NINDS to expand research efforts for treatments for mucopolysaccharidoses (MPS). The conferees recognize the recent progress in some areas of MPS research, however, the persistent challenges in development of effective treatments remain. NIDDK is encouraged to work with other Institutes, especially NINDS and NICHD, to research effective therapies.

The conferees are concerned about the research funding for the four recently established Interdisciplinary Research Centers. The conferees have provided funds to support the establishment of the four Interdisciplinary Research Centers.

The conferees are pleased with the growth in the effort to expand the national infrastructure to develop and ensure the effective use of large-scale research initiatives on the treatment and prevention of osteoporosis and related bone diseases. The conferees urge NIH to expand its support for research into the causes, diagnosis, treatment, prevention, and eventual cure for osteoporosis and related bone diseases.
The conferees commend NIAMS for its growing support of research on rheumatic diseases of childhood, including the recent opening of a new Pediatric Rheumatology Clinic on NIH campus. However, the conferees are concerned about the cadre of pediatric rheumatologists who are trained to treat and study these diseases. NIAMS is therefore encouraged to work with the Secretary of HHS and other PHS components, as appropriate, to assist in evaluating the status of the pediatric rheumatology workforce.

In particular, the Institute is encouraged to take advantage of opportunities to support loan repayment for researchers working in the area of childhood rheumatic diseases.

**National Institute on Deafness and Other Communication Disorders**

The conference agreement includes $300,581,000 for the National Institute on Deafness and Other Communication Disorders as proposed by the Senate instead of $301,757,000 as proposed by the House.

The conferees urge NICDCD to continue research on inner ear hair cell regeneration with the target of delivering auditory and gene transfer technology with specific relevance to the inner ear and the development of improved hearing aids and cochlear implants. The conferees also urge NICDCD to continue to recruit experts from the field of molecular and cellular biology and genetics.

**National Institute of Nursing Research**

The conference agreement includes $104,370,000 for the National Institute of Nursing Research instead of $102,312,000 as proposed by the House and $106,848,000 as proposed by the Senate.

**National Institute on Alcohol Abuse and Alcoholism**

The conference agreement includes $340,678,000 for the National Institute on Alcohol Abuse and Alcoholism instead of $340,216,000 as proposed by the House and $336,848,000 as proposed by the Senate.

**National Institute on Drug Abuse**

The conference agreement includes $781,327,000 for the National Institute on Drug Abuse instead of $786,237,000 as proposed by the House and $790,038,000 as proposed by the Senate.

**National Institute of Mental Health**

The conference agreement includes $1,144,638,000 for the National Institute of Mental Health as proposed by the Senate instead of $1,141,638,000 as proposed by the House.

**National Human Genome Research Institute**

The conference agreement includes $832,848,000 for the National Human Genome Research Institute instead of $836,410,000 as proposed by the House and $835,888,000 as proposed by the Senate.

**National Center for Research Resources**

The conference agreement includes $317,475,000 for the National Center for Research Resources instead of $322,027,000 as proposed by the House and $775,210,000 as proposed by the Senate. The conferees include a provision to waive the matching requirement for the grant or contract to manage the 288 chimpanzees acquired by the Coulston Foundation.

**National Library of Medicine**

The conference agreement includes $256,281,000 as proposed by the House and $256,953,000 as proposed by the Senate.

**National Center for Complementary and Alternative Medicine**

The conference agreement includes $89,211,000 for the National Center for Complementary and Alternative Medicine instead of $78,880,000 as proposed by the House and $100,899,000 as proposed by the Senate.

The conferees encourage NIH to increase the health benefits of cranberries and cranberry juice products in maintaining urinary tract health as well as their positive antibacterial and antioxidant effects and to improve that independent, federally-funded research to test and validate these findings could add to the arsenal of health-based and nutritional alternative wellness programs. The conferees encourage NCCAM to study the health benefits of cranberry products.

**National Center on Minority Health and Health Disparities**

While the overall health of the nation has improved over the last two decades, there continues to be striking disparities in the burden of illness and death experienced by African Americans, Hispanics, Native Americans, Alaska Natives, and Asian-Pacific Islanders. Moreover, the largest numbers of medically underserved are white individuals, and many of the same health and access problems as do members of minority groups. Overcoming such persistent and perplexing health disparities, and promoting health for all Americans, is one of our Nation’s foremost challenges.

These disparities are believed to be the result of the complex array of social, economic and biological factors, the environment, and specific behaviors, as well as other factors. While some of the causes of inequitable health outcomes may be beyond the scope of biomedical research, the conferees recognize that NIH has made research into health disparities a high priority, and has already taken steps. The conferees urge NIH to expand the search into why some minority groups have disproportionately high rates of disease.

Congress recently passed and the President has signed the Minority Health and Health Disparities Research and Education Act of 2000. The Act established the National Center on Minority Health and Health Disparities, which will enable NIH to move ahead more rapidly toward its goal of elucidating the factors that contribute to these disparities. The Center will conduct and support research, and training grants, to target diseases and conditions that disproportionately affect minority groups and other populations with health disparities.

The conferees urge the Office of Research on Minority Health and the success of the Minority Health Initiative, currently located in the NIH Office of the Director, to work toward implementation of the research agenda and oversee coordination of all relevant Institutes, including NINDS, NIHES, NIA, and others conducting Parkinson’s research. The Director is requested to report by March 1, 2001, on the progress towards implementation of the research agenda and to submit updated professional judgement funding projections for subsequent years.
The conferees concur with the language in the Senate report regarding a study of the structure of NIH and expect to receive a report and recommendations one year from the date of confirmation of the new NIH Director.

The conferees have been made aware of the public interest in securing an appropriate return on the investment in biomedical research. The conferees are also aware of the mounting concern over the cost to patients of therapeutic drugs. By July 1, 2001, based on a list of biologics and drugs which are FDA approved, have reached $500,000,000 per year in sales in the United States, and have received NIH funding, NIH will prepare a plan to ensure that taxpayers’ interests are protected.

The Office of Dietary Supplements is urged to recognize that the demand for information about dietary supplements from individuals who are currently taking supplements is great. The conferees encourage the Office of Dietary Supplements to engage in clinical research on the safety and efficacy of these products.

The conferees urge NIH to minimize the use of non-human animals in nicotine or tobacco experiments, and is encouraged to explore any non-human research methods that are currently available or under development that may be an alternative to using non-human animals.

The conferees are concerned about the transfer of HIV prevention interventions that have proven to be effective to service programs supported by other federal agencies, such as CDC and HRSA. The Office of AIDS Programs should work with the ICs to increase NIH efforts in this area through the establishment of programs for regional technical assistance, technology transfer, and training for the purpose of providing links between evidence-based HIV prevention science and public health department, community planning groups, healthcare providers, and prevention service providers.

The conferees strongly urge NIH to implement an intensified research effort regarding autism spectrum disorders. The Children’s Health Act of 2000. The Director of NIH should also provide a report to the House and Senate Appropriations Committees by March 1, 2001 regarding the National Autism Center of Excellence on Autism Program authorized in the Children’s Health Act of 2000.

The conferees commend the Office of AIDS Research for convening an external review of the Centers for AIDS Research Program and the five year plan to increase the number of Centers. However, the conferees urge NIH to consider ways in which the five year plan can be modified to balance the need to expand the number of Centers with the need to adequately support existing leading research institutions with the core center mechanisms that they need to efficiently pursue AIDS research.

The conferees encourage NIH to pursue recommendations from the Diabetes Research Working Group to address the specific needs of minority populations.

The conferees are aware of the National Institute of Child Health and Human Development’s (NICHD) efforts to establish a Perinatology Research Branch (PRB) to conduct research programs on pregnancy and perinatology in the greater metropolitan region of the District of Columbia. After several attempts, the conferees understand that NICHD has decided to cease its competition for a site for the PRB. The Director is requested to submit a written report by March 1, 2001, explaining why the efforts to establish the PRB in the greater metropolitan region of the District of Columbia have to-date been unsuccessful. The decision to establish the PRB as opposed to the NICHD now intends to hold a nationwide search Working Group to address the specific needs of minority populations.

The conference agreement includes $1,853,700,000 for the DHHS facilities in addition to $178,700,000 as proposed by the House and $148,900,000 as proposed by the Senate. The conference agreement includes $36,883,000 for grants to states for the homeless (PACT) as proposed by the Senate instead of $30,883,000 as proposed by the House. The conference agreement includes $30,000,000 for substance abuse and mental health services instead of $2,727,626,000 as proposed by the Senate.

The conference agreement includes $2,958,000,000 for substance abuse and mental health services instead of $2,727,626,000 as proposed by the Senate.

The conference agreement includes $25,903,000 as proposed by the Senate.

The conference agreement includes $2,958,001,000 for mental health block grant instead of $416,000,000 as proposed by the Senate and $36,883,000 for mental health block grant instead of $416,000,000 as proposed by the Senate.

The conference agreement includes $9,762,000 for children’s mental health instead of $4,959,000 as proposed by the Senate.

The conference agreement includes $2,000,000 for the American Trauma Society to expand its technical assistance to serve new grantees.

The conference agreement includes $235,074,000 for programs of regional and national significance instead of $12,749,000 as proposed by the House and $146,875,000 as proposed by the Senate.

The conference agreement includes $3,000,000 for the Second Trauma Program for professionals to assist individuals facing the shock of an unexpected death or critical injury to their family members.

The conference agreement includes $3,000,000 for the Hope Center in Lexington, Kentucky; $83,000 for the Hope Center in Lexington, Kentucky; and $100,000 for the Students Action Center to expand its technical assistance to serve new grantees.

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Within the total provided, $90,000,000 provided under section 581 of the Public Health Service Act is for the support and delivery of school-based and school-related mental health services instead of $140,000,000 as proposed by the Senate.

Within the total provided, $7,000,000,000 is for suicide prevention hotlines. The conference includes the following amounts for the following projects and activities in fiscal year 2003:

$1,285,000 for the Hope Center in Lexington, Kentucky;

$5,000,000 for the Center for Mental Health Services instead of $2,727,626,000 as proposed by the Senate.

$2,958,001,000 for mental health block grant instead of $416,000,000 as proposed by the Senate and $36,883,000 for mental health block grant instead of $416,000,000 as proposed by the Senate.

The conference agreement includes $9,762,000 for children’s mental health instead of $4,959,000 as proposed by the Senate.

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$1,285,000 for the Hope Center in Lexington, Kentucky;

$5,000,000 for the Center for Mental Health Services instead of $2,727,626,000 as proposed by the Senate.

$2,958,001,000 for mental health block grant instead of $416,000,000 as proposed by the Senate and $36,883,000 for mental health block grant instead of $416,000,000 as proposed by the Senate.
The conference agreement includes $792,021,000 for program management instead of $58,870,000 as proposed by the House and $59,943,000 as proposed by the Senate. Within the total provided, $12,000,000 is for the National Household Drug Survey.

The conference includes $3,278,000 in fiscal year 2001 to continue testing the effectiveness of Community Assessment and Intervention Centers in providing mental health and substance abuse services to troubled and at-risk children and youth, and families in four communities. Building upon successful juvenile programs, this effort responds directly to nationwide concerns about youth violence, substance abuse, declining levels of service availability and the inability of certain communities to respond to the needs of their youth in a coordinated manner. The total provided includes, $2,000,000 for mental health special projects of regional and national significance; $1,000,000 for substance abuse treatment special projects of regional and national significance; $500,000 for substance abuse prevention special projects of regional and national significance; and $200,000 for program management.

The conference agreement includes a general provision proposed by the Senate regarding the withholding of substance abuse funds. The House bill contained no similar provision. The amendment is an integral part of the SAMHSA reorganization bill in 1992.

The amendment and its implementing regulation required States to reduce sales of tobacco to minors within a specified period of time and if a State fails to meet its goals, reduced its substance abuse prevention and treatment block grant funding by 40 percent. The conferees are troubled by the recent record of several States, after at least four years, are not in compliance with the law and continue to seek an exemption to the penalty requirement. It is the conferees intention that this will be the last year exemption language will be carried in an appropriations bill. SAMHSA is directed to notify States of this intention and work with the United States to help them come into compliance.

The conference agreement designates $164,980,000 to be available to the agency under the Public Health Service Act one percent evaluation set-aside as proposed by the House. The Senate bill did not provide a direct appropriation for the agency, instead it proposed to fund the agency through the evaluation set-aside.

The conference agreement designates $123,669,000 in appropriated funds instead of $123,669,000 as proposed by the House. The Senate bill did not provide a direct appropriation for the agency, instead it proposed to fund the agency through the evaluation set-aside.

The conference agreement designates $164,980,000 to be available to the agency under the Public Health Service Act one percent evaluation set-aside as proposed by the House. The Senate bill did not provide a direct appropriation for the agency, instead it proposed to fund the agency through the evaluation set-aside.

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that work environment and processes have had an impact on health and quality of workers' lives as well as the patients for whom they care. As we have learned from the experiences of the aviation industry, reduc- ing errors and promoting safety are a re- sult of improving workforce systems. Like- wise, it is important that workforce consid- erations be translated into efforts to reduce medical errors and promote patient safety. The conference believes that better un- derstanding of these workforce considerations will lead to improved workplace practices and better outcomes for patients.

The conferees support the efforts of the Agency for Healthcare Research and Quality, the National Institutes of Health, the Department of Labor, and other agencies to work jointly and coordi- nate their work to improve healthcare qual- ity, patient safety, and worker safety in health care facilities, through such activi- ties as the October 2000 jointly sponsored conference on "Enhancing Working Condit- ions and Patient Safety: Best Practices." The conference urges that such coordinated ef- forts be continued.

The conferees strongly urge the agency to enhance funding for investigator-initiated research funding through all available mechanisms, as appropriate.

Health Care Financing Administration Program Management

The conference agreement includes $2,246,326,000 in the Medicare program management in- stead of $1,886,302,000 as proposed by the House and $2,018,500,000 as proposed by the Senate. The House bill assumed that the Ad- ministration's user fee proposal would be en- acted prior to conference. An additional pro- vision of $680,000,000 has been provided for the Medicare Integrity Program through the Health, Education, and Labor Portri- dacy Index to determine patient Medicaid/ TennCare eligibility; $855,000 for the Children's Hospice International demonstration program to provide a continuum of care for children with life-threatening conditions and their families; $921,000 for Equip for Equality for a demonstration project addressing the extraordinary adverse impact of growth and development on children who are blind or have low vision; $300,000 for the United States-Mexico Health Commission; $1,843,000 for the Buck's County Health Care System for a demonstration project utilizing existing resources; $2,800,000 for the Mind-Body Institute of Boston, Massachusetts to conduct a demonstration of a lifestyle modification program; $1,000,000 for the West Virginia Univer- sity School of Medicine's Eye Center to test interventions and improve the quality of life for individuals with low vision; $1,000,000 for Duke University Medical Center to demonstrate the potential savings in the Medicare program of a reimbursement system based on preventative care; $1,000,000 for the Iowa Department of Public Health for the establishment and op- eration of a mercantile prescription drug purchasing cooperative or non-profit cor- poration demonstration; $1,943,000 for the Buck's County Health Improvement Project in Pennsylvania; $1,700,000 for the AIDS Healthcare Foun- dation in Los Angeles for a demonstration of residential and outpatient treatment facili- ties; $921,000 for Equip for Equality for a demonstration of a lifestyle modification program; $1,000,000 for the West Virginia Univer- sity School of Medicine's Eye Center to test interventions and improve the quality of life for individuals with low vision; and $2,800,000 for the Mind-Body Institute of Boston, Massachusetts to conduct a demonstra- tion of a lifestyle modification program; $1,000,000 for the West Virginia Univer- sity School of Medicine's Eye Center to test interventions and improve the quality of life for individuals with low vision; 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$1,000,000 for the West Virginia Univer- sity School of Medicine's Eye Center to test interventions and improve the quality of life for individuals with low vision; and $2,800,000 for the Mind-Body Institute of Boston, Massachusetts to conduct a demonstra- tion of a lifestyle modification program; $1,000,000 for the West Virginia Univer- sity School of Medicine's Eye Center to test interventions and improve the quality of life for individuals with low vision; and $2,800,000 for the Mind-Body Institute of Boston, Massachusetts to conduct a demonstra- demonstration should compare the aggregate costs of wound care treatment using dif- ferent applications regimens. The conference urges HCFA to proceed with this demonstra- tion project utilizing existing grant funds.

The conference is aware that the Health Passport pilot program is helping thousands of sick individuals to travel from Wyoming and North Dakota and urges HCFA to give full and fair consideration to a proposal to continue the program.

The conference has become increasingly concerned that many people with the most severe disabilities often experience a lack of quality in community residential and treat- ment services that can be dangerous or unhealthful conditions. The conference believe that such services should be monitored by an entity that has the expertise and legal authority necessary to ensure the safety and general well-being of this population. Accord- ingly, the conference urges HCFA to sup- port the protection and advocacy system to demonstrate the efficacy of such community monitoring.

Medicare Contractors

The conference agreement includes $1,357,000,000 for Medicare contractors in- stead of $1,165,287,000 as proposed by the House and $1,244,000,000 as proposed by the Senate. Of this amount, $1,305,000,000 is to support Medicare claims processing con- tracts and $32,000,000 is for Medicare+Choice information campaign.

State Survey and Certification

The conference agreement includes $244,147,000 for State survey and certification instead of $171,147,000 as proposed by the House and $215,674,000 as proposed by the Senate.

The conference agreement includes $32,000,000 to over $10,000,000 over the President's request for nursing home oversight and quality of care services.

Federal Administration

The conference agreement includes $505,986,000 for Federal administration in- stead of $474,098,000 as proposed by the House and $489,826,000 as proposed by the Senate.

The conference urges HCFA to give careful consideration to concerns that substance abuse and drug treatment facilities may not have been intended to be considered institutions for mental diseases exclusion under Medicaid since these facilities were necessary to those who were addicted when they was implemented. The conference are aware that restricting Medicaid medical assistance to
LIHEAP provides to low-income households. The conferees are deeply concerned that this percentage of home heating cost that will allow states to identify clients, provide assistance, and put them on responsible budget payment-plans in the summer or fall to avoid the dangers of winter heating situations. Although advance funding is not included in this bill, the conferees fully intend to provide at least $1,400,000,000 in regular LIHEAP as proposed by the Senate. The agreement also includes $26,000,000 for refuge assistance as proposed by the House instead of $2,000,000,000 as proposed by the Senate. Within this amount, the conference agreement includes $6,267,000,000 for Head Start as proposed by the Senate instead of $64,155,000 as proposed by the House. The agreement includes an advance appropriation of $1,400,000,000 for Head Start for fiscal year 2002 as proposed by both the House and the Senate. The agreement also includes $20,000,000 from carryover funds that are to be used under social services to increase educational support to schools with a significant proportion of refuges. The conference agreement provides for other programs instead of $69,155,000 for runaway youth as proposed by the Senate. The agreement includes an advance appropriation of $1,400,000,000 for Head Start for fiscal year 2002 as proposed by both the House and the Senate. The agreement also includes $20,000,000 for carryover funds that are to be used under social services to increase educational support to schools with a significant proportion of refuges. The conference agreement provides for other programs instead of $69,155,000 for runaway youth as proposed by the Senate. The agreement includes an advance appropriation of $1,400,000,000 for Head Start for fiscal year 2002 as proposed by both the House and the Senate. The agreement also includes $20,000,000 for carryover funds that are to be used under social services to increase educational support to schools with a significant proportion of refuges. The conference agreement provides for other programs instead of $69,155,000 for runaway youth as proposed by the Senate. The agreement includes an advance appropriation of $1,400,000,000 for Head Start for fiscal year 2002 as proposed by both the House and the Senate. The agreement also includes $20,000,000 for carryover funds that are to be used under social services to increase educational support to schools with a significant proportion of refuges. The conference agreement provides for other programs instead of $69,155,000 for runaway youth as proposed by the Senate. The agreement includes an advance appropriation of $1,400,000,000 for Head Start for fiscal year 2002 as proposed by both the House and the Senate.
The conference agreement includes $37,665,000 for social services and income maintenance, including $321,400,000 as proposed by both the House and the Senate. Of this total, the conference intends that $5,000,000 be transferred to the Census Bureau for costs of the demonstration on the older population of the Survey of Income and Program Participation. The conferees also provide sufficient funding for the following:

- $500,000 for the National Fatherhood Initiative
- $500,000 for the Institute for Responsible Fatherhood
- $1,000,000 for the State Information Technology Consortium
- $1,500,000 for the Nation Center for Appropriate Technology's Information technology clearinghouse

The conferees also include $500,000 within Social Services and Income Maintenance Research to support adding LIHEAP related questions to the Residential Energy Consumption Survey (RECS) conducted by the Department of Energy and to the Census Bureau's March current population survey to assure that the low-income household component is included in the surveys, and the conference includes a provision of $50,000 within RECS sample size to target LIHEAP recipients. The conferees also include $2,500,000 for grants to qualified private, non-profit institutions to demonstrate the provision of technical assistance to child care providers to improve the quality and supply of child care facilities in low income communities to decrease the changes.

Community Services Block Grant

The conference agreement includes $660,000,000 for the community services block grants, including $327,700,000 as proposed by the Senate. The conferees expect that all local entities that are in good standing in the community services block grant program shall receive an increase in funding for the next program year that is proportionate to the overall increase in the appropriation provided for the block grant.

The agreement includes language proposed by the Senate that requires the Department to establish a process and procedures in the community economic development program under the Community Services Block Grant Act. The conferees also seek to allocate $5,500,000 within the community economic development program for the job creation demonstration authorized under the Family Support Act.

Within the funds provided for child abuse prevention programs, the agreement includes the following items:

- $737,000 University of North Carolina, Greensboro, NC for Violence Abuse Prevention and Education for Deaf and Hard of Hearing Children and their Caretakers
- $1,392,000 Public Children Services Association of Ohio, Columbus, OH for child abuse prevention activities
- $369,000 Ocean County, NJ for Services for Caregivers of Seniors
- $200,000 Brandeis University Center on Aging

AGING SERVICES PROGRAMS

The conference agreement includes $1,013,135,000 for aging services programs instead of $925,805,000 as proposed by the Senate. The conference also includes $125,000,000 to provide critically needed services for family caregivers under title III E and title VI C of the Older Americans Act. The conferees intend that $5,000,000 of these funds be dedicated for Native American caregivers. According to the Administration on Aging, over 300,000 Native American Americans provide care for disabled seniors in households across the nation. Funds will be provided to states to use their aging networks to provide services such as on information on available resources; assistance with locating services; and caregiver training, counseling and support. Such services improve the caregiver's ability to provide care, help preserve the family unit, prevent abuse and neglect, and minimize out-of-home placements. Caregiver support services also delay nursing home stays among care recipients.

The conferees intend that $5,000,000 be made available from management, screening, and education to prevent incorrect medication and adverse drug interactions.

The agreement includes the following amounts under aging research and training:

- $3,685,000 Social research into Alzheimer’s disease care and support programs as proposed by the Senate. The conferees support the idea that a national adoption website could include all youngsters available for adoption and will increase the likelihood that children will find loving, stable homes. The conferees recognize that the National Adoption Center has been at the forefront of developing technology to facilitate adoptions and is uniquely situated to create a single, national adoption website. The conferees have included funds for the National Adoption Center to continue to develop and sustain a national adoption photo listing service on the Internet.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

The conference agreement includes $4,863,100,000 for payments to states for foster care and adoption assistance as proposed by the Senate instead of $4,888,100,000 as proposed by the Senate.

ADMINISTRATION ON AGING

The conference agreement includes $1,000,000 for the Administration on Aging's mental health program.
$120,000 Marathon County, Wisconsin to continue an initiative to provide respite care services; $170,000 Walk the Walk, Inc, in Long Island City, New York, for a seniors job training demonstration program; $660,000 for the Association of Builders, National Center for Seniors’ Housing Research, for a project to improve safety and access for senior housing; $30,000 University of Akron College of Nursing, Akron, Ohio, to develop best practices in gerontological training, research and instruction; $723,000 Ivy Tech State College in Sellersburg, Indiana, for a seniors technology learning program; $385,000 Landmark Medical Center in Waltham, Rhode Island to support the Positive Aging Project to develop and implement family-centered approaches to address the needs of the elderly; $1,000,000 University Center on Aging to conduct follow-up work to the Year 2000 Conference on Rural Aging; $425,000 City of Compton, California for an elderly transportation program to support and evaluate a community approach to providing services to low income senior; $800,000 provided by the Senate to ensure that the University of Arkansas Medical School. Within the funds provided for state and local innovations/projects of national significance, the conferees intend that funds be used for ongoing projects scheduled for re-funding in fiscal year 2001.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

The conference agreement includes $203,075,000 for the Departmental Management instead of $262,631,000 as proposed by the House and $260,117,000 as proposed by the Senate. Within the total provided, $5,000,000 is for minority HIV/AIDS activities that strengthen the medical treatment and HIV prevention capacity within communities of color disproportionately impacted by the HIV/AIDS epidemic, based on rates of new HIV infection and mortality from AIDS. These funds are available only for fiscal year 2001. The conferees include the following bill language: "The conferees ..."[insert bill language].

Within the total provided, $50,000,000 is for minority HIV/AIDS activities that strengthen the medical treatment and HIV prevention capacity within communities of color disproportionately impacted by the HIV/AIDS epidemic, based on rates of new HIV infection and mortality from AIDS. These funds are available only for fiscal year 2001. The conferees include the following bill language: "The conferees ..."[insert bill language].

The conference agreement provides $9,668,000 as proposed by both the House and $9,605,000 as proposed by the Senate. $9,668,000 are for the Laboratory for the Technical Assistance/Capacity Development Grant Program to fund existing grants in rural and historically underserved communities, and to continue existing grants that are impacted by HIV/AIDS; $500,000 is for continuation funding to the Bi-Cultural and Bilingual Demonstration Program; and $2,600,000 is for Tribal Compacting for the Minority Health Coalition program designed to promote early intervention HIV care in minority communities and to improve the health outcomes of the capacities of living with HIV disease. Additional included is an increase of $1,000,000 for the Office of Minority Health’s Center for Linguistics and Cultural Competency in Health Care.

The agreement provides $17,270,000 for the office of women’s health services instead of $16,405,000 as proposed by the House and $36,805,000 as proposed by the Senate. The agreements include the following bill language: "The conferees urge the office to provide funds to the National Osteoporosis Foundation to support its complementary adolescent bone health initiatives."

The agreement provides $1,668,000 for the office of emergency preparedness instead of $9,668,000 as proposed by both the House and Senate. The conference agreement includes the following projects and activities in fiscal year 2001:

- $50,000 for public service announcements regarding abstinence education for the County of Bucks, Pennsylvania;
- $2,000,000 is for the Office of Women’s Health for Spelman College’s African-American Women’s Health and Wellness Project;
- $833,000 in the Office of Minority Health for the University of Michigan for initiatives to reduce health disparities among uninsured, minority populations that are heavily impacted by HIV/AIDS, and to complement existing and planned HIV/AIDS activities in communities of color. The agreement includes the following bill language: "The conferees support the Secretary’s efforts to include the following bill language that requires the Secretary to submit an operating plan prior to the obligation of funds for the initiatives included in this section, and that includes a report to the Congress on the status of the initiatives prior to the obligation of funds for fiscal year 2001;"
- $2,000,000 for the United States-Mexico Border Health Commission. The conference agreement includes the following bill language: "The conferees support this initiative to continue the Secretary’s public health initiatives in the border region. The conferees include the following bill language: "The conferees support the Secretary’s efforts to include the following bill language that requires the Secretary to submit an operating plan prior to the obligation of funds for the initiatives included in this section, and that includes a report to the Congress on the status of the initiatives prior to the obligation of funds for fiscal year 2001;"
- $500,000 for the Thomas Jefferson University Hospital (TJUH) in Philadelphia, Pennsylvania for an initiative with the University of Pennsylvania to conduct research examining the impact of mental illness on health care utilization, and to develop strategies to prevent re-admissions and improve outcomes for high-risk patients; $833,000 is for the Office of Minority Health for the University of Michigan to continue development of its Community Health Plan to address the needs of the elderly; $1,165,000 in the Office of Minority Health is to support existing grants through the Minority Health Research and Outreach Program; $2,600,000 is for the University of Pittsburgh School of Medicine to continue development of its Cen-
that HHS activities are consistent with the USAID country strategic plan, and with those of multilateral organizations such as the World Health Organization and the Joint United Nations Program on HIV/AIDS.

The conferees urge the Secretary to establish a program to provide information and education on autism to health professionals and to report, as authorized in the Children's Health Act of 2000.

The conferees direct the Secretary of Health and Human Services, in consultation with the Director of NIH, to continue to conduct a review of the eligibility of the Bermuda Biological Station for Research (BBSR) to receive NIH-supported research. The conferees are aware that the National Science Foundation, the National Oceanic and Atmospheric Administration, the National Geospatial-Intelligence Agency, and the Office of Naval Research provide BBSR with direct and indirect costs of research in peer-reviewed, competitive awards. The conferees request that the Secretary report to the House and Senate Appropriations Committees on the status of this review.

The conferees expect the Office of Population Statisitics to better coordinate with the Health Resources and Services Administration regarding family planning activities. The conferees note the HHS agreement to provide the Interdepartmental Task Force on AIDS with administrative support funding to avoid the duplication of work from within funds available to the Department.

The conferees request the Secretary to provide a report to the House and Senate Appropriations Committees by May 1, 2001 on the Department's review and action steps taken in response to the Institute of Medicine's report, "No Time to Lose: Getting More from HIV Vaccine Research and Development." The Department did not need to review current investments in HIV prevention as they relate to the issues raised by the Institute of Medicine.

The conferees are aware that the Secretary is working to establish the Advisory Committee on Minority Health to assist the Secretary in improving the health of racial and ethnic minority groups, and encourage the Secretary to proceed expeditiously so that the Department's goals and program activities better reflect the health care needs of Hispanic Americans and other racial and ethnic minorities.

The conferees are concerned about the current situation regarding the availability and uneven distribution of influenza vaccine for the nation at a critical time for our most vulnerable populations, especially the elderly, sick and very young. The conferees understand the Department's role in developing influenza vaccine each year for distribution by private industry and commend the Department for its efforts to communicate throughout the American public as this unfortunate situation developed. The Secretary, through the National Vaccine Program Office, is directed to report to the Committees on Appropriations of the House and Senate by June 30, 2001 regarding its assessment of this year's distribution problems along with any recommendations for changes in the vaccine development and distribution process.

The conferees understand that the incidence of unreimbursed health care provided to foreign nationals in U.S. hospital emergency rooms is a problem costing taxpayers millions of dollars per year. The conferees direct the Secretary to conduct a study regarding the problem, including U.S. hospitals' experiences in obtaining reimbursement from foreign insurers, the identity of foreign insurance companies who do not reimburse U.S. health care providers, the amount of unreimbursed services provided to foreign nationals, along with recommended solutions. This study shall be submitted to the Committees on Appropriations of the House and Senate no later than December 31, 2001.

The conference agreement includes $33,849,000 for the Office of Inspector General as proposed by the Senate, instead of $33,394,000 as proposed by the House. The conferees do not propose the House to limit the amount of funds proposed by the House to limit the amount of funds available to the Inspector General in fiscal year 2001. The conferees support new funding for comprehensive health care reform in the fiscal year 2001.

The conference agreement includes $115,786,000 for policy research as proposed by both the House and Senate. The conferees include $7,125,000 to continue the study of the outcomes of welfare reform and to assess the impacts of policy changes on the low-income population. The conferees recommend that this effort include the collection and use of state-specific surveys and state and federal administration data, including data which are newly becoming available from the states.

The conferees endorse the Secretary's expression of support for the Low Income Population Health Research Network and the utilization of other support programs, and improving the capabilities and comparability of data collection efforts. These studies should continue to measure outcomes for a broad population of welfare recipients, former recipients, potential recipients, and other special populations affected by state TANF policies. The conferees further expect a report on these topics to be submitted to the House and Senate Appropriations Committees by May 1, 2001.

The conference agreement includes $38,794,000 for the Public Health and Social Services Emergency Fund as proposed by the Senate. The conference agreement includes $941,000 for the University of Findlay Bioterrorism Defense Center to train and prepare underserved populations and facilities to react to bioterrorism and related incidents.

The conference agreement includes $3,602,000 for the Rhode Island Hospital disaster preparedness initiative.

The conference agreement includes language to provide general transfer authority for the Department of Health and Human Services. This authority was first provided in fiscal year 1996 with the understanding that the flexibility it provides can only be carried out when proper financial management controls and systems are in place. However, HHS has provided Congress with inaccurate spending data on a number of programs. While it is recognized that HHS is working to rectify problems that have been identified, for fiscal year 2001 the conferees are requiring a letter of reprogramming to the House and Senate Appropriations Committees, along with a written response from the Committees before any transfer of funds can be made to HHS.
The conference reiterate that it is not the purpose of the transfer authority to provide funding for new policy proposals that can, and should, be included in subsequent budget requests. Absent a need to respond to emergencies or unforeseen circumstances, this authority cannot be used simply to increase funding for programs, projects, or activities when agreements to shift funding levels or the difficulty or inconveniences with operating levels set by the Congress.

SUBSTANCE ABUSE AND MENTAL BLOCK GRANT FORMULA ALLOCATION

The conference agreement does not include a provision proposed by either the House or the Senate regarding the distribution of substance abuse and mental health block grant funding.

NIH OBLIGATIONS

The conference agreement does not include a provision proposed by the House to limit NIH obligations to the President’s budget request. The Senate bill contained no similar provision.

EXTENSION OF CERTAIN ADJUDICATION PROVISIONS

The conference agreement includes a provision proposed by the Senate to extend the refugee status for persecuted religious groups. The House bill contained no similar provision.

MEDICARE COMPETITIVE PRICING DEMONSTRATION PROJECT

The conference agreement includes a provision proposed by the Senate to prohibit funding to implement or administer the Medicare Premier Competitive Pricing Demonstration Project in Arizona or in Kansas City, Missouri or in the Kansas City, Kansas area. The House bill contained no similar provision.

WITHHOLDING OF SUBSTANCE ABUSE FUNDS

The conference agreement includes a provision proposed by the Senate to prohibit the Secretary from withholding a State's substance abuse block grant funds if that State is not in compliance with the requirements of the Synar Amendment. The provision also prohibits the Secretary from withholding substance abuse fundings for a territory that received less than $1,000,000. The House bill contained no similar provisions.

STATE CHILDREN’S HEALTH INSURANCE PROGRAM (SCHIP)

The conference agreement does not include a provision proposed by the Senate to shift unspent fiscal year 1998 SCHIP funds to fiscal year 2003. The House bill contained no similar provision.

SENSE OF THE SENATE REGARDING NEEDLESTICK INJURY PREVENTION

The conferees delete without prejudice a Sense of the Senate provision regarding needlestick injury prevention. The Senate bill contained no similar provision.

CLEARINGHOUSE ON SAFE NEEDLE TECHNOLOGY

The conference agreement does not include a provision proposed by the Senate to provide additional funds to the Centers for Disease Control and Prevention to establish a clearinghouse on safe needle technology offset by an across-the-board reduction to administrative and related expenses of the Departments of Labor, Health and Human Services, and Education. The House bill contained no similar provisions.

PHYSICIANS COMPARABILITY ALLOWANCES

The conference agreement does not include a provision proposed by the Senate to extend the authority of physicians comparability allowances for five years.

ORGAN PROCUREMENT ORGANIZATIONS

The conference agreement includes language prohibiting the transfer of the Lifeline of Puerto Rico Organ Procurement Organization, the Northeast Organ Procurement Organization and Tissue Bank, and the Pacific Regional Agency from participation in the Medicare and Medicaid programs for one year from the date of enactment of this Act. The agreement further requires that future certification be determined based upon performance information from these individual Organ Procurement Organizations before January 1, 2000. The House and Senate bills contained no similar provision.

CDC INTERNATIONAL AUTHORITY

The conference agreement includes a provision not proposed by either the House or the Senate to provide authority to support CDC carrying out international HIV/AIDS and other infectious and chronic disease activities abroad.

Subsection (a)(1) is intended to allow CDC to meet relatively short-term requirements such as the removal, development, and administrative personnel needs abroad through the award of personal services contracts in situations where other options, such as use of existing staff or hiring of personnel, would result in a service contract, other than one for personal services, are ineffective and impractical. During FY 2001, the conference expect the Department to work with the Office of Management and Budget and other relevant agencies and Congressional committees as appropriate to consider effective longer-term solutions for addressing these types of needs.

Section (a)(2) is intended to ensure that the Department of State can provide necessary support services (including Administrative support services agreements) to support CDC’s international health programs, including the purchase of necessary laboratory equipment and the lease, repair and renovation of laboratory and other facilities.

BAYVIEW

The conference agreement includes language to allow the Director of the National Institutes of Health to enter into and administer long-term lease agreement for facilities at the Bayview Campus in Baltimore, Maryland.

OFFICE FOR HUMAN RESEARCH PROTECTIONS TRANSFER

The conference agreement includes a provision to transfer $5,800,000 from the National Institutes of Health to the Office of the Secretary, General Departmental Management to support the newly established Office for Human Research Protections. This transfer of funds implements the Secretary’s decision to move the Office from NIH and that in the future the Department will request funding for the Office within the Office of the Secretary. The House and Senate bills contained no similar provision.

CLINICAL RESEARCH LOAN REPAYMENT

The conference agreement includes a provision to allow extramural clinical research projects to participate in the Research Loan repayment program for individuals from disadvantaged backgrounds. The House and Senate bills contained no similar provision.

ACTING DIRECTOR OF NIH

The conference agreement includes a provision to allow the current Acting Director of NIH to remain in that position until a new Acting Director is appointed by the Senate. The House and Senate bills contained no similar provision.
The conference agreement includes a provision to name the National Neuroscience Research Center at the National Institutes of Health the John Edward Porter Neuroscience Research Center.

TITLED CITATION

The conference agreement includes a provision proposed by the House to cite title II as the "Department of Health and Human Services Appropriations Act, 2001." The Senate bill contained no similar provision.

TITLED III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

The conference agreement includes $1,880,710,000 for Education Reform instead of $1,505,000,000 as proposed by the Senate. Within the amounts provided for technology, the same amount as proposed by the Senate and $517,000,000 as proposed by the House.

Education Technology

For education technology, the conference agreement includes $727,096,000 instead of $680,000,000 as proposed by the House and $794,500,000 as proposed by the Senate. The conference agreement includes $46,328,000 instead of $44,000,000 as proposed by the Senate.

Parental Assistance

The conference agreement includes $38,000,000 for parental assistance instead of $184,000,000 for parental assistance as proposed by the Senate. The House did not propose funding for this program.

Technology Literacy Challenge Fund

For the Technology Literacy Challenge Fund, the conference agreement includes $450,000,000 instead of $700,000,000 as proposed by the Senate and $517,000,000 as proposed by the House.

Technology Innovation Challenge Grants

For the Technology Innovation Challenge Grants, the conference agreement includes $136,328,000 instead of $197,500,000 as proposed by the House and $100,000,000 as proposed by the Senate. Within the amounts provided for Technology Innovation Challenge Grants, the conference agreement includes $46,328,000 for the following:

- $921,000 to be divided equally among the Blount, Cherokee, Cullman, DeKalb, Etowah, Fayette, Franklin, Lamar, Lawrence, Marion, Marshall, Pickens, Walker and Winston County Boards of Education in Alabama for technology enhancements for $690,000 Harford County Magnet School, Aberdeen, MD for technology enhancements; $92,000 Community School District 20, Brooklyn, NY for school computer lab enhancements; $147,000 Community School District 20, Monticello, NY for school computer lab enhancements; $561,000 Adelphi University, New York, for the Information Commons distance education initiative; $55,000 Northwood School District in Minong, Wisconsin for distance education programs; $100,000 New Mexico State Department of Education for a virtual school designed to increase educational access for students; $850,000 Washington State Office of Public Instruction for online advanced placement course development and delivery; $1,800,000 Iowa Department of Education for online advance placement course development and delivery; $38,000 Whiting Jett University NASA Center for Educational Technologies in West Virginia for technology training of math and science teachers; $500,000 Reid Elementary School District in Searchlight, Nevada for educational technology enhancements; $100,000 City of Philadelphia, Pennsylvania for technology training and access to the internet and other high-technology tools; $925,000 Marymount University in Virginia for an instructional technology program for teachers; $1,100,000 Rutgers, the State University of New Jersey, for the RUNet 2000 project; $2,200,000 South Dakota Board of Regents to support distance learning; $1,421,000 Future of the Piedmont Foundation, Regional Education Center, Danville, VA for technology enhancements; $170,000 Santa Barbara Industry Education Council and Santa Barbara County Education Office, California for a computers for farmers project; $250,000 Nicotie Distance Education Network in Rhinelander, Wisconsin, for a distance learning initiative; $417,000 Gadsden School District in Quincy, Florida for technology upgrades and equipment for a distance education initiative; $451,000 Woodburn School District, Woodburn, Oregon for technology equipment for distance learning center; $459,000 Southwest Virginia Education and Training Network, Abington, Virginia, for technology upgrades; $591,000 Adelphi University, New York, for the Information Commons distance education initiative; $592,000 Liberty Science Center, Jersey City, New Jersey, for technology upgrades for its partnership program with 28 school districts in New Jersey; $723,000 Maine School Administrative District Number 64, East Corinth, Maine, for the STAR technology teacher training project; $808,000 Detroit Educational Television Foundation, Detroit, Michigan, to deliver expanded arts educational programs to schools through the Enrichment Channel; $1,169,000 Puget Sound Center for Teaching, Learning, and Technology, Seattle, Washington, for technology training, equipment and support; and $100,000 Rose Tree Media School District in Pennsylvania for integrating distance learning into the classroom through the HUBS project.

National Activities

The conference agreement includes $197,500,000 for education technology initiatives funded under National Activities. This includes $125,000,000 for teacher training in technology, the same amount as proposed by the Senate instead of $85,000,000 as proposed by the House. It also includes $64,500,000 to end computer learning centers in low-income communities instead of $32,500,000 as proposed by the House and $65,000,000 as proposed by the Senate.
Star Schools

For Star Schools, the conference agreement includes $59,318,000 instead of $45,000,000 as proposed by the House and $43,000,000 as proposed by the Senate. Within the amounts provided for Star Schools, the conference agreement includes $8,768,000 for the following:

$470,000 Winston-Salem/Forsyth County Schools, Winston-Salem, NC for Newton program;

$1,290,000 Galena School District, Galena, Alaska for a distance education program;

$4,000,000 Iowa Communications Network statewide fiber optic demonstration program; and

$3,000,000 South Dakota Department of Education and Cultural Affairs to continue and expand the Digital Dakota Network which provides high speed Internet and local and wide area networking to all public K-12 schools in South Dakota.

Telecommunications demonstration project for mathematics

The conference agreement includes $8,500,000 for telecommunications demonstration project for mathematics as proposed by the Senate. The House proposed no funds. The conferees recognize the position taken by the Public Broadcasting Service (PBS) that the Matline program has done in demonstrating and evaluating the use of different technologies to provide professional development opportunities in mathematics to elementary and secondary school teachers. While the Matline program clearly has reached many teachers through various media, the conferees want ensure that the greatest number of educators and students will benefit from this program. The conferees encourage PBS to continue to explore cost effective options for providing high quality professional development opportunities in core curricula to current and future teachers. In addition, the conferees encourage the Department of Education to continue evaluating this program to measure the change in student academic achievement that results from teaching techniques learned through this program.

21st Century Learning Centers

The conference agreement includes $845,614,000 for the 21st Century Learning Centers as proposed by both the House and the Senate. Within the amounts provided for 21st Century Learning Centers, the conference agreement includes $20,614,000 for after school programs; $9,000,000 for before- and after-school services; $7,000,000 for a distance education program; $280,000,000 for before- and after-school services; $10,000,000 for a school or consortium, and stating that the Secretary shall contain evidence that the Secretary shall strongly encourage joint applications for 21st Century Learning Center grants to be submitted jointly by a local educational agency (s) and a community-based organization that has experience in providing educational or related services to individuals in the community, such as child care providers, youth development organizations (such as YMCAs, the Boys and Girls Clubs, Big Brothers Big Sisters of America, Camp Fire Boys and Girls, and the Girl Scouts), museums, libraries, and Departments of Parks and Recreation. In including this language, the conferees strongly encourage the Secretary shall strongly encourage joint applications in order to promote local collaboration and coordination of services.

The conferees recognize the positive work volunteers do with community partners, to improve parent participation in student learning and enhance the use of technology in after school programs;

$250,000 Discovery Center in Springfield, Missouri for expansion of science education programs available to at risk youth;

$350,000 Bibb County Board of Education in Macon, Georgia for after school programming;

$250,000 John A. Logan College to develop a community learning center in rural Southern Illinois;

$100,000 Project 2000 for mentoring and other support services for low-income and inner-city students in the District of Columbia;

$250,000 Holy Redeemer Health System in Philadelphia, Pennsylvania for after school programs for at risk children;

$1,000,000 State of Alaska for extended learning opportunities for school children;

$400,000 National Ten-Point Leadership Foundation in Boston, MA to address the mentoring needs of at-risk inner-city youth;

$425,000 Clark County School District, Las Vegas, Nevada for an after school community learning center;

$298,000 New York Hall of Science in Queens, New York for an after school program;

$298,000 New York Hall of Science in Queens, New York for an after school program;

$234,000 Sauk Prairie Schools, Sauk City, Wisconsin for an after school program;

$280,000 Fontana Unified School District, Fontana, California, for the educational component of a teen center for at-risk youth;

$234,000 Sauk Prairie Schools, Sauk City, Wisconsin for an after school program;

$468,000 Hastings Public Schools, Hastings, Minnesota, for an after school program;

$750,000 Hayward Community School District, Hayward, Wisconsin for an after school program;

$319,000 Independence School District, Independence, Missouri, to expand before and after school programs;

$10,000 Macomb County Intermediate School District, Michigan for the “Kids Klub” after school program;

$275,000 Milwaukee Public Schools, Wisconsin, for after school programs;

$170,000 New London Public Schools, New London, Connecticut, for an after school program;

$208,000 Idaho State Museum in Boise, Idaho for an after school program;

$25,000 Children’s Museum of Elizabeth-town, KY for after school programming;

$921,000 The Community House Inc. in Visalia, CA for a Summer Youth program;

$691,000 West End YMCA Association, Ontario, CA for after school programming;

$250,000 Big Brothers/Big Sisters of America to expand its mentorship program for at-risk youth;

$18,000 Goodhue Center, Staten Island, NY for after school programs;

$213,000 City School District of New Rochelle, New York, for an after school program;

$2,750,000 Milwaukee Public Schools, Wisconsin, for after school programs;

$298,000 New York Hall of Science in Queens, New York for an after school program;

$298,000 New York Hall of Science in Queens, New York for an after school program;

$629,000 Pojoaque Valley Schools in Pojoaque, New Mexico for the Para Los Ninos after school consortium;

$213,000 Port Chester-Rye Union Free School District, Port Chester, New York for an after school program;

$850,000 Rock Island County Regional Office of Education, Moline, Illinois for after school programs in the Rock Island School District and the Rock Island-Milan School District;

$361,000 South Washington County Schools, Cottage Grove, Minnesota, for an after school program;

$340,000 St. Clair County Intermediate School District, Michigan for the "Kids Klub" after school program;

$230,000 St. Francis School District, Milwaukee, Wisconsin for an after school program;

$1,300,000 Wausau School District, Wausau, Wisconsin, for an after school program;

$170,000 Windham Public Schools, Willimantic, Connecticut, for an after school program;

$2,500,000 Expansion of Gallery 37 after school programming in Chicago, Illinois.

The conference agreement includes bill language that states that no none other support services for low-income and inner-city students in the District of Columbia.
Secretary shall give priority to any applications jointly submitted by a community-based organization and a school or consortium. The House bill contained no similar language.

Small Schools
The conference agreement includes $125,000,000 for the Small, Safe and Successful Schools initiative authorized under section 1116(c) of the Elementary and Secondary Education Act. The House bill included funding for this initiative under the Fund for the Improvement of Education and the Senate bill proposed no funding.

The conference agree that these funds shall be used only for activities related to the redesign of large high schools enrolling 1,000 or more more students. The Senate bill had stated that this initiative shall continue to be jointly managed by the Office of Elementary and Secondary Education and the Office of Vocational and Adult Education.

EDUCATION FOR THE DISADVANTAGED
The conference agreement includes $9,532,621,000 for Education for the Disadvantaged instead of $8,986,800,000 as proposed by the Senate. The Senate bill provided $8,535,800,000 as proposed by the House and $7,941,397,000 as provided by the Senate.

For Grants to Local Educational Agencies (LEAs) the conference agreement includes $8,605,711,000 instead of $8,355,800,000 as provided by the Senate and $7,941,397,000 as provided by the House. Of the funds made available for basic grants, $5,984,300,000 becomes available on October 1, 2001 for the academic year 2001-2002. The conference agreement includes $1,364,000,000 for concentration grants.

The conference agreement includes $4,537,721,000 for basic grants and $1,364,000,000 for concentration grants. For fiscal year 2001, $1,158,397,000 was advanced in the fiscal year 2000 Departments of Labor, Health and Human Services and Education and Related Agencies Act (P.L. 105-82). The funding of $1,364,000,000 for concentration grants is advanced for fiscal year 2002.

The conference agreement includes $225,000,000 for school improvement activities under section 1116(c) of the Elementary and Secondary Education Act of 1965 to assist local educational agencies performing schools under Title I of ESEA. School improvement activities are those measures designed to help turn around low performing schools. The hundred million dollars available for LEAs are to be allocated by states to school districts.

The conference agreement includes $485,000,000. The conference agreement includes $7,237,721,000 for basic grants and $1,364,000,000 for concentration grants. For fiscal year 2001, $1,158,397,000 was advance funded in the fiscal year 2000 Departments of Labor, Health and Human Services and Education and Related Agencies Act (P.L. 105-82). The conference agreement includes $10,000,000 for concentration grants.

The conferees have also included a requirement that all school districts receiving funds under Part A of Title I shall provide students in low performing Title I schools with the option to transfer to another public school or public charter school in the school district, unless prohibited by state or local law or policy. Local educational agencies located within States that qualify for the small state grant increases under Title I Part A are required to comply with this requirement, but may comply if they so choose.

The conference agreement includes $6,000,000 for capital expenses for private school children as proposed by the Senate. The House bill contained no funding for this program.

The conference agreement includes $250,000,000 for the Even Start program as proposed by the House instead of $185,000,000 as proposed by the Senate.

The conference agreement includes $380,000,000 for the migrant educational program as proposed by the Senate instead of $358,469,000 as proposed by the House. The conference agreement also includes $46,000,000 for neglected and delinquent youth instead of $50,000,000 as proposed by the Senate and $42,000,000 as proposed by the House.

The conference agreement includes $8,500,000 for evaluation of title I programs as proposed by the Senate. The Senate bill did not propose funding for this activity.

The conference agreement includes $20,000,000 for the comprehensive school reform demonstration program instead of $190,000,000 as proposed by the House. The Senate bill did not propose funding for this activity.

The conferees have also included a requirement in the conference agreement to follow the directives in the report accompanying the fiscal year 1998 bill (House Report 88-285) in administering this program.

For the education for the disadvantaged program, the agreement includes a provision not contained in either House or Senate bills which allows each state and local educational agency (LEA) to receive the greater of either the amount it would receive at specified levels under the 100% hold harmless contained in the Senate bill or what it would receive using the statutory formulas. This comparison is intended to be used for allocating funds in fiscal year 2001 for both basic and concentration grants. The conferees expect the Department to use updated demographic and financial expenditure data in determining allocations, when such data becomes available. The conference agreement includes a 100% hold harmless for States and LEAs for both basic and concentration grants.

The conference agreement includes bill language stating that the Department shall not make 100% hold harmless transfers or grants to LEAs that are eligible for concentration grants in 2000, but are not eligible to receive Basic grants in fiscal year 2001.

The conference agreement includes bill language stating that the Secretary of Education shall not take into account the 100% hold harmless provision in determining State allocations under any other program. The House bill did not contain these hold harmless provisions.

IMPACT AID

The conference agreement includes $993,302,000 for the Impact Aid programs instead of $985,000,000 as proposed by the House and $1,075,000,000 as proposed by the Senate. For fiscal year 2001, $1,158,397,000 was advanced in the fiscal year 2000 Departments of Labor, Health and Human Services and Education and Related Agencies Act (P.L. 105-227). The funding of $1,364,000,000 for concentration grants is advanced for fiscal year 2002.

The conference agreement includes $892,000,000 for payments for children with disabilities the conferees include $50,000,000. The agreement also includes $8,000,000 for fiscal year 2002 for construction and, $40,500,000 for payments for federal property. The conference note that funds for basic grants and payments for heavily impacted districts are combined pursuant to the provisions of the Impact Aid Reauthorization Act of 2000.

Sufficient funding is provided within the account for construction for the following: $1,981,000 for the North Chicago Community Unit School District 167; $921,000 for the Whittier Elementary School District, Wheatfield, California; $400,000 for Brockton Elementary Public School District in Montana; $2,600,000 for Craig School District in Alaska; $490,000 for Shannon County School on Standing Rock Sioux Reservation in Cannon Ball, North Dakota.

The conference agreement include the following language provisions: timely filing of an application by the Academy School District 20 in Colorado; restoration of payments to the Cheyenne School District 8022 in Colorado in 1998; and deeming eligibility for Kadoka School District in South Dakota. Neither the House nor Senate bills contained similar provisions.

SCHOOL IMPROVEMENT PROGRAMS

The conference agreement includes $4,872,084,000 for School Improvement Programs instead of $3,165,334,000 as proposed by the House and $4,672,534,000 as proposed by the Senate. The agreement provides $3,107,084,000 in fiscal year 2001 and $4,794,000,000 in fiscal year 2002 funding for this account.

Eisenhower professional development state and local activities

For Eisenhower professional development state and local activities, the conference agreement includes $300,000,000. The House bill included $3,750,000,000 for the Teacher Empowerment Act, subject to authorization, which included funds previously dedicated to the Eisenhower professional development programs. The Senate bill provided $435,000,000.

The conference agreement includes bill language providing that a local educational agency that shall use funds in excess of the allocation received for the preceding fiscal year to improve teacher quality by reducing the percentage of teachers who are uncertified, teaching out of field, or who lack sufficient content knowledge to teach effectively in the areas they teach. These additional funds may be used for mentoring and professional development opportunities for teachers to participate in multi-week institutes, such as those offered in the summer months that provide intensive professional development. The conference agreement includes bill language authorizing State educational agencies and State educational agencies (LEAs) the agreement provides $8,601,721,000 for basic grants and $5,394,300,000 becomes available on October 1, 2001 for the academic year 2001-2002.

The conference agreement includes $10,000,000 for the Flex Partnership Act of 1999. The conference agreement includes $1,075,000,000 as proposed by the Senate. The House bill provided $435,000,000. The Senate bill provided $4,672,534,000 as proposed by the House.

The conference agreement includes $8,900,000 for evaluation of Title I programs in fiscal year 2001, $1,075,000,000 as proposed by the Senate. The House bill provided $435,000,000. The Senate bill proposed no funding.

The conferees have also included a requirement that states that provide $50,000,000 for Eisenhower professional development state and local activities shall be eligible to apply for funds to support efforts to meet the requirements under section 1111 of Title I of the Elementary and Secondary Education Act of 1965 in the state formula for the Ed- Flex Partnership Act of 1999. The conference agreement includes $44,000,000 for Eisenhower professional development state and local activities under this account.

Early Childhood Educators.—Within the funds available for Eisenhower professional development state and local activities, the conference agreement includes $10,000,000 for training early childhood educators and caregivers in high-poverty communities to focus on early childhood development practices to further children's language and literacy skills to help prevent them from encountering reading difficulties once they enter school.

Teacher Recruitment Initiatives.—Within the funds available for Eisenhower professional development state and local activities, the conference agreement includes $34,000,000 for new teacher recruitment initiatives. The conferees believe that an expanded effort to get more talented individuals into education will result in a more talented pool of new teachers. This is an efficient means to get highly skilled people into schools at a time when the demand for these skills is the greatest. The conferees believe that the Troops to Teachers and Teach for America programs have been innovative models...
for recruiting qualified, nontraditional candid- 
ates into teaching and offer viable solu- 
tions to our nation’s need to hire over 2.2 
million teachers over the next ten years to 
replace veteran retiring teachers and to ac- 
commodate additional student enrollment. 

Of the amount made available for teacher 
recruitment initiatives, $3,000,000,000 shall be 
available for appropriations for the Defense 
Activity for Non-Traditional Edu- 
cation Support of the Department of Defense 
(Troops-to-Teachers). The remaining 
$33,000,000 available for teacher recruitment 
initiatives shall be available for grants as 
described in the prior paragraph for local 
educational agencies. State educational 
agencies may use such funds to support 
nonprofit agencies and organizations, includ- 
ing organizations with expertise in teacher 
recruitment, or partnerships comprised of 
these entities to recruit, prepare, place and 
support mid-career professionals from di- 
verse fields who possess strong subject mat- 
ters but not necessarily college degrees, 
particularly in high-need fields such as 
mathematics, science, foreign languages, bilingual 
education, reading, and special education; and 
to attract, screen, select, train, place and 
provide financing for students who are 
recent college graduates with outstanding aca-
demic records and a baccalaureate in a field 
other than education to become fully qual-
ified teachers through nontraditional routes. 

Innovative education program strategies 

For innovative education program stra-
tegies, title VI of the Elementary and Sec- 
dary Education Act of 1965, the conference 
agreement includes $395,000,000 instead of 
$3,100,000,000 as proposed by the Senate and 
$365,750,000 as proposed by the House. 
The conference agreement provides for the use of 
funds appropriated under section 630(b) to provide 
single-sex school or classroom programs 
that the recipient “complies with applicable Federal civil rights laws,” including 
all relevant Supreme Court opinions, 

such as U.S. v. Virginia, 116 S. Ct. 2264 
(1996), as proposed by the Senate. The House 
bill caps the use of funds at $1,750,000,000 
for the Troops-to-Teachers program. The 
Senate bill provides $3,100,000,000 for 
activities to improve teacher quality. A local educational 
agency in which 30 percent or more of its elemen-
tary teachers have not met applicable State 
and local certification requirements (including 
certification through State or local al-
ternative routes to certification) have been 
waived, may use 100 percent of funds under this program for the purpose of 
helping those teachers become certified or to 
help teachers gain sufficient content 
knowledge to teach effectively in the areas 
they teach to obtain that knowledge. A local 
educational agency must notify the State 
educational agency of the percentage of 
funds it will use for these purposes. 

A local educational agency that receives 
an award under this section that is less than 
the starting salary for a new teacher may 
use these funds to help pay the salary of 
a teacher or pay for professional development 
activities to ensure that all the instructional 
staff are fully qualified. 

To improve accountability, the conference 
agreement maintains language included 
as part of last year’s appropriations law requir-
ing that each State and local educational 
agency receiving funds publicly report to 
parents on their progress in reducing class 
size and in increasing the percentage of 
classes in core academic areas taught by 
fully qualified teachers, and on the impact 
that such activities have had on increasing 
student achievement and dropout rates. 

The conference bill also retains parent 
consultation and notification requirements 
under the Individuals with Disabilities Edu-
cation Act (IDEA); and technology activi-
ties. The House bill provided no funding for 
technology and the Senate bill provided 
$3,100,000,000 for activities to improve teach-
er quality, reduce class size, renovate school 
facilities and to carry out activities under 
the Elementary and Secondary Education Act of 1965. 

The conference agreement provides 
$25,000,000 for grants to local educational 
agencies with at least 50 percent of their student population 
living on Native American or Native Alaskan lands. These funds may be used for school 
renovations and repairs, as well as new con-
struction activities, which may include con-
struction of new facilities for specialized 
populations such as those with disabilities, 
education and the installation of plumbing, 
sewage and electrical systems. For some of the 
schools in these local educational agencies, 
new construction may represent a more pru-
dent use of resources than the repair or 
renovation of existing structures. 

The conference agreement provides 
$25,000,000 for grants to 
local educational agencies in outlying 
areas for the renovation and repair of high-
need schools. 

The conference agreement provides 
$25,000,000 for a new Charter Schools Facili-
ties Financing Demonstration Program au-
thorized as subpart 2 of part C of title X of 
the Elementary and Secondary Education 
Act (ESEA). Charter schools are break-the-

mold public schools that are free of bureau-

cratic red tape, and accountable for aca-
demic results. Many of these innovative 
schools receive no assistance from their 
states for capital financing expenses, or 
become burdened by excessive administrative 
overhead. 

The Charter School Facilities Financing 
Demonstration Program would establish a 
credit enhancement demonstration program 
for the acquisition, renovation, or construc-
tion of public charter schools. Non-profit pri-

date entities (including those that benefit 
Native Alaskans), public entities, or 

 consortia of the two entities would compete for 
the reserve grants to help leverage private 
capital. For example, the reserves could be used 
for activities such as guaranteeing bonds, 

notes, or encouraging private lenders to fa-

cilitate the issuance of bonds. 

The conference extends the authority of the 
Secretary of Education to widely disseminate 
information gleaned from these demonstration efforts 
with a view toward these demonstrations serving as models for replication in states with charter 
schools. 

The conference agreement provides that 
the remaining funds ($1,096,750,000) would 
be distributed to State educational agencies 
with a small state minimum of one half 
of one percent. After allowing for not more 
than one percent set aside at the state level 
for administrative expenses, the State edu-
cational agency or other entity with juris-
cision over school facilities financing, 

can distribute a portion of the state’s funds to 
local educational agencies through competitive grants for 

emergency school repair and renovation ac-
divities. 

The conference committee provided that 
the remaining $875,000,000 would be 
awarded as discretionary grants to local educational 
agencies for emergency school renovation 
and repair activities; activities under part B 
of the Individuals with Disabilities Edu-
cation Act (IDEA); and technology activi-
ties.
funds that are proportionate to their share of the state allocation of title I, part A funds. For the purposes of this program high poverty school districts are considered to be those with 30 percent or greater poverty or 10,000 or greater poor children. The state educational agency or entity would also ensure that rural local educational agencies share the state allocation of Federal emergency repair and renovation funds that are proportionate to their share of title I, part A funds. Each state shall determine which local educational agencies within the state qualify as rural for the purposes of this program.

The conference agreement also provides for technology activities carried out in connection with school repair and renovation, including: acquiring hardware and software; acquiring equipment, and resources; and acquiring microwave, fiber optics, cable, and satellite transmission equipment.

The conference agreement provides for the equitable participation of non-profit, private schools to receive the following services: (1) teaching under this section.

The conference agreement includes $28,000,000 for the Education of Native Hawaiians as proposed by the Senate instead of $23,000,000 as proposed by the House. When making awards for the Education for homeless children and youth program, the Department should provide: $6,500,000 for curricula development, teacher training, and recruitment programs, including native language revitalization (for which the conferees encourage priority to be given to the University of Hawaii at Hilo Native Language College), aquaculture, prisoner education initiatives, waste management, and literacy, in the hill, big island astronomy, and indigenous health programs; $1,600,000 for community-based learning centers; $3,200,000 for the native Hawaiian education councils; and $10,900,000 for family based education centers, including early childhood education for native Hawaiian children. In addition, the Department proposes to provide $2,000,000 to local educational agencies for activities authorized under part B of IDEA, technology activities authorized under part B of IDEA, technology activities carried out in connection with school repair and renovation, including: acquiring hardware and software; acquiring equipment, and resources; and acquiring microwave, fiber optics, cable, and satellite transmission equipment.

Safe and drug free schools

The conference agreement includes $64,250,000 for the Safe and Drug Free Schools and Communities title of the $599,250,000 as proposed by the House and $62,000,000 as proposed by the Senate. Included within this amount is $492,250,000 for state grants as proposed by the House and $447,000,000 as proposed by the Senate. The agreement also includes $155,000,000 for national programs, $35,000,000 as proposed by the Senate and $110,000,000 as proposed by the House. Within this amount, the conference includes $117,000,000 to support the Safe Schools/Drug Free Schools initiative. Within the funds for national programs, the conference agreement includes $10,000,000 to remain available until expended for Project School Safety and conference agreement also includes $2,000,000 to provide services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis.

Reading is fundamental

For the Reading is Fundamental program, the conference agreement provides $23,000,000 as proposed by the Senate instead of $21,000,000 as proposed by the House.

Arts in education

For Arts in education, the conference agreement includes $28,000,000 instead of $36,500,000 as proposed by the House and $38,000,000 as proposed by the Senate. The conference provides that within this total, $6,500,000 is for VSA arts, $5,500,000 is for the J. F. Kennedy Center for the Performing Arts, $2,000,000 is to be used to continue a youth violence prevention initiative, and $10,000,000 is to be used for the Secretary to make grants to state educational agencies, institutions of higher education and/or state and local nonprofit arts organizations for activities authorized under title F.1 of the Arts in Education program, particularly for supporting model projects and programs that integrate arts education into the school curriculum and that provide for the development of model preserve and inservice professional development programs for arts educators and other instructional staff. In addition, $2,000,000 is for model professional development programs for music educators and $2,000,000 is for activities authorized under a related program.

Education for homeless children and youth

The conference agreement includes $25,000,000 for Education for Homeless Children and Youth instead of $26,500,000 as proposed by the House and $31,700,000 as proposed by the Senate.

Education of Native Hawaiians

The conference agreement includes $25,000,000 for the Education of Native Hawaiians as proposed by the Senate instead of $23,000,000 as proposed by the House. When making awards for the Education for homeless children and youth program, the Department should provide: $6,500,000 for curricula development, teacher training, and recruitment programs, including native language revitalization (for which the conferees encourage priority to be given to the University of Hawaii at Hilo Native Language College), aquaculture, prisoner education initiatives, waste management, and literacy, in the hill, big island astronomy, and indigenous health programs; $1,600,000 for community-based learning centers; $3,200,000 for the native Hawaiian education councils; and $10,900,000 for family based education centers, including early childhood education for native Hawaiian children. In addition, the Department proposes to provide $2,000,000 less than the stated amounts for any activity within this program, it must notify the House and Senate Committees on Appropriations prior to any action.

Alaska Native educational equity

The conference agreement includes $15,000,000 for the Alaska Native Educational Equity program as proposed by the Senate instead of $13,000,000 as proposed by the House. From the increase in funds provided for the fiscal year 2000 level, $1,000,000 shall be for the Alaska Humanities Forum for operation of the Rose student exchange program and $1,000,000 shall be for the Alaska Native Hawaiian Education Council for support of its cultural education programs.

Charter schools

The conference agreement includes $30,000,000 for Charter Schools instead of $25,000,000 as proposed by the House and $21,000,000 as proposed by the Senate.

INDIAN EDUCATION

The conference agreement includes $26,500,000 for activities authorized under the Indian Education program as proposed by the Senate instead of $26,000,000 as proposed by the House. The agreement provides $91,000,000 in fiscal year 2001 and $95,000,000 in fiscal year 2002 as proposed by this account.

The conference agreement includes $15,500,000 for Indian Education as proposed
by the Senate instead of $107,765,000 as pro-
posed by the House.

**BILINGUAL AND IMMIGRANT EDUCATION**

The conference agreement includes $460,000,000 for Bilingual and Immigrant Edu-
cation instead of $460,000,000 as proposed by the House and $443,000,000 as pro-
posed by the Senate.

For instructional services, the conference agreement includes $180,000,000 as proposed by the Senate instead of $162,500,000 as pro-
posed by the House. For support services, the agreement provides $16,000,000 instead of $14,000,000 as proposed by both the House and the Senate. For professional development, the conference agreement includes $1,000,000 as proposed by both the Senate and $1,000,000 as pro-
posed by the House. For immigrant education, the conference agreement includes $150,000,000 as pro-
posed by both the House and the Senate. The agreement also provides $14,000,000 for foreign language assistance as proposed by the Senate instead of $8,000,000 as proposed by the House.

**SPECIAL EDUCATION**

The conference agreement includes $7,439,948,000 for Special Education instead of $7,353,141,000 as proposed by the Senate and $7,353,141,000 as proposed by the House. The conference agreement provides $2,367,948,000 in fiscal year 2001 and $2,570,000,000 in fiscal year 2002 for this funding account.

Included in these funds is $6,336,685,000 for Grants to States part B instead of $6,279,685,000 as proposed by the Senate and $5,486,685,000 as proposed by the House. This funding level provides an additional $1,350,000 to assist the States in meeting the additional per pupil costs of services to special education students.

For research and innovation, the conference agreement includes $383,967,000 for Grants for Infants and Families as proposed by the Senate instead of $375,000,000 as proposed by the House.

The conference agreement includes $49,200,000 for state program improvement grants instead of $45,200,000 as proposed by the Senate. The agreement includes $177,353,000 for research and innovation instead of $64,200,000 as proposed by the House and $74,200,000 as proposed by the Senate. Within the amounts provided for Special Education Research and Innovation, the conference agreement includes $7,353,000 for the following:

$921,000 for the University of Louisville Research Foundation, Louisville, KY for re-
search in pediatric sleep disorders and learn-
ing disabilities; $461,000 for the University of Northern Iowa, Cedar Falls, IA, National Institute of Technology for Inclusive Education for ex-
panded services; $1,421,000 for the Salt Lake City Organizing Committee or to a governmen-
tal agency or a not-for-profit organization designated by the Salt Lake City Organizing Committee for the 2002 Paralympic Games; $1,600,000 to the National Easter Seals So-
ciety for providing training, technical sup-
port, services and equipment through the Early Childhood Development Project in the Mississippi Delta Region; $1,000,000 for the University of Northern Colorado's National Center for Low Inci-
dence Disabilities in Greeley, Colorado to de-
monstrate innovative and effective ap-
proaches to teaching special education stu-
dents; $500,000 for the Baird Center in Burlington, Vermont for a national demonstration to educate students with serious emotional and behav-
ioral disorders; $750,000 for the Center for Literacy and As-
sessment at the University of Southern Mis-
sissippi to increase its research dissemina-
tion, teacher and parent training, develop-
ment of replicable models for reading assess-
ment and intervention.

The conference agreement includes $525,000 for the Space Academy for Special Children in Parksville, New York to con-
tinue its demonstration program to enhance the academic and social outcomes of devel-
oped for $450,000 for Parents, Inc. in Alaska to train teachers and specialists in the use of technol-
gy to support service delivery to chil-
dren with disabilities.

The conference agreement includes $53,401,000 for technical assistance and dis-
semination instead of $45,481,000 proposed by the House. Both the agree-
ment also includes $26,000,000 for parent in-
formation centers as proposed by the Senate instead of $22,000,000 as proposed by the House.

Included in the agreement is $37,210,000 for technology and media services instead of $36,450,000 as proposed by the House and $35,323,000 as proposed by the Senate.

The agreement also includes $1,500,000 for Public Telecommunications Information and Training Dissemination as proposed by the Senate. The House bill did not contain funds for this activity.

**REHABILITATION SERVICES AND DISABILITY RESEARCH**

The conference agreement includes $2,985,390,000 for Rehabilitation Services and Disability Research instead of $2,776,803,000 as proposed by the House and $2,799,519,000 as proposed by the Senate. The agreement also includes $11,647,000 for client assistance state grants instead of $10,928,000 as proposed by the House and $11,147,000 as proposed by the Senate. The agreement also includes $21,092,000 for demonstration and training programs instead of $15,402,000 as proposed by the House and $21,672,000 as proposed by the Senate.

The conference agreement includes $2,350,000 for migrant and seasonal farm-
workers as proposed by the House instead of $2,850,000 as proposed by the Senate. The agreement also includes $14,000,000 for Pro-
tection and Advocacy of Individual Rights as proposed by the House instead of $13,000,000 as proposed by the Senate.

The conference agreement includes $20,000,000 for services for older blind individ-
uals as proposed by the Senate instead of $18,000,000 as proposed by the House. The agreement also includes $8,717,000 for the Helen Keller Center for Deaf/Blind as pro-
posed by the Senate instead of $8,550,000 as pro-
posed by the House.

The conference agreement includes $100,400,000 for the National Institute for Dis-
ability and Rehabilitation Research instead of $98,000,000 as proposed by the House and $95,000,000 as proposed by the Senate. Within this amount, the conference agreement includes $400,000 for the Cerebral Palsy Foun-
dation in Wichita, Kansas. The agreement also includes $22,000,000 for the National Technical Institute for the Deaf in Rochester, New York.

The conference agreement includes $41,112,000 for Assistive Technology as pro-
posed by the Senate instead of $34,000,000 as proposed by the House. The conference agreement includes $400,000,000 for grants to pro-
tection and advocacy systems (a min-
imum grant of $50,000 each) and $1,363,000 for technical assistance activities to support states and agencies in expanding their capacity to address the assistive technology needs of individuals with disabilities. This language was not included in either the House or Senate bills.

The agreement also retains language from the Senate bill which changes the matching requirements and funding for activities under title III of the Assistive Technology Act of 1998 in order to increase access to assistive technology for individuals with disabilities.

The House bill contained no similar provi-
sion.

Within the amounts provided for voca-
tional rehabilitation demonstration and training programs, the conference agreement includes $4,600,000 for the following activi-
ties:

$921,000 Krasnow Institute at George Mason University, Fairfax, VA for continuation of learning disability research; $921,000 Center for Discovery, International Family Institute, Sullivan County, NY for expansion of services to disabled persons; $230,000 Alabama Institute for Deaf and Blind in Talladega, AL for a demonstration grant for the National Community College for Students with Sensory Impairments; $500,000 Muhlenberg College in Pennsyl-
vania for a national model program for teaching higher education students with dis-
abilities; $200,000 Lewis and Clark Community College in Godfrey, Illinois to develop employ-
ment training services for persons with dis-
abilities; $425,000 The Imaginarium in Vestal, New York for treating at risk, low income chil-
dren with developmental disorders; $255,000 Eden Institute, Princeton, New Jersey for community-based services to chil-
dren and adults with autism; $955,000 American Foundation for the Blind's National Literacy Center for the Vis-
ually Impaired, Atlanta, Georgia to provide state-of-the-art teacher training in the use of Braille, assistive and other technologies to improve educational provision of visually impaired children and adults; $553,000 Illinois State Board of Education for an Assistive Technology Exchange Pro-
gram in Chicago, Illinois, to expand services to individuals with disabilities.

**SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES**

**AMERICAN PRINTING HOUSE FOR THE BLIND**

The conference agreement includes $12,000,000 for American Printing House for the Blind instead of $11,000,000 as proposed by the House and $12,500,000 as proposed by the Senate. This amount includes $800,000 for the American Printing House Fund to provide accessible textbooks to students who are blind or visually impaired through its in-
novative Accessible Textbook Initiative and Collaboration Project.

**NATIONAL TECHNICAL INSTITUTE FOR THE DEAF**

The conference agreement includes $53,376,000 for the National Technical Insti-
tute for the Deaf instead of $54,000,000 as pro-
posed by the Senate and $54,365,000 as pro-
posed by the Senate.

The conferees direct the Department of Education to waive any contribution re-
quirement for construction costs related to the dormitory renovation project.

**GALLAUDET UNIVERSITY**

The conference agreement includes $98,400,000 for Gallaudet University as pro-
posed by the House instead of $97,560,000 as pro-
posed by the Senate.

**VOCATIONAL AND ADULT EDUCATION**

The conference agreement includes $1,825,600,000 for Vocational and Adult Edu-
cation instead of $1,718,600,000 as proposed by the House and $1,726,600,000 as proposed by the Senate. The agreement provides $1,034,600,000 in fiscal year 2001 and
The conference agreement includes $1,100,000,000 for Vocational Education basic state grants as proposed by the House instead of $1,071,000,000 as proposed by the Senate. The conference agreement includes $5,600,000 for Tribally Controlled Postsecondary Vocational Institutions as proposed by the Senate instead of $4,600,000 as proposed by the House.

The conference agreement includes $17,500,000 for vocational education national programs as proposed by the House and the Senate. The agreement also includes $9,000,000 for the occupational and employment information program as proposed by the Senate. The House bill did not include funding for this activity.

The conference agreement includes $5,000,000 for the tech-prep demonstration authorized under section 207 of the Perkins Act. The agreement also includes $22,000,000 for State Grants for Incarcerated Youth as proposed by the Senate. The House did not provide funding for these activities.

The conferees encourage the Department to give full and fair consideration to proposals from county probation departments collaborating with community-based organizations established to address the educational and employment needs of ex-offenders.

The conference agreement includes $540,000,000 for adult education state grants instead of $470,000,000 proposed by both the House and the Senate. Within this amount, $44,000,000 is available to continue the occupational and English literacy and civics education services to new immigrants. Sixty-five percent of these funds will be allocated on the basis of a state's absolute need for services, thirty-five percent will be allocated on the basis of a state's recent growth in need for services. Each state is guaranteed a minimum grant of $60,000. For the purposes of allocating funds to States for these services, the conferences intend that the Department of Education use the most current data available from the Immigration and Naturalization Service of the Department of Justice to determine the number of immigrants admitted for legal permanent residence for each fiscal year. The House bill included $25,500,000 for civics education services to new immigrants. The Senate bill contained no similar provision.

The conference agreement includes $10,674,000,000 for Student Financial Assistance instead of $10,639,000,000 as proposed by the Senate. The agreement sets the maximum Pell Grant at $3,750 instead of $3,650 as proposed by the Senate and $3,500 as proposed by the House. The agreement provides $8,756,000,000 for current law Pell Grants. The conference agreement includes $65,000,000 for Perkins Loan cancellations instead of $40,000,000 as proposed by the House and $68,500,000 as proposed by the Senate. The agreement also includes $31,200,000 as proposed by the House and $146,687,000 for the Fund for the Improvement of Postsecondary Education as proposed by the Senate instead of $31,200,000 as proposed by the House and $51,247,000 as proposed by the Senate. Within the amounts provided for the Fund for the Improvement of Postsecondary Education, the agreement includes $1,185,000,000 for Strengthening Historically Black Colleges and Universities as proposed by the House instead of $1,185,000,000 as proposed by the Senate.

The conference agreement includes $1,913,700,000 for Higher Education instead of $1,686,081,000 as proposed by the House and $1,704,520,000 as proposed by the Senate.

The conference agreement includes $73,000,000 for strengthening institutions as proposed by the House instead of $65,000,000 as proposed by the Senate. The agreement also includes $68,500,000 for Hispanic Serving Institutions instead of $62,500,000 as proposed by the Senate. The conference agreement includes $285,000,000 for Strengthening Historically Black Colleges and Universities as proposed by the House instead of $169,000,000 as proposed by the Senate.

The conference agreement includes $45,000,000 for Leveraging Educational Assistance Partnerships (LEAP) as proposed by the Senate. The House bill did not provide funding for this program.

The conference agreement includes $1,000,000,000 for the loan forgiveness for child care programs, instead of $950,000,000 provided in the Senate bill. The House bill did not include any funding for this program.

The conferees are aware of concerns in the Department of Education regarding the most appropriate means for the Department to make recommendations regarding the most appropriate means for the Department to make recommendations to the relevant congressional committees regarding the most appropriate means to maintain the integrity of Federal student assistance programs, to minimize unnecessary paperwork for institutions of higher education.

The conference agreement includes $31,200,000 as proposed by the House and $65,000,000 as proposed by the Senate instead of $65,000,000 as proposed by the House.

The conference agreement includes $5,000,000 for the loan forgiveness for child care programs, instead of $950,000,000 provided in the Senate bill. The House bill did not include any funding for this program.

The conferees are aware of the significant need for high quality child care and family services, and for that reason, have included start up funding for this program.

The conference agreement includes $31,200,000 as proposed by the Senate. The agreement sets the maximum Pell Grant at $3,750 instead of $3,650 as proposed by the Senate and $3,500 as proposed by the House. The agreement provides $8,756,000,000 for current law Pell Grants.

The conference agreement includes $65,000,000 for Perkins Loan cancellations instead of $40,000,000 as proposed by the House and $68,500,000 as proposed by the Senate.

The agreement also includes $31,200,000 as proposed by the Senate instead of $31,200,000 as proposed by the House and $51,247,000 as proposed by the Senate.

Within the amounts provided for the Fund for the Improvement of Postsecondary Education, the conference agreement includes $1,185,000,000 for Strengthening Historically Black Colleges and Universities as proposed by the Senate instead of $1,185,000,000 as proposed by the House.

The conference agreement includes $1,913,700,000 for Higher Education instead of $1,686,081,000 as proposed by the House and $1,704,520,000 as proposed by the Senate.

The conference agreement includes $73,000,000 for strengthening institutions as proposed by the House instead of $65,000,000 as proposed by the Senate.

The agreement also includes $68,500,000 for Hispanic Serving Institutions instead of $62,500,000 as proposed by the Senate.

The conference agreement includes $285,000,000 for Strengthening Historically Black Colleges and Universities as proposed by the House instead of $169,000,000 as proposed by the Senate.

The conference agreement includes $45,000,000 for Leveraging Educational Assistance Partnerships (LEAP) as proposed by the Senate.

The conference agreement includes $1,000,000,000 for the loan forgiveness for child care programs, instead of $950,000,000 provided in the Senate bill.
and Science Education, Teaching, and Technology;
$1,713,000 San Bernardino Community College District to support the expansion of distance education telecourse broadcasting, including the purchase of equipment;
$207,000 Office of Global Business & Entrepreneurship, Gordon Ford College of Business, University of Dallas for technology.

$461,000 Northwestern State University, Natchitoches, LA for Technological Infrastructure Improvements;
$1,068,000 University of Colorado at Boulder, CO for technology-enhanced learning;
$921,000 Fort Hays State University, Center for the Study of Social Change, Kansas, KS for information technology;
$704,000 Institute of Ocean Sciences, Dana Point, CA for the Ocean Education Center;
$1,420,000 State University-Great Falls to establish a Technology and Education Telecourse Broadcasting, in Montana to support the expansion of distance education telecourse broadcasting, including the purchase of equipment.

$6,000,000 University of Redlands, Redlands, CA for Technology Infrastructure to implement a planning for expanded science facilities;
$528,000 University of Idaho College of Engineering, Moscow, ID for curriculum development and implementation;
$960,000 University of Alabama, Tuscaloosa, AL for the Child Development Research Center;
$200,000 Center for the Advancement of Distance Education in Rural America (CADERA) in New Mexico;
$400,000 Crime Victim Institute at the Northwest School of Law, Lewis & Clark College in Portland, Oregon to continue the study and enhancement of the role of victims in the criminal justice system;
$2,000,000 Urban Learning Center in Covington, Kentucky to expand education and student support programs that prepare economically disadvantaged individuals for post-secondary education;
$500,000 Washington and Lee University in Lexington, Virginia for the Sheppard Program for the Study of Poverty;
$900,000 University of Idaho in Moscow Interactive Learning Environments initiative designed to develop and improve Internet-based delivery of education programs;
$1,000,000 Huntington College in Montgomery, Alabama to assist in the development of a program to enhance effective integration of computer technology in math and science instruction;
$900,000 Eastern New Mexico University-Roswell to expand its aviation maintenance technology program;
$1,300,000 University of Alabama in Tuscaloosa, Alabama to upgrade computer equipment and software in its Mathematics Learning Center for enhancement of undergraduate mathematics and science instruction and education;
$1,020,000 Northwestern Michigan College in Traverse City, Michigan to enhance programmatic operations of the Great Lakes Water Resource Center through teacher education, course development, and equipment acquisition;
$250,000 Pittsburgh Digital Greenhouse in Pennsylvania for continuing education programs;
$300,000 Oregon Graduate Institute in Portland, Oregon for the creation of Environment Information Technology certificate and graduate degree programs;
$750,000 University of Louisville in Kentucky for infrastructure needs to support access to educational opportunities for non-traditional students through its Metropolitan Scholars Program;
$500,000 Western Kentucky University to expand educational opportunities for non-traditional students through its Metropolitan Education and Training Service program.


$900,000 Lewis and Clark College in Portland, Oregon for the Life of the Mind education initiative designed to explore and celebrate the 200th anniversaries of the Louisiana Purchase and Lewis and Clark expedition.

$750,000 Galena School District in Alaska to develop alternative education programs;
$250,000 Pittsburgh Tissue Engineering Institute in Pennsylvania for educational programs;
$200,000 Chippewa Valley Technical College for technology upgrades related to the training of health professionals.

$1,275,000 Portland State University in Portland, Oregon for the creation of a National Tribal Government Institute to provide economic and program development opportunities for elected tribal leaders and governments.

$500,000 College of Rural Alaska-Interior Aleutians campus to collaborate with the Galena School District for an innovative technology transfer program;
$300,000 Rutgers University in Newark, New Jersey for the Community Law program.

$200,000 North Dakota State University for the Tech-Based Industry Traineeship program.

$175,000 North Dakota State University to develop an academic program in electronic commerce.

$800,000 Suomi College in Hancock, Michigan for educational operations;
$6,000,000 University of Tennessee to establish the Howard Baker School of Government.

$1,000,000 University of Charleston in West Virginia for collaboration with the Clay Center for the Arts and Sciences;
$800,000 Urban College of Boston in Massachusetts to support higher education programs serving low-income and minority students.

$300,000 Western New Mexico University to improve educational access and opportunity through educational technology programs;
$6,000,000 Pennsylvania State University to establish the William F. Gooding Institute for Research in Family Literacy and to establish an endowment fund for the William F. Gooding Institute for Research in Family Literacy.

$1,000,000 Southern Illinois University Public Policy Institute in Carbondale, IL for the endowment for the Paul Simon Chair.

$230,000 Florida Gulf Coast University in Ft. Myers, FL for curriculum development to support the Center for Environmental Research and Preservation and Campus Ecosystem Model.

$900,000 Oklahoma State University for the Emerging Knowledge in Hard Choices program.

$850,000 Jackson State University in Jackson, Mississippi to establish a Minority Center of Excellence for Math & Science Teacher Preparation.

$300,000 Assumption College in Worcester, Massachusetts for technology infrastructure and planning for expanded science facilities.

$1,000,000 University of Idaho College of Engineering, Moscow, ID for curriculum development.

$1,705,000 Minnesota State Colleges and Universities, St. Paul, MN for development of an e-monitoring environment;
$92,000 La Sierra University in Riverside, CA for equipment and operation.

$590,000 University of Alabama, Tuscaloosa, AL for the Child Development Research Center.

$750,000 University of Idaho in Moscow Interactive Learning Environments initiative designed to develop and improve Internet-based delivery of education programs.

$2,000,000 Urban Learning Center in Covington, Kentucky to expand education and student support programs that prepare economically disadvantaged individuals for post-secondary education.

$500,000 Washington and Lee University in Lexington, Virginia for the Sheppard Program for the Study of Poverty.

$900,000 University of Idaho in Moscow Interactive Learning Environments initiative designed to develop and improve Internet-based delivery of education programs.

$1,000,000 Huntington College in Montgomery, Alabama to assist in the development of a program to enhance effective integration of computer technology in math and science instruction.

$900,000 Eastern New Mexico University-Roswell to expand its aviation maintenance technology program.

$1,300,000 University of Alabama in Tuscaloosa, Alabama to upgrade computer equipment and software in its Mathematics Learning Center for enhancement of undergraduate mathematics and science instruction and education.

$1,020,000 Northwestern Michigan College in Traverse City, Michigan to enhance programmatic operations of the Great Lakes Water Resource Center through teacher education, course development, and equipment acquisition.

$250,000 Pittsburgh Digital Greenhouse in Pennsylvania for continuing education programs.

$300,000 Oregon Graduate Institute in Portland, Oregon for the creation of Environment Information Technology certificate and graduate degree programs.

$750,000 University of Louisville in Kentucky for infrastructure needs to support access to educational opportunities for non-traditional students through its Metropolitan Scholars Program.

$500,000 Northern Kentucky University to expand educational opportunities for non-traditional students through its Metropolitan Education and Training Service program.


$900,000 Lewis and Clark College in Portland, Oregon for the Life of the Mind education initiative designed to explore and celebrate the 200th anniversaries of the Louisiana Purchase and Lewis and Clark expedition.

$750,000 Galena School District in Alaska to develop alternative education programs;

$250,000 Pittsburgh Tissue Engineering Institute in Pennsylvania for educational programs;

$200,000 Chippewa Valley Technical College for technology upgrades related to the training of health professionals.

$1,275,000 Portland State University in Portland, Oregon for the creation of a National Tribal Government Institute to provide economic and program development opportunities for elected tribal leaders and governments.

$500,000 College of Rural Alaska-Interior Aleutians campus to collaborate with the Galena School District for an innovative technology transfer program;

$300,000 Rutgers University in Newark, New Jersey for the Community Law program.

$200,000 North Dakota State University for the Tech-Based Industry Traineeship program.

$175,000 North Dakota State University to develop an academic program in electronic commerce.

$800,000 Suomi College in Hancock, Michigan for educational operations;

$6,000,000 University of Tennessee to establish the Howard Baker School of Government.

$1,000,000 University of Charleston in West Virginia for collaboration with the Clay Center for the Arts and Sciences.

$800,000 Urban College of Boston in Massachusetts to support higher education programs serving low-income and minority students.

$300,000 Western New Mexico University to improve educational access and opportunity through educational technology programs.

$6,000,000 Pennsylvania State University to establish the William F. Gooding Institute for Research in Family Literacy.

$1,000,000 Southern Illinois University Public Policy Institute in Carbondale, IL for the endowment for the Paul Simon Chair.

$230,000 Florida Gulf Coast University in Ft. Myers, FL for curriculum development to support the Center for Environmental Research and Preservation and Campus Ecosystem Model.

$900,000 Oklahoma State University for the Emerging Knowledge in Hard Choices program.

$850,000 Jackson State University in Jackson, Mississippi to establish a Minority Center of Excellence for Math & Science Teacher Preparation.

$300,000 Assumption College in Worcester, Massachusetts for technology infrastructure and planning for expanded science facilities.

$1,000,000 University of Idaho College of Engineering, Moscow, ID for curriculum development.
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$85,000 Loyola University, Illinois, for a program to provide summer research opportunities for minority students;

$85,000 Pace University, White Plains, New York, to support a center for advanced technology;

$90,000 Wausau Health Foundation in Wausau, Wisconsin to support the development and implementation of a cardiac nursing certification program;

$85,000 Foot Hills Technical Institute, Security, Arkansas, to expand technical training and extension programs for rural residents;

$106,000 Gateway Community College in Connecticut for faculty technology training and technology equipment upgrades;

$170,000 Florida State University in Tallahassee, Florida, for a distance learning program;

$213,000 World Learning School of International Training, Brattleboro, Vermont, for educational technology programs;

$213,000 Mercy College, Dobbs Ferry, New York, for multicultural, interdisciplinary curricula reform;

$1,225,000 Association of Jesuit Colleges and Universities to establish the National Center for Competency-based Distance Learning;

$225,000 East Los Angeles College, South Gate, California, for South Gate Education Center Technology Upgrades;

$298,000 Canisius College in Buffalo, New York, to support education technology enhancements including the purchase of equipment;

$298,000 D’Youville College, Buffalo, New York, to support technology education enhancements including the purchase of equipment;

$298,000 Niagara University in Lewiston, New York, to support technology education enhancements including the purchase of equipment;

$298,000 Gogebic Community College, Ironwood, Michigan to enhance teacher training in the use of technology in classroom instruction;

$340,000 Dean College, Franklin, Massachusetts, for the Institute for Students With Physical or Learning Impairments to improve instructional and support services for students with disabilities;

$361,000 Lamar University in Beaumont, Texas, to support the planning and creation of the Lamar Institute of Technology Center for Criminal Justice Education and Training;

$363,000 Collin College in Mansfield, Texas, for technology enhancements at the Lawrence Township/Ft. Harrison campus;

$425,000 Salve Regina University in Newport, Rhode Island to support program and curriculum development associated with the Pell Center for International Relations and Public Policy, including the purchase of equipment;

$425,000 University of San Francisco, San Francisco, California for equipment and program upgrades at the Center for Economic Development;

$425,000 Diablo Valley College, California, for a teacher mentoring program to recruit high school and community college students into teaching;

$425,000 Kingsborough Community College, Brooklyn, New York for technology equipment and upgrades;

$468,000 Paul Quinn College Center for Education and Technology to provide technology based services to students and the community;

$544,000 University of North Carolina at Charlotte for a joint project with the J ohnson C. Smith University, North Carolina, for the Success Program to increase the number of minority students in graduate engineering programs;

$595,000 Columbia University, New York, for a joint project with the Hostos Community College of the City University of New York, New York, for a distance learning initiative to train minority students in foreign policy disciplines;

$638,000 University of Wisconsin in Milwaukee, Wisconsin for the Urban Educator Corps Partnership Program;

$650,000 Wisconsin Indianhead Technical College, New Richmond, Wisconsin, to provide technology training and for technology infrastructure;

$680,000 Cambria County Area Community College, Johnstown, Pennsylvania, for a management information system;

$725,000 Roxbury Community College, Roxbury, Massachusetts, for new technology equipment and systems;

$723,000 Lehman College at the City University of New York in Bronx, New York, to support a professional development initiative, including the purchase of equipment to support these activities;

$765,000 Carl Sandburg College Community Technology Center, Galesburg, Illinois to support expanded access to information technology and related services, including the purchase of equipment;

$808,000 Alabama A & M University Research Institute, Huntsville, Alabama, for continuation of research activities and operations;

$808,000 Tougaloo College, Tougaloo, Mississippi to expand science and math programs;

$1,275,000 University of Kansas Center for Research, Inc. for a biodiversity information technology initiative;

$1,700,000 George Meany Center for Labor Studies at John Hopkins University, Baltimore, Maryland, to support program and curriculum development associated with a National Center for Training the High Skilled Workforce, including the purchase of equipment;

$2,550,000 University of Arkansas in Fayetteville to establish academic and research programs for the Diane Blair Center for the Study of Southern Politics and Society;

$10,000 Neumann College, in Aston, Pennsylvania, for curriculum design, teacher training and development, and technology enhancements;

$767,621,000 for Education Research, Statistics and Improvement instead of $767,620,000 as proposed by the Senate.

The conference agreement includes $232,474,000 for Howard University instead of $226,474,000 as proposed by the House and $244,000,000 as proposed by the Senate.

$762,000 for the College Housing and Academic Facilities Loans (CHAFL).

$732,721,000 for Education Research, Statistics and Improvement instead of the $481,367,000 as proposed by the House.

$120,000,000 for research instead of $108,000,000 as proposed by the House.

$208,000 for the Historically Black Colleges and Universities Capital Financing Program Account as proposed by the Senate instead of $207,000,000 as proposed by the House.

$4,000,000 for Thurgood Marshall Scholars instead of $68,000,000 as proposed by the Senate.

$65,000,000 for regional educational labs as proposed by both the House and the Senate. Within this total, $20,000,000 is included for continuation of the interagency research initiative and $7,000,000 is included to support a research and development school for language-minority students. This program would support an interagency effort between the Department of Education and National Institutes of Health, and the National Institute of Child Health and Human Development (NICHD) to identify critical factors in the development of English-language literacy among students whose primary language is Spanish.

$80,000,000 for statistics instead of $68,000,000 as proposed by the House. The Senate included for continuation of the program. The increase provided, $2,000,000 is for a National Adult Literacy Survey; $6,400,000 is for the Birth Cohort of the Early Childhood Longitudinal Study to allow the follow-up of the cohort through cognitive, physical, and social development of young children; $1,000,000 is for the Adult Literacy and Life Skills study, an international comparative study of American workforce literacy skills in the context of five other nations; and $2,600,000 is for the Faculty Salary and Staff Surveys which form part of the Institute of Education Sciences. The Data System and are used by many organizations to conduct policy analysis on institutions of higher education. The conference agreement includes $65,000,000 for regional educational labs as proposed by both the House and the Senate. Consistent with House report 104-537, it is the intent of the conferees that funds provided to the regional educational laboratories shall not be conditioned on meeting...
innovative strategies such as independent and programs that support and implement courses; establishment of learning and technology programming; grants awarded to secondary schools or consortia shall be used to support programs, activities designed to improve students’ reading levels, grades, test scores and behavior; reducing referrals to special education.

Within the amounts provided for the Fund for the Improvement of Education, the conference agreement includes $13,962,000 for the following:

- $9,217,000 Virginia Living Museum, Newport News, VA for equipment.
- $41,000 Giant Steps Illinois in Westmont, IL for educational services.
- $1,000,000 San Diego Unified School District in CA for “The Blueprint for Student Success in a Standards-Based System”.
- $544,000 Utica City School District, Utica, New York for an English as a Second Language Program.
- $9,000 Jefferson Consolidated School District, Jefferson New York for a summer school program.
- $28,000 Foundation for the Advancement of Education, Clovis CA for educational programming.
- $350,000 Center for Advanced Research and Programming, Clovis CA for educational programming.
- $343,000 Louisiana Tech University, Ruston, LA for “Project Life”.
- $696,000 WestEd Eisenhower Regional Consortium for Science and Mathematics, San Francisco, CA for 24 Challenge and Jumping Math.
- $507,000 George Mason University, Fairfax VA for Centers for Families and Schools programming.
- $795,000 California School Youth Development Program, San Francisco, CA for curriculum development and related costs for the School for the Arts.
- $534,000 Louisiana Tech University, Ruston, LA for “Project Life”.
- $696,000 WestEd Eisenhower Regional Consortium for Science and Mathematics, San Francisco, CA for 24 Challenge and Jumping Math.
- $507,000 George Mason University, Fairfax VA for Centers for Families and Schools programming.
- $775,000 Fairfax County Public Schools, Fairfax, VA for the Teacher Leadership 2000 project in Annandale Terrace Elementary School, Belvedere Elementary School, Glen Forest Elementary School, Graham Road Elementary School, and Parklawn Elementary School.
- $880,000 George C. Marshall Foundation, Washington DC for continuation of the National Youth Safety Corps.
- $1,843,000 Lake County Forest Preserve District in Libertyville, IL for educational center programming.
- $585,000 Greater Columbus Chamber of Commerce, Columbus OH for a Career Academy Program.
- $1,110,000 Mariposa County Unified School District, Mariposa California for a teacher initiative.
- $350,000 Center for Advanced Research and Technology, Clovis CA for educational programs.
- $92,000 Aptakisic Tripp Community Consolidated School District #102 in IL for curriculum development.
- $1,843,000 Lake County Forest Preserve District in Libertyville, IL for educational center programming.
- $585,000 Greater Columbus Chamber of Commerce, Columbus OH for a Career Academy Program.
- $110,000 Mariposa County Unified School District, Mariposa California for a teacher initiative.
- $350,000 Center for Advanced Research and Technology, Clovis CA for educational programs.
- $92,000 Aptakisic Tripp Community Consolidated School District #102 in IL for curriculum development.
- $1,843,000 Lake County Forest Preserve District in Libertyville, IL for educational center programming.
- $585,000 Greater Columbus Chamber of Commerce, Columbus OH for a Career Academy Program.
- $110,000 Mariposa County Unified School District, Mariposa California for a teacher initiative.
$46,000—Bridgeport Exempted Village School District, Bridgeport, OH for educational programming; 
$46,000—Buckeye Local School District, Raymond, OH for educational programming; 
$46,000—Columbiana County Career Center, Lisbon, OH for educational programming; 
$46,000—East Liverpool School District, East Liverpool, OH for educational programming; 
$46,000—Edison Local School District, Hammondsville, OH for educational programming; 
$46,000—Franklin County Schools, New Cumberland, WV for educational programming; 
$46,000—John D. Rockefeller Vocational Technical Center, New Cumberland, WV for educational programming; 
$46,000—Indian Creek School District, Wintersville, OH for educational programming; 
$46,000—Jefferson County Joint Vocational School, Bloomingdale, OH for educational programming; 
$46,000—Martins Ferry School District, Martins Ferry, OH for educational programming; 
$46,000—Midland School District, Midland, PA for educational programming; 
$46,000—Southern Local School District, Salineville, OH for educational programming; 
$46,000—South Side School District, Hookstown, PA for educational programming; 
$46,000—Steubenville City Schools, Steubenville, OH for educational programming; 
$46,000—Toronto School District, Toronto, OH for educational programming; 
$46,000—Wellsville Local School District, Wellsville, OH for educational programming; 
$46,000—Wheeling Park High School, Wheeling, WV for educational programming; 
$900,000—New Mexico Department of Education to continue to fund student performance plans at 12 schools and for a model school drop-out prevention program; 
$500,000—University of Oklahoma's Institute for Mathematics and Science Education; 
$800,000—Alaska for a comprehensive vocational program; 
$1,176,000—University of New Mexico, Albuquerque, NM for the Math and Science Teacher Education Program; 
$105,000—Wilderness Technology Alliance in Girard, Kansas to facilitate a community-based drug awareness education and prevention program; 
$100,000—Museums & Universities Supportive Education, Philadelphia, Pennsylvania in partnership with Integris Health, for literacy programs and other educational enrichment activities; 
$250,000—Project AGRAD-USA, Inc. in Houston, Texas to support expansion of the successful school reform program, Project GRAD; 
$300,000—State of Alaska to continue reading literacy programs for high school students; 
$300,000—Provide Public School District in Providence, Rhode Island for comprehensive literacy training to ensure that all students are reading at grade level; 
$2,000,000—Alaska Initiative for Comprehensive Engagement to improve academic achievement of students and involve them in their own communities; 
$460,000—Providence Public School District, Providence, Rhode Island for comprehensive literacy training to ensure that all students are reading at grade level; 
$460,000—University of Oklahoma's Institute for Mathematics and Science Education; 
$700,000—University of Nebraska in Lincoln, Nebraska to continue developing a model demonstration program for early childhood education of all students; 
$700,000—Utah State Office of Education to assist small and geographically isolated schools through the Necessarily Existent Small Schools Program; 
$2,500,000—University of Nevada, Las Vegas to develop innovative teacher recruitment and retention programs; 
$400,000—Albuquerque Public School System for Mathematics, Science, and Technology; 
$400,000—University of Oklahoma's Institute for Practical Robotics in Oklahoma City to provide hands-on experiences in robotics by developing curricula and teacher training programs to integrate robotics and computer engineering with traditional math and science education; 
$300,000—Salt Lake Community College, Salt Lake City for the development and delivery of technological education for K-12 students; 
$375,000—Madison Station Elementary School in Madison, Mississippi to begin a replicable, school-wide, arts based curriculum; 
$1,200,000—Southeast Kansas Education Service Center in Girard, Kansas to expand and replicate a school-wide, arts-based mentoring effort that connects young people from grades K-12 with adult volunteers; 
$250,000—Southeastern Regional Arts Program, Bloomington, Indiana for the creation of life-sized bronze sculptures that depict Native American folklore for the stairs leading to the main entrance of the American Indian Heritage Center and Museum, Oklahoma City; 
$250,000—Southeast Kansas Education Service Center in Girard, Kansas for a reading literacy program; 
$500,000—American Village in Montevallo, Alabama for an innovative civic education initiative that provides students with a better understanding of the Constitution and the educational opportunities in the country; 
$500,000—Kentucky Sheriff's Boys and Girls Club in Paducah KY for technology improvements to educational programs offered to area schools; 
$500,000—American Printing House for the Blind, Louisville, Kentucky for the development and delivery of educational programs arranged with area schools; 
$500,000—University of Rhode Island for the Teacher Workforce Replenishment Program; 
$800,000—University of Rhode Island for the 2001 World Scholar Athlete Games; 
$500,000—KidsPeace in Orefield, Pennsylvania for equipment acquisition and educational services to support the integration of health and educational programs developed for at risk youth; 
$250,000—Iowa State University Center for Excellence in Science and Mathematics Education to collaborate with local school districts and other partners to increase the quality of mathematics and science teacher education for K-12 classes; 
$400,000—Council of Chief State School Officers for professional development and recognition activities related to the Christa McAuliffe Foundation. 
$375,000—Tennova Healthcare, Franklin, Tennessee for a comprehensive teacher training program at Tennova Regional Medical Center in Franklin, Tennessee; 
$850,000—Maine Center for Educational Research, Philadelphia, Pennsylvania for equipment acquisition in support of distance learning programs arranged with area schools; 
$500,000—CAFE/NET in Bethlehem, Pennsylvania for distance learning technologies and educator training to improve educational outcomes; 
$500,000—National Aviation Hall of Fame in Dayton, Ohio for curriculum development, technology upgrades and programmatic improvements to educational programs offered to students; 
$500,000—Sunnyside School District in Washington for a reading literacy program; 
$500,000—California Institute of the Arts in Valencia, California for an urban distance learning program; 
$500,000—University of Northern Iowa for Mathematics and Science Education to improve the teaching of mathematics and science; 
$850,000—Southwest Texas State University Center for School Improvement to develop innovative programs to address specific K-12 challenges facing teachers and principals; 
$850,000—University of Montana in Missoula, Montana to facilitate a community-
based statewide curriculum aimed at preventing violence in schools; 
$20,000—Education, Social and Public Services Association in Seattle, Washington to develop and coordinate programs related to Washington learning standards; 
$850,000—ARC of East Central Iowa for a comprehensive center in Cedar Rapids designed to provide counseling, medical and day care needs of children and adolescents with disabilities; 
$225,000—American Visionary Art Museum in Baltimore, Maryland for educational and outreach programs targeted to underserved communities; 
$900,000—Philadelphia Zoo in Philadelphia, Pennsylvania to create, develop and implement a high school science learning program; 
$2,000,000—Big Brothers/Big Sisters of America to strengthen and expand its school based mentoring program; 
$200,000—National Foundation for Teaching Entrepreneurship for expansion of basic academic skills development and entrepreneurship training programs for students in low income areas; 
$250,000—Initiative Company of Philadelphia for an integrated arts education program; 
$9,000,000—Iowa Department of Education to continue a demonstration of public school facilities in Des Moines, Iowa for the support of student learning; 
$750,000—Des Moines Independent School District in Iowa to support the Smoother Sailing Program; 
$1,000,000—Iowa Student Aid Commission for teacher training, recruitment and support; 
$500,000—Iowa Child Institute located in Des Moines, IA for planning and development of an innovative teacher education and training center; 
$100,000—Creek Community Environmental Education Center in Philadelphia, Pennsylvania for teacher training, research and equipment acquisition in support of environmental education programs; 
$400,000—Southeastern Louisiana University to utilize distance learning for the improvement of teacher training; 
$150,000—Rock School of Pennsylvania Bal- lon for innovative arts education through after school and summer programs; 
$500,000—Westlawn Community College of Montana TREC Center to provide educators with professional development opportunities through distance learning technologies; 
$500,000—Hofstra University for a demonstration school that integrates mathematics, science, technology and literacy studies with the arts and cultural studies; 
$250,000—CityVest, a non-profit development corporation in Pennsylvania, to collaborate with area school districts in providing alternative education programs; 
$300,000—YMCA of America to expand drop out prevention, mentoring and teen pregnancy prevention programs serving at-risk teens; 
$500,000—San Antonio and Houston; 
$250,000—American Film Institute for activities supporting a media literacy pilot project undertaken in coordination with the Los Angeles Unified School District; 
$2,000,000—Reach Out and Read program to expand literacy and health awareness for at-risk families; 
$850,000—South Carolina Association of School Administrators to facilitate and distribute the methodology and pedagogy utilized by Blue Ribbon Schools; 
$50,000—St. Louis, Missouri to support the A+ Academy of Natural Sciences Enrichment Expansion Curriculum Program, Inc., Detroit, Michigan, for a pilot project designed to provide 6th grade students and school faculty with access to technology, including laptop computers, software, and home internet access, and to provide expert curriculum development assistance to school faculty members; 
$510,000—Dillard University, New Orleans, Louisiana, to expand the William L. Gilbert Academy pre-college program for high achieving low-income high school students; 
$510,000—Educational Performances Foundation CPI, Boston, Massachusetts, for the development of a national educational program called "From the Top"; 
$510,000—West Windsor-Plainsboro Regional School District in Mercer County, New Jersey, for the "E-mmc" teacher training project; 
$489,000—University of Illinois at Chicago, Illinois, for a joint project with the University of New Orleans, Louisiana, for the Great Cities’ University Coalition Urban Educators Corps teacher training partnership; 
$425,000—Maryland State Department of Education to support the Maryland Educational Opportunities Summer Program; 
$425,000—Alameda County Social Services Agency, Oakland, California, to support an education and training program for high school students; 
$425,000—Clark County School District, Las Vegas, Nevada for a comprehensive bilingual education program; 
$425,000—Cleveland Botanical Garden, Cleveland, Ohio, to expand educational curriculum, outreach and teacher training programs; 
$425,000—Detroit Area Pre-College Engineering Program, Inc., Detroit, Michigan, for engineering, science and math instructional, teacher training, and parental engagement activities;
$425,000—The Milton Eisenhower Founda-
Foundation, Washington, DC for a full-service com-
nunity school demonstration project in up to four
locations;
$425,000—Virginia Marine Science Museum
Science Camp in Virginia Beach, Virginia to ex-
expand educational programs and outreach
to schools;
$50,000—Oakland Unified School District,
California, for a teacher professional develop-
ment initiative to increase student achievement in
literacy, math and science;
$340,000—Council of Chief State School
Officers to support the Arts Education Part-
nership to improve the awareness and qual-
ity of arts education;
$340,000—Indiana University, Bloomington,
Indiana, for the Project TEAM minority re-
cruitment program;
$340,000—Schuyler Institute for a jazz mu-
sic education program in Washington, DC;
$340,000—Wildlife Conservation Society,
Bronx New York, to develop a distance learn-
ing education project for after school pro-
grams;
$298,000—Chicago Public School System, Il-
inois, to provide vision screening, eye exam-
ations, and follow-up services for low-income students;
$276,000—Chicago Public School System, Il-
inois, to expand the Chicago Math, Science and Technology Academies;
$266,000—Houston Public Library, Houston, Texas for the ASPIRE after school pro-
gram;
$213,000—Future Leaders of America, Inc.
Oxnard, California, to provide leadership train-
ing and educational experiences to tal-
etented youth;
$101,000—Institute for Student Achieve-
ment, Manhasset, New York to improve stu-
dent learning outcomes without social pro-
motion;
$101,000—Bremen Community High School
District 228, in Midlothian, Illinois, for a
summer transition program for incoming freshmen students;
$101,000—Center for Community Trans-
formation in Chicago, Illinois to support stu-
dent fellowships and ongoing secular edu-
cational initiatives in community leadership and
transformation, including curriculum develop-
ment;
$100,000—"ScienceClass in a Box" edu-
cational system, Hoboken, New Jersey, to en-
hance learning and understanding of math edu-
cation in disadvantaged school districts;
$175,000—Merrill Area Public Schools in
Merrill, Wisconsin, to support activities de-
signed to improve educational outcomes for
at-risk students;
$149,000—Great Lakes Science Center, Cleve-
land, Ohio to establish interactive bio-
medical exhibitions and educational pro-
grams to increase minority awareness of
health careers;
$123,000—Centro Latino de Educacion Popu-
lar in Los Angeles, California, program to
provide literacy training for Hispanic chil-
dren and adults;
$120,000—University of Oregon, Eugene, Oregon, for the
development of educational materials for a
Wetland Environmental Education Center;
$94,000—Dallas Urban League, Inc., Dallas,
Texas, to expand technology and literacy train-
ing for low-income youth;
$85,000—Los Angeles Free Net, Encino,
California, to provide free internet access to
schools and libraries;
$85,000—Pasadena Independent School Dis-
trict, Pasadena, Texas, to support an early
learning program focused on reading, includ-
ing to purchase equipment and supplies;
$50,000—Stevens Point Area School Dis-
trict, Wisconsin for an initiative to improve
achievement among high school students;
$43,000—Superior School District, Superior,
Wisconsin for an initiative to improve achieve-
mant among high school students;
$38,000—T.R. Hoover Community Develop-
ment Corporation in Dallas, Texas, to pro-
vide technology to children and their families in
South Dallas;
$40,000—Chester Upland School District,
Chester, PA, for recruitment, preparation and
retention of teachers and teacher candi-
dates;
$100,000—Family Communications, Inc., in
Pittsburgh, PA, for the non-profit's Safe Ha-
vens Training Project which is to train school personnel in preventing and re-
spending to acts of violence;
$250,000—Northwest Regional Educational
Laboratory in Portland, OR for a reading
tutor training program;
and
$230,000—University of Pennsylvania
Health System in Philadelphia, PA for de-
velopment of a multi-high school curriculum on
genetics and ethics.
For International Education, the con-
ference agreement includes $10,000,000 as pro-
aposed by the Senate, instead of $7,000,000 as
proposed by the House. The conferees sup-
port strengthening and expanding inter-
national education exchange programs to
more countries and teachers, expanding the
early elementary school program begun last
year in Bosnia, and pairing more American
students with countries in Western, Eastern
Europe, Latin America and the Republic
of Ireland and efforts in emerging democracies in developing coun-
tries.
The conference recognizes the efforts of
Strategies to Accelerate Reading Success
(STARS) in Las Vegas, NV where students in
low performing schools have shown marked
improvements in their reading and listening
comprehension skills. The conferees are also
aware of the Great Films Project Co., Inc.
of New York and their ability to produce a doc-
umentary that will provide an objective as-
essment of school effectiveness and
educational programs on the education of our Nation's youth.
The conference encourages the Secretary to
consider funding for the National Re-
search Council of the National Academy
of Sciences which provides a balanced evalua-
tion of the consequences of high stakes test-
ing, using data from a representative sample
of states and local educational agencies. The
evaluation may examine the consequences for
students in general, minority students and
students with disabilities.
English proficiency related to academic achieve-
ment, dropout and retention rates, quality of
in-
troduction, and the extent to which parents are informed about
assessment results and consequences.
DEPARTMENT MANAGEMENT
The conference agreement includes
$525,684,000 for Departmental Management instead of
$504,551,000 as proposed by the
House and $504,551,000 as proposed by the
Senate. Within this amount, the agreement provides
$76,000,000 for the Office of Civil Rights and
$77,224,000 as proposed by the
House and $43,000,000 as proposed by the
Senate. The agreement also includes
$36,500,000 for the Inspector General of the
Department. The agreement also includes
$35,456,000 as proposed by the
Senate. The agreement includes
$510,000 to con-
tinue the Inspector General audit of the De-
partment’s Student Financial Assistance-fi-
nancial statement.

The conference is supportive of the HEATH
Clearinghouse which provides technical as-
sistance and support services to disabled stu-
dents and institutions of higher education.
In the last five years, the HEATH Clear-
ninghouse has received approximately
requests for information from $30,000 per year to more than
75,000 per year. The con-
ferences encourage the Secretary to con-
tinue to support the clearing-
GENERAL PROVISIONS
TRANSFER AUTHORITY
The conference agreement includes lan-
guage to provide general transfer authority for the Departments and agencies in this bill for the Department of Education
(ED). This authority was first provided in fiscal year 1996 with the understanding that the flexibility it provides can only be carried out when proper financial management con-
trols and systems are in place. ED did not re-
ceive an unqualified opinion on its financial statements for either fiscal years 1998 or 1999. The conferees recognize that ED is working to rectify problems that have been identi-
fied, but for fiscal year 2001 the conferees re-
quire a letter of reprogramming to the House Committee on Appropriations and a written response from the Committees before any transfer of funds can be made.
The conferees continue to support the pur-
pose of the transfer authority to provide funding for new policy proposals that can, and should, be included in subsequent budget proposals. Absent the need to respond to
emergencies or unforeseen circumstances, this authority cannot be used simply to
increase funding for programs, projects or ac-
tivities because of disagreements over the funding level or the difficulty or inconven-
ience with operating levels set by the Con-
gress.

TITLE I—TARGETING
The conference agreement includes lan-
guage proposed by the Senate directing the
Comptroller General to evaluate targeting within the title I program. The House bill

NATIONAL ASSESSMENT GOVERNING BOARD DATE
CHANGE
The conference agreement includes a pro-
vision that makes the terms of service for the National Assessment Governing Board mem-
ers four years.

RECALCULATION OF COHORT DEFAULT RATE
The conference agreement includes lan-
guage changing the process for appealing co-
ort default rate calculations so that a school that misses the appeal deadline may retain eligibility if a clear mistake was made in the data used to calculate the rate.

COMPENSATION PARITY FOR AUDITORS AND EXAMINERS
The conference agreement includes an amend-
ment to the Higher Education Act of 1965 relating to compensation parity for auditors and examiners.

TRIBAL COLLEGES
The conference agreement includes an amend-
ment to the Carl D. Perkins Voca-

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES
The conference agreement includes an amend-
ment to the Higher Education Act of 1965 relating to default rates.
The conference agreement includes a provision which provides $10,000,000 to the Secretary of Education to be transferred to the Secretary of the Interior for an award to the National Constitutional Center to continue activities authorized by P.L. 100-433.

The conference agreement includes a modification to the Safe and Drug-Free Schools Act for fiscal years 2000 and 2001.

The conference agreement includes an amendment to the Higher Education Act of 1965 clarifying that funds provided under the Special Leveraging Educational Assistance Partnership Program may not be used for administrative purposes and that matching funds must come from new sources in order to leverage state funding.

The conference agreement includes an amendment to Part A of title IV of the Higher Education Act of 1965 which allows grantees receiving funding under the Student Support Services program within TRIO to use part of these funds for direct grant aid to needy students. A grant provided under this provision must exceed the maximum appropriated Pell Grant, or be less than the minimum appropriated Pell Grant, for the current academic year. Grantees using funds for this purpose are required to maintain at least 33 percent of the funds used for grant aid in cash from non-federal sources and may not use more than 20 percent of their grant amount for direct grant aid purposes.

The conference agreement includes a provision that replaces the interest rate formula for certain Parent Loans to Students and Supplemental Loans for Students which used to be determined by the auction of 52-week Treasury bills for setting new interest rates each July 1st. Interest rates for these programs will be based on the federal funds rate plus a one-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last calendar week ending on or before June 20th preceding the July 1st effective date for interest rate changes.

The conference agreement includes an amendment to the Higher Education Act of 1965 designating scholarships made under the Olympic Scholarships program as "B.J. Stupak Olympic Scholarships."

The conference agreement includes a provision that would release a reversionary interest at San Francisco State University.

The conference agreement includes an amendment to the Elementary and Secondary Education Act of 1965, as amended, relating to certain school districts eligible for the Impact Aid program.

The conference agreement includes an amendment to the Elementary and Secondary Education Act of 1965 clarifying that funds provided under the Special Leveraging Educational Assistance Partnership Program may not be used for administrative purposes and that matching funds must come from new sources in order to leverage state funding.

The conference agreement includes a provision that directs the Secretary to review the nursing program operated by Graceland University in Iowa and specifies that the Secretary may exercise waiver authority relating to this program.

The conference agreement includes a provision that directs the Secretary to review the Partnership Program operated by Grace University in Iowa and specifies that the Secretary may exercise waiver authority relating to this program.

The conference agreement includes a provision that directs the Secretary to review the Volunteer Program and VISTA not be restricted to America Reads activities. The conferees further direct that the Corporation for National and Community Service shall comply with the directive that directs the Secretary to review the Partnership Program operated by Grace University in Iowa and specifies that the Secretary may exercise waiver authority relating to this program.

The conference agreement includes an amendment to the Domestic Volunteer Service Act providing a 2 percent increase for administrative expenses and that matching funds provided under this amendment may not exceed the maximum amount for PNS grant augmentations.

The conference agreement includes $332,229,000 for program administration of DVSA programs at the Corporation as proposed by the House instead of $32,100,000 as proposed by the Senate. Funding should be used for the new core financial management system and to make other technology enhancements that will improve customer service and field communications.

The conference agreement includes an additional $20,000,000 for digitalization, if specifically authorized by subsequent legislation. The House bill contained no similar provision.

The conference agreement includes $6,320,000 for the Federal Mine Safety and Health Review Commission as proposed by the Senate instead of $6,200,000 as proposed by the House.

The conference agreement includes $207,219,000 for the Institute of Museum and Library Services instead of $170,000,000 as proposed by the House and $168,000,000 as proposed by the Senate. Within the amounts provided, the conference agreement includes $39,219,000 for the following:

- The Mariners’ Museum, Newport News, VA for library archival and educational programming;
- $461,000 DuPage County Children’s Museum in Naperville, IL for educational programming;
- $39,000 National Baseball Hall of Fame Library, Cooperstown New York for library improvements;
- $500,000 University of Notre Dame for library technology improvements;
- $6,000 City of Murrieta Public Library, Murrieta, CA for technology improvements;
- $1,392,500 Sierra Madre Public Library, Sierr Madre, CA for technology improvements.

The conference agreement includes $252,000,000 for the Domestic Volunteer Service instead of $170,000,000 as proposed by the Senate providing an additional $20,000,000 for digitalization, if specifically authorized by subsequent legislation.

The conference agreement includes $303,850,000 for the Domestic Volunteer Service programs instead of $204,527,000 as proposed by the House and $302,504,000 as proposed by the Senate. The conference agreement includes $303,850,000 for the Domestic Volunteer Service programs instead of $204,527,000 as proposed by the House and $302,504,000 as proposed by the Senate.

The conference agreement includes $39,219,000 for the following:

- The FGP and SCP programs, and a 4 percent increase for administrative expenses.
- A provision that directs the Corporation for National and Community Service to provide a 2 percent increase for administrative expenses.

The conference agreement includes $4,000,000 for senior demonstration activities as proposed by the House instead of $1,494,000,000 as proposed by the Senate. These funds are to be used to carry out evaluations and to provide recruitment, training, and technical assistance to local projects as described in the budget request. No new demonstration projects may be begun with these funds. None of the increases provided for FGP, SCP, or RSVP for fiscal year 2001 may be used for demonstration activities. The conferees further expect that all future demonstration activities will be funded through allocations made through Part E of the Domestic Volunteer Service Act.

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$150,000 Oregon Historical Society Permanent Exhibition;
$250,000 Pittsburgh Children's Museum;
$510,000 Temple University Library for digitalization of resources from its Urban History and African-American collections;
$576,000 Franklin Institute for the Design of Life exhibition;
$925,000 Peabody Essex Museum in Philadelphia, Pennsylvania;
$500,000 Alaska Native Heritage Center portion of the New Trade Winds project;
$1,000,000 National Museum of Women in the Arts in Washington, D.C.;
$1,200,000 Mississippi River Museum and Discovery Center in Dubuque, Iowa for exhibit and library enhancement;
$650,000 Maine State Museum Foundation in Bath, Maine, to improve security and preservation of its collection;
$150,000 Linn County, Iowa Historical Museum in Cedar Rapids, Iowa, in support of the "This Old Digital City" project;
$4,000,000 Newseum for the Blind to expand services for the blind to libraries across the country; $100,000 for the West Virginia Newseum for the Blind and $100,000 for the Iowa Newseum for the Blind; $1,000,000 Clay Center for the Arts and Sciences for a multimedia display screen, and the fabrication and design of a science exhibit;
$650,000 Bishops Museum in Hawaii as part of the "New Trade Winds" project;
$500,000 Wisconsin Maritime Museum for interactive exhibits;
$250,000 National History Museum of Los Angeles to continue outreach and educational activities; $400,000 Perkins Geology Museum at the University of Vermont to digitize its collection;
$400,000 Walt Whitman Cultural Arts Center in Camden, New Jersey to expand cultural education programs;
$400,000 Plainfield Public Library in Plainfield, New Jersey to upgrade and expand computer and internet services;
$150,000 Ducktown Arts District in Atlantic City, New Jersey to expand access to cultural arts programs;
$400,000 Lake Champlain Science Center for exhibits and programs;
$250,000 Foundation for the Arts, Music, and Entertainment of Shreveport-Bossier, Inc.;
$100,000 Bryant College in Rhode Island for a technology initiative linking libraries of institutions of higher education; $120,000 Fenton Historical Museum of Jamestown, New York;
$461,000 Abraham Lincoln Bicentennial Commission;
$43,000 Sumter County Library, Sumter, South Carolina for the acquisition of library materials; $85,000 New York Botanical Garden, Bronx, New York, to expand access to plant specimen database;
$128,000 Nassau County Museum of Art in Roslyn Harbor, New York, to expand educational programs for elementary and secondary students;
$128,000 Roberson Museum and Science Center in Binghamton, New York for an educational science and engineering pilot program;
$128,000 North Carolina Museum of Life and Science for development of BioQuest exhibits;
$170,000 George Eastman House in Rochester, New York, to digitally archive and catalog photographic collections;
$213,000 Polk County Art Museum in Des Moines, Iowa to improve security and preservation of its collection; Board as proposed by the Senate instead of $205,717,000 as proposed by the House.

National Mediation Board

The conference agreement includes $31,400,000 for the National Mediation Board as proposed by the Senate instead of $9,800,000 as proposed by the House.

Occupational Safety and Health Review Commission

The conference agreement includes $6,720,000 for the Occupational Safety and Health Review Commission as proposed by the Senate instead of $8,600,000 as proposed by the House.

Railroad Retirement Board

Limitation on Administration

The conference agreement includes a limitation on transfers from the railroad trust funds of $95,000,000 for administrative expenses as proposed by the House instead of $92,500,000 as proposed by the Senate.

Social Security Administration

Supplemental Security Income Program

The conference agreement includes $23,344,000,000 for the Supplemental Security Income program instead of $23,354,000,000 as proposed by the Senate and $23,127,000,000 as proposed by the House.

Limitation on Administrative Expenses

The conference agreement includes a limitation of $71,240,000 on transfers from the Social Security and Medicare trust funds and Supplemental Security Income program for administrative expenses instead of $69,700,000 as proposed by the Senate and $7,010,000 as proposed by the House.

The conference agreement includes language proposed by the House clarifying that the Social Security Administration may use unexpended funds for investment in information technology and telecommunications hardware and software infrastructure, including related equipment and related payroll expenses associated solely with information technology and telecommunications technology. The agreement also includes language proposed by the Senate requiring the Secretary of the Treasury to reimburse the Trust Fund from the General Fund for the cost of official time for federal employees and facilities and services for the labor organizations. The Senate bill contained no similar provisions.

Office of Inspector General

The conference agreement includes $69,444,000 for the Office of Inspector General instead of $57,124,000,000 as proposed by the Senate and instead of $65,752,000 as proposed by the House.

United States Institute of Peace

The conference agreement includes $15,000,000 for the United States Institute of Peace as proposed by the House instead of $22,951,000 as proposed by the Senate. The conference agreement includes $5,380,000 as proposed by the Senate instead of $5,380,000 as proposed by the House.

The conference agreement includes $10,400,000 for the National Mediation Board instead of $10,600,000 as proposed by the Senate.

The conference agreement includes $3,400,000,000 for the Supplemental Security Income program instead of $3,354,000,000 as proposed by the Senate and $3,300,000,000 as proposed by the House.

Limitation on Administrative Expenses

The conference agreement includes a limitation of $7,124,000,000 on transfers from the Social Security and Medicare trust funds and Supplemental Security Income program for administrative expenses instead of $6,970,000,000 as proposed by the House and $7,010,000 as proposed by the Senate.

The conference agreement includes language proposed by the House clarifying that the Social Security Administration may use unexpended funds for investment in information technology and telecommunications hardware and software infrastructure, including related equipment and related payroll expenses associated solely with information technology and telecommunications technology. The agreement also includes language proposed by the Senate requiring the Secretary of the Treasury to reimburse the Trust Fund from the General Fund for the cost of official time for federal employees and facilities and services for the labor organizations. The Senate bill contained no similar provisions.

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and a beginning and end of year balance of the Endowment.

TITLE V—GENERAL PROVISIONS

DISTRIBUTION OF STERILE NEEDLES

The conference agreement includes a provision proposed by the House that prohibits the use of funds in this Act to carry out any program for the distribution of sterile needles or syringes for the hypodermic injection of any illegal drug. The Senate bill contained a similar provision except that it would have allowed for a study if the Secretary of Health and Human Services determines that these programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

FIFTH QUARTER OBLIGATIONS

The conference agreement does not include a provision proposed by both the House and Senate to allow fiscal year 2000 unobligated balances for salaries and expenses to remain available through the first quarter of fiscal year 2001.

RESTORING SSI BENEFITS PAYMENTS TO APPROPRIATE YEAR

The conference agreement does not include a provision proposed by the House to restore benefit payments for Supplemental Security Income to the appropriate year. The Senate bill contained no similar provision.

EVALUATION OF ABSTINENCE EDUCATION PROGRAMS

The conference agreement includes a provision proposed by the House to extend the funding available for evaluations of abstinence education programs to 2005 and provides for an interim report not later than January 1, 2002. The Senate bill contained no similar provision.

TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF)

The conference agreement does not include a provision proposed by the Senate to reduce TANF supplemental grants in fiscal year 2001. The House bill contained no similar provision.

DISCRETIONARY ADVANCE APPROPRIATION REDUCTION

The conference agreement does not include a provision proposed by the House to rescind funds from the Payments to States for the Child Care and Development Block Grant if the total level of discretionary advance appropriation for fiscal year 2002 exceeds $23,500,000,000. The Senate bill contained no similar provision.

UNIQUE HEALTH IDENTIFIER

The conference agreement includes a provision proposed by the Senate to prohibit the promulgation or adoption of any final standard relating to a unique health identifier until legislation is enacted specifically approving the standard. The House bill contained a similar provision except it did not provide for legislative action.

STATE SUPPLEMENTARY PAYMENTS

The conference agreement includes language proposed by the Senate that accelerates the effective date of current law requiring a State that has entered into an agreement with the Social Security Administration for Federal administration of State supplementary payments be required to remit payments and fees no later than the business day preceding the SSI payment from September, 2000 to September, 2001.

MILITARY RECRUITING AT SECONDARY SCHOOLS

The conference agreement does not include a provision proposed by the House preventing secondary schools from prohibiting military recruitment. The Senate bill contained no similar provision.

NIH LICENSE AGREEMENTS

The conference agreement deletes without further amendment the provision proposed by the Senate regarding a GAO study into Federal fetal tissue practices. The House bill contained no similar provision.

ACROSS-THE-BORD ADMINISTRATIVE AND RELATED EXPENSES REDUCTION

The conference agreement includes a provision to reduce administrative and related expenses of the Departments of Labor, Health and Human Services, and Education by $25,000,000.

EMERGENCY CONTRACEPTION DISTRIBUTION THROUGH SCHOOL CLINICS

The conference agreement does not include a provision proposed by the Senate to prohibit the distribution of or prescription for postcoital emergency contraception to an unemancipated minor on the premises or in the facilities of any elementary or secondary school. The House bill contained no similar provision.

RIGHTS OF RESIDENTS OF CERTAIN FACILITIES

The conference agreement does not include a provision proposed by the Senate to amend the Public Health Service Act to add a new section titled "Requirement Relating to the Rights of Residents of Certain Facilities". The House bill contained no similar provision.

SENSE OF THE SENATE ON EARLY HEAD START

The conference agreement deletes without prejudice a Sense of the Senate provision regarding a study on the issue of sexual abuse in schools. The House bill contained no similar provision.

SENSE OF THE SENATE ON A STUDY OF SEXUAL ABUSE IN SCHOOLS

The conference agreement deletes without prejudice a Sense of the Senate provision regarding a study on the issue of sexual abuse in schools. The House bill contained no similar provision.

GAO STUDY INTO FEDERAL FETAL TISSUE PRACTICES

The conference agreement does not include a provision proposed by the Senate requesting a GAO study into Federal fetal tissue practices. The House bill contained no similar provision.

GENETIC INFORMATION NONDISCRIMINATION IN HEALTH INSURANCE ACT OF 1999

The conference agreement does not include a provision proposed by the Senate regarding genetic information. The House bill contained no similar provision.

HEALTH CARE ACCESS AND PROTECTIONS FOR CONSUMERS

The conference agreement does not include the health care access and protections for consumers provision as proposed by the Senate. The House bill contained no similar provision.

HUMAN PAPILLOMAVIRUS

The conference agreement includes a provision related to human papillomavirus. The House and Senate bills contained no similar provision.

SACCHARIN LABELING

The conference agreement includes a provision that repeals the mandated saccharin warning label. The House and Senate bills contained no similar provision.

SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS

The conference agreement includes a provision which allows a State and the Commissioner of Social Security to enter into an agreement under which the Commissioner would make State payments, on behalf of the State, to supplement federal payments provided under Title VIII of the Social Security Act.

STATUTORY EMPLOYEES

The Conference note that, given the complexity of issues that were considered under prior law in correctly determining the amount of Supplemental Security Income payable to individuals who are classified as "statutory employees", or their dependents, that in the past cases may have been determined erroneously. The Conference urge the Social Security Administration to act favorably on requests for waiver of overpayment that may have accrued in such cases.

TITLE VI—ASSETS FOR INDEPENDENCE ACT

The conference agreement includes amendments to the Assets for Independence Act to make technical and conforming changes to ensure accurate research and measurement of the effectiveness of Individual Development Accounts.

TITLE VII—PHYSICAL EDUCATION FOR PROGRESS PROGRAM

The conference agreement includes the Physical Education for Progress program which will enable local educational agencies to initiate, expand, and improve physical education programs for all K-12 students.

TITLE VIII—EARLY LEARNING OPPORTUNITIES

The conference agreement includes the Early Learning Opportunities Act, which is designed to help states increase the availability of voluntary programs, services, and activities that support early childhood education.

TITLE IX—RURAL EDUCATION

The conference agreement includes the Rural Achievement Act, which amends Part J of Title X of the Elementary and Secondary Education Act (ESEA) of 1965 to better address the different needs of small, rural school districts. Under this provision, a local educational agency (LEA) would be able to combine funding under various ESEA programs to support compensatory education, teacher professional development, education technology, and school drug and violence prevention activities authorized under ESEA that are intended to improve the academic achievement of elementary and secondary school students.

CONFERENCE AGREEMENT

The following table displays the amounts agreed to for each program, project or activity with appropriate comparisons:
<table>
<thead>
<tr>
<th>LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)</th>
<th>FY 2000</th>
<th>FY 2001</th>
<th>Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000</th>
<th>House</th>
<th>Senate</th>
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<td><strong>TITLE I — DEPARTMENT OF LABOR</strong></td>
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<tr>
<td><strong>EMPLOYMENT AND TRAINING ADMINISTRATION</strong></td>
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<tr>
<td><strong>TRAINING AND EMPLOYMENT SERVICES</strong></td>
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<tr>
<td>Adult training, current year</td>
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<td>238,000</td>
<td>145,000</td>
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<td>238,000</td>
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<tr>
<td>Advance from prior year</td>
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<td>(712,000)</td>
<td>(712,000)</td>
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<td>712,000</td>
<td>712,000</td>
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<td>Adult Training, program level</td>
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<td>950,000</td>
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<tr>
<td>Dislocated Worker Assistance, current year</td>
<td>529,025</td>
<td>710,510</td>
<td>322,025</td>
<td>529,025</td>
<td>530,040</td>
<td>+1,015</td>
<td>+208,015</td>
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<tr>
<td>Advance from prior year</td>
<td>---</td>
<td>(1,060,000)</td>
<td>(1,060,000)</td>
<td>(1,060,000)</td>
<td>(1,060,000)</td>
<td>(+1,060,000)</td>
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<tr>
<td>FY02</td>
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<td>1,060,000</td>
<td>1,060,000</td>
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<td>Distressed Worker Assistance, program level</td>
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<td>1,770,510</td>
<td>1,382,025</td>
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<td>Federally administered programs:</td>
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<td>Native Americans</td>
<td>58,436</td>
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<tr>
<td>Migrant and Seasonal Farmworkers</td>
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<td>Operations</td>
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<td>(591,000)</td>
<td>(591,000)</td>
<td>(591,000)</td>
<td>(+591,000)</td>
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<tr>
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<td>591,000</td>
<td>591,000</td>
<td>591,000</td>
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<td>Construction and Renovation (1)</td>
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<td>20,375</td>
<td>20,375</td>
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<td>Advance from prior year</td>
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<td>---</td>
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<tr>
<td>Subtotal, Job Corps, program level</td>
<td>1,357,776</td>
<td>1,393,044</td>
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<td>1,363,783</td>
<td>1,400,000</td>
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<td>+42,224</td>
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<td>+36,217</td>
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(1) Three year forward funded availability.
<table>
<thead>
<tr>
<th>LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)</th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000 Conference vs</th>
<th>House</th>
<th>Senate</th>
<th>Disc</th>
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<tbody>
<tr>
<td>National activities:</td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Pilots, Demonstrations and Research</td>
<td>65,095</td>
<td>35,000</td>
<td>35,000</td>
<td>70,000</td>
<td>97,432</td>
<td>+32,337</td>
<td>+67,432</td>
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<tr>
<td>Responsible Reintegration of Youthsful Offenders</td>
<td>13,907</td>
<td>75,000</td>
<td>13,907</td>
<td>30,000</td>
<td>55,000</td>
<td>+41,003</td>
<td>+41,003</td>
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<tr>
<td>Evaluation</td>
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<td>12,098</td>
<td>9,098</td>
<td>9,098</td>
<td>9,098</td>
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<td>D FF</td>
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<tr>
<td>Fathers Work/Families Win</td>
<td>---</td>
<td>255,000</td>
<td>---</td>
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<td>---</td>
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<tr>
<td>Incumbent Workers</td>
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<td>30,000</td>
<td>---</td>
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<td>20,000</td>
<td>+20,000</td>
<td>+20,000</td>
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<tr>
<td>Safe Schools/Healthy Students</td>
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<td>+20,000</td>
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<tr>
<td>Youth Opportunity Grants</td>
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<td>375,000</td>
<td>175,000</td>
<td>250,000</td>
<td>275,000</td>
<td>+25,000</td>
<td>+100,000</td>
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<tr>
<td>Other</td>
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<tr>
<td>Subtotal, National activities</td>
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<td>238,005</td>
<td>416,098</td>
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<td>+253,525</td>
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<tr>
<td>Subtotal, Federal activities</td>
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<td>1,909,651</td>
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<td>+252,295</td>
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<tr>
<td>Total, Workforce Investment Act</td>
<td>5,373,497</td>
<td>6,102,562</td>
<td>5,010,995</td>
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<td>Women in Apprenticeship</td>
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<tr>
<td>Skills Standards</td>
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<td>Subtotal, National activities, TES</td>
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<tr>
<td>School-to-Work (1)</td>
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<tr>
<td>Subtotal, Training and Employment Services</td>
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<td>(2,463,000)</td>
<td>(2,463,000)</td>
<td>(2,463,000)</td>
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<tr>
<td>COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS</td>
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(1) 15 month forward funded availability.
### LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)

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<th>FY 2000</th>
<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000 Conference vs House</th>
<th>Senate</th>
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<td>Trade Adjustment</td>
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<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
<td>-</td>
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(1) Two year availability.
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### Labor, Health and Human Services, Education, and Related Agencies, 2001 ($000)

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### Mine Safety and Health Administration

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(1) Two year availability.
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<th>LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)</th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000 Conference vs House</th>
<th>Senate Disc</th>
<th>Mand</th>
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<td>+42,565</td>
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<td>310</td>
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**VETERANS EMPLOYMENT AND TRAINING**

<p>| State Administration: | | | | | | | | |
|---|---|---|---|---|---|---|---|
| Disabled Veterans Outreach Program | 80,215 | 81,615 | 80,215 | 81,615 | 81,615 | +1,400 | +1,400 | --- |
| Local Veterans Employment Program | 77,253 | 77,253 | 77,253 | 77,253 | 77,253 | --- | --- | --- |
| Subtotal, State Administration | 157,468 | 158,868 | 157,468 | 158,868 | 158,868 | +1,400 | +1,400 | --- |
| Federal Administration | 26,873 | 29,045 | 26,873 | 28,045 | 28,045 | +1,172 | +1,172 | --- |
| Homeless Veterans Program | 9,636 | 15,000 | 9,636 | 12,500 | 17,500 | +7,864 | +7,864 | +5,000 |
| Veterans Workforce Investment Programs | 7,300 | 7,300 | 7,300 | 7,300 | 7,300 | --- | --- | --- |
| Total, Veterans Employment and Training | 201,277 | 210,213 | 201,277 | 206,713 | 211,713 | +10,436 | +10,436 | +5,000 |
| Federal Funds | 16,936 | 22,300 | 16,936 | 19,800 | 24,800 | +7,864 | +7,864 | +5,000 |
| Trust funds | 184,341 | 187,913 | 184,341 | 186,913 | 186,913 | +2,572 | +2,572 | --- |</p>
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<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000 Conference vs</th>
<th>House</th>
<th>Senate</th>
<th>Disc</th>
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<td>4,770</td>
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<td>+940</td>
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<td>5,749</td>
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<td>6,814</td>
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<td>309,610</td>
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<td>188,481</td>
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<td>+3,512</td>
<td>+310</td>
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<td>Conference</td>
<td>FY 2000</td>
<td>Conference vs House</td>
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(1) $105 million is provided in mandatory spending in this bill.
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<td>Adoption Awareness</td>
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<td>Program Management</td>
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| Total, Health resources and services                      | 4,663,135| 4,781,337| 4,814,232| 4,677,424| 5,555,476| +892,341| +741,244    | +878,052  |
| Current year                                              | (-6,643,135)| (-4,781,337)| (-4,781,232)| (-4,677,424)| (-5,555,476)| (-882,341)| (-741,244)  | (-878,052)|
| Advance Year, FY02                                        | (20,000) | ---      | (30,000) | (30,000) | (+10,000) | ---     | (+30,000)   | ---       |

| Medical Facilities Guarantee and Loan Fund:               |         |          |         |         |           |        |             |           |
| Interest subsidy program                                   | 1,000   | ---      | ---     | ---     | ---       | 1,000   | ---         | M         |

| Health Education Assistance Loans Program (HEAL):         |         |          |         |         |           |        |             |           |
| Liquidating account                                       | (15,000)| (10,000) | (10,000) | (10,000) | (10,000)  | (-5,000)| ---         | NA        |

| Vaccine Injury Compensation Program Trust Fund:          |         |          |         |         |           |        |             |           |
| Post-FY02 claim                                          | 62,301  | 114,355  | 114,355 | 114,355 | 114,355   | +52,054| ---         | M         |
| HRSA administration                                       | 2,999   | 2,992    | 2,992   | 2,992   | 2,992     | -7     | ---         | D         |
| Total, Vaccine Inquiry                                    | 65,300  | 117,347  | 117,347 | 117,347 | 117,347   | +52,047| ---         |           |

<p>| Total, Health Resources &amp; Services Administration       | 4,733,122| 4,902,365| 4,935,258| 4,798,450| 5,676,502| +943,380| +741,244    | +878,052  |
| Current year                                             | (-4,713,122)| (-4,902,365)| (-4,905,258)| (-4,798,450)| (-5,676,502)| (+933,380)| (+741,244)  | (+878,052)|
| Advance Year, FY02                                       | (20,000) | ---      | (30,000) | (30,000) | (+10,000) | ---     | (+30,000)   | ---       |</p>
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<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference vs FY 2000</th>
<th>House</th>
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(1) Totals may not match passed bill totals as amounts have been moved from PHSSEF for comparable purposes.
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(1) Reflects establishment of NCMHD, previously funded under the Office of the Director.
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<th>FY 2000</th>
<th>FY 2001</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000</th>
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<th>FY 2001</th>
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<th>Senate</th>
<th>Conference</th>
<th>FY 2000</th>
<th>House</th>
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<td>Conference</td>
<td>FY 2000</td>
<td>House</td>
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<td>(1,400,000)</td>
<td>(1,400,000)</td>
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<td>---</td>
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<td>74,155</td>
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- **Child Abuse State Grants** | 21,026 | 21,026 | 21,026 | 21,026 | 21,026 | --- | --- | --- | D |
- **Child Abuse Discretionary Activities** | 18,028 | 18,028 | 18,028 | 18,028 | 33,737 | +15,709 | +15,709 | +15,709 | D |
- **Abandoned Infants Assistance** | 12,207 | 12,207 | 12,207 | 12,207 | 12,207 | --- | --- | --- | D |
- **Child Welfare Services** | 291,986 | 291,986 | 291,986 | 291,986 | 291,986 | --- | --- | --- | D |
- **Child Welfare Training** | 7,000 | 7,000 | 7,000 | 7,000 | 7,000 | --- | --- | --- | D |
- **Adoption Opportunities** | 27,419 | 27,419 | 27,419 | 27,419 | 27,419 | --- | --- | --- | D |
- **Adoption Incentives** | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 | --- | --- | --- | D |
- **Adoption Incentive (no cap adjustment)** | 21,791 | 21,791 | 23,000 | 35,928 | 23,000 | +1,209 | --- | -12,028 | D |
- **Social Services and Income Maintenance Research** | 27,691 | 6,500 | 27,691 | 27,691 | 37,666 | +10,175 | +10,175 | +10,175 | D |
- **Community Based Resource Centers** | 32,835 | 32,835 | 32,835 | 32,835 | 32,835 | --- | --- | --- | D |
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<th>FY 2001</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000</th>
<th>Conference vs House</th>
<th>Senate</th>
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<td>65,803</td>
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<td>10,244</td>
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<td>FY 2001 Request</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>FY 2000 Conference vs House</td>
<td>Senate Disc</td>
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(1) President requested funds under Supportive Service.
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(1) Amounts may not match passed bill as amounts have been moved to CDC for comparable purposes.
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(1) House passed bill included $65,000 for this initiative in FFE.
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<tr>
<td>Advance from prior year</td>
<td>(5,066,366)</td>
<td>(5,066,366)</td>
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<td>(5,066,366)</td>
<td>(5,066,366)</td>
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<tr>
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<td>1,733,134</td>
<td>481,237</td>
<td>1,733,134</td>
<td>2,108,958</td>
<td>1,839,921</td>
<td>+106,787</td>
<td>+106,787</td>
<td>+269,037</td>
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<tr>
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<td>3,500</td>
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<td><strong>Subtotal, Basic grants current year funding</strong></td>
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<td>481,237</td>
<td>1,736,634</td>
<td>2,112,438</td>
<td>1,843,421</td>
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<td>+269,037</td>
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<td>5,066,366</td>
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<td>6,783,000</td>
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<td>+454,721</td>
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<tr>
<td>Advance from prior year</td>
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<td>(1,158,397)</td>
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<td>(1,158,397)</td>
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<td>1,158,397</td>
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<td>+265,921</td>
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<tr>
<td>Even Start</td>
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<td>150,000</td>
<td>250,000</td>
<td>185,000</td>
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<td>+25,311</td>
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<td>42,000</td>
<td>42,000</td>
<td>50,000</td>
<td>46,000</td>
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<td>---</td>
<td>8,900</td>
<td>---</td>
<td>+8,900</td>
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<td>190,000</td>
<td>190,000</td>
<td>210,000</td>
<td>210,000</td>
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<td>+20,000</td>
<td>+210,000</td>
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<td>9,119,500</td>
<td>8,786,986</td>
<td>8,956,800</td>
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<td>+755,635</td>
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<td>FY 2001</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>FY 2000</td>
<td>House</td>
<td>Senate</td>
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<td>---------</td>
<td>-------</td>
<td>--------</td>
<td>------</td>
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</tr>
<tr>
<td>High School Equivalency Program</td>
<td>15,000</td>
<td>20,000</td>
<td>20,000</td>
<td>20,000</td>
<td>20,000</td>
<td>5,000</td>
<td>---</td>
<td>---</td>
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<td>College Assistance Migrant Program</td>
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<td>10,000</td>
<td>10,000</td>
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<td>---</td>
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<tr>
<td><strong>Subtotal, migrant education.</strong></td>
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<td><strong>30,000</strong></td>
<td><strong>30,000</strong></td>
<td><strong>30,000</strong></td>
<td><strong>30,000</strong></td>
<td><strong>5,000</strong></td>
<td>---</td>
<td>---</td>
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</tr>
</tbody>
</table>

| Total, Education for the disadvantaged | 8,700,986 | 9,149,500 | 8,816,986 | 8,986,800 | 9,532,621 | 831,653 | 715,635 | 545,821 |
| Current Year | (2,496,223) | (2,944,737) | (2,612,223) | (2,763,458) | (2,274,321) | (2,646,358) | (2,788,098) | (162,098) | (+10,863) |
| Advance Year, FY02 | (6,204,763) | (6,204,763) | (6,204,763) | (6,223,342) | (6,758,300) | (553,537) | (553,537) | (534,958) |

**IMPACT AID**

| Basic Support Payments | 737,700 | 720,000 | 780,000 | 853,000 | 882,000 | 144,800 | 102,000 | +29,000 | 0 |
| Payments for Children with Disabilities | 50,000 | 40,000 | 50,000 | 50,000 | 50,000 |   --- |   --- |   --- | 0 |
| Payments for Heavily Impacted Districts (Sec. 1) | 72,700 |   --- | 82,000 | 82,000 |   --- | 72,200 | 82,000 | 82,000 | 0 |
| **Subtotal.** | **859,400** | **760,000** | **912,000** | **985,000** | **932,000** | **72,600** | **20,000** | **-53,000** |
| Facilities Maintenance (Sec. 8008) | 5,000 | 5,000 | 8,000 | 8,000 | 8,000 | 3,000 |   --- |   --- | 0 |
| Construction (Sec. 8007) | 10,052 | 5,000 | 25,000 | 35,000 | 12,802 | 2,750 | -12,198 | -22,198 | 0 |
| Payments for Federal Property (Sec. 8002) | 32,000 |   --- | 40,000 | 47,000 | 40,500 | 8,500 | 500 | -6,500 | 0 |
| **Total, Impact aid.** | **906,452** | **770,000** | **985,000** | **1,075,000** | **993,302** | **86,850** | **8,302** | **-81,698** |

(1) Basic and heavily impacted payments have been consolidated into a single funding stream pursuant to the Impact Aid reauthorization Pub. L. 106-398.
<table>
<thead>
<tr>
<th>LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)</th>
<th>FY 2000 Comparable Request</th>
<th>FY 2001 House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000 House</th>
<th>Senate</th>
<th>Disc</th>
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<tbody>
<tr>
<td><strong>SCHOOL IMPROVEMENT PROGRAMS</strong></td>
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<td></td>
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<td></td>
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<td>Teaching to High Standards, current</td>
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<td>FY02</td>
<td>405,000</td>
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<td>Eisenhower Professional Development</td>
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<tr>
<td>National Programs</td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>School Leadership Initiative</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Improvement of Teaching and School Leadership</td>
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<td></td>
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<tr>
<td>Hometown Teachers</td>
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<tr>
<td>Higher Standards/Higher Pay</td>
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<td>Teacher Quality Incentives</td>
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<td>Troops to Teachers</td>
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<td>Early Childhood Educator Professional Development</td>
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<td>80,750</td>
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<td>100,000</td>
<td>+10,250</td>
<td>+10,250</td>
<td>+415,000</td>
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<td>Advance from prior year</td>
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<td>365,750</td>
<td>3,100,000</td>
<td>585,000</td>
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<td>+10,250</td>
<td>-2,715,000</td>
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<td>Class Size Reduction, current</td>
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<tr>
<td>Advance from prior year (1)</td>
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<td></td>
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<tr>
<td>FY02</td>
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<td>900,000</td>
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<tr>
<td>Class Size Reduction, program level</td>
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<td>1,750,000</td>
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(1) Funds made available in FY 2000 appropriation.
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<thead>
<tr>
<th>LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 (in $000)</th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000 Conference vs House</th>
<th>Senate Disc</th>
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<tr>
<td>Teacher Empowerment Act (1)</td>
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<td>---</td>
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<td>900,000</td>
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<td>Teacher Empowerment Act, program level</td>
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<td>---</td>
<td>---</td>
<td>-1,750,000</td>
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<td>+1,200,000</td>
<td>+1,200,000</td>
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**Safe and Drug Free Schools:**

| State Grants, current funded | 109,750 | 109,250 | 109,250 | 117,000 | 109,250 | --- | --- | -7,750 | 0 ff |
| Advance from prior year | --- | 330,000 | 330,000 | 330,000 | 330,000 | --- | --- | NA | --- |

| FY02 | 330,000 | 330,000 | 330,000 | 330,000 | 330,000 | --- | --- | D | --- |

| State Grants, program level | 430,250 | 430,250 | 430,250 | 447,000 | 430,250 | --- | --- | -7,750 | --- |

| National Programs | 110,750 | 160,750 | 110,000 | 145,000 | 155,000 | +44,250 | +45,000 | +10,000 | D |

| Coordinator Initiative | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 | --- | --- | --- | D |

| Subtotal, Safe and drug free schools | 600,000 | 650,000 | 599,250 | 642,000 | 644,250 | +44,250 | +45,000 | +2,250 | D |

| Inexpensive Book Distribution (RIF) | 20,000 | 20,000 | 21,000 | 23,000 | 23,000 | +3,000 | +3,000 | +2,000 | --- |

| Arts in Education | 11,500 | 23,000 | 16,500 | 18,000 | 28,000 | +16,500 | +11,500 | +10,000 | D |

(1) Teacher Empowerment Act subject to authorization.

(2) President requested School Renovation as separate account.
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<th></th>
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<td>Magnet Schools Assistance</td>
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<tr>
<td>Education for Homeless Children &amp; Youth</td>
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<td>32,000</td>
<td>31,700</td>
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<td>Ellender fellowships/Close Up</td>
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<td>Education for Native Hawaiians</td>
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<td>23,000</td>
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<td>210,000</td>
<td>190,000</td>
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<td>+15,000</td>
<td>+20,000</td>
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<tr>
<td>Subtotal, other school improvement programs</td>
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<td>366,834</td>
<td>406,534</td>
<td>389,834</td>
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<td>Strengthening Technical assistance Capacity Grants</td>
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<td>Comprehensive Regional Assistance Centers</td>
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<td>...</td>
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<td>Advanced Placement fees</td>
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<td>20,000</td>
<td>22,000</td>
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<td>+2,000</td>
<td>+2,000</td>
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<tr>
<td>Subtotal, forward funded</td>
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<td>3,069,034</td>
<td>3,165,334</td>
<td>4,672,534</td>
<td>4,872,084</td>
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<td>+1,706,750</td>
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<tr>
<td>Current Year</td>
<td>(1,401,884)</td>
<td>(2,354,034)</td>
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<td>(1,757,534)</td>
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**Reading Excellence**

<p>| Reading Excellence Act | 65,000 | 91,000 | 65,000 | 91,000 | 91,000 | +26,000 | +26,000 | ... |
| Advance from prior year | ... | (195,000) | (195,000) | (195,000) | (195,000) | (+195,000) | ... | NA |
| FY02 | 195,000 | 195,000 | 195,000 | 195,000 | 195,000 | ... | ... | ... |
| Reading Excellence, program level | 260,000 | 286,000 | 260,000 | 286,000 | 286,000 | +26,000 | +26,000 | ... |</p>
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<th>Senate</th>
<th>Conference</th>
<th>FY 2000</th>
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(1) Funding provided under School Improvement.
## LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)

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**Total, Special education**

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(1) Does not include $3.5 million in FY 2000 and $1 million in FY 2001 for Vocational Education National Programs that are current funded; the Budget Request proposed the Youth Offender program be current funded.
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<td>Senate</td>
<td>Conference</td>
<td>FY 2000</td>
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<td>517,567</td>
<td>494,367</td>
<td>506,519</td>
<td>732,721</td>
<td>186,272</td>
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<td>226,202</td>
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**DEPARTMENTAL MANAGEMENT**

| PROGRAM ADMINISTRATION | 382,934 | 413,184 | 382,934 | 395,871 | 413,184 | +30,250 | +30,250 | +17,513 | D |
| OFFICE FOR CIVIL RIGHTS | 71,200 | 76,000 | 71,200 | 73,224 | 76,000 | +4,800 | +4,800 | +2,776 | D |
| OFFICE OF THE INSPECTOR GENERAL | 34,000 | 36,500 | 34,000 | 35,456 | 36,500 | +2,500 | +2,500 | +1,044 | D |
| **Total, Departmental management** | 488,134 | 525,684 | 488,134 | 504,551 | 525,684 | +37,550 | +37,550 | +21,133 | D |

**STUDENT LOANS**

| New Annual Loan Volume (including consolidation): Federal Family Education Loans (FFEL) | (25,540,000) | (26,902,000) | (26,902,000) | (26,902,000) | (26,902,000) | (1,362,000) | --- | --- | MA |
| Federal Direct Student Loans (FDSL) | (16,855,000) | (15,613,000) | (15,613,000) | (15,613,000) | (15,613,000) | (758,000) | --- | --- | MA |
| Total Outstanding Loan Volume: Federal Family Education Loans (FFEL) | (281,700,000) | (303,900,000) | (303,900,000) | (303,900,000) | (303,900,000) | (22,200,000) | --- | --- | MA |
| Federal Direct Student Loans (FDSL) | (56,200,000) | (65,400,000) | (65,400,000) | (65,400,000) | (65,400,000) | (11,200,000) | --- | --- | MA |
| **Total, Department of Education** | 37,964,687 | 42,494,646 | 39,562,049 | 42,674,645 | 44,491,639 | +6,540,752 | +6,540,752 | +1,816,794 | MA |
| Current year | (25,490,924) | (30,046,833) | (27,094,286) | (27,926,303) | (29,910,139) | (4,413,215) | (2,815,053) | (+1,983,856) | MA |
| Advance Year, FY02 | (12,647,763) | (12,447,763) | (12,447,763) | (14,748,342) | (14,581,300) | (+2,133,537) | (+2,133,537) | (167,042) | MA |
|-----------------------------|---------------------|-----------------|-------|--------|------------|---------|------------------------|-------|--------|------|
| ARMED FORCES RETIREMENT HOME | Operations and Maintenance | 55,590 | 60,000 | 60,000 | 60,000 | 60,000 | +4,410 | --- | --- | 0   |
| Capital Program              | 12,696              | 9,832           | 9,832 | 9,832 | 9,832 | -2,864 | --- | --- | --- | 0   |
| Total, AFRH                  | 68,286              | 69,832          | 69,832 | 69,832 | 69,832 | +1,537 | --- | --- | --- | 0   |
| CORPORATION FOR NATIONAL AND COMMUNITY SERVICE (1) | Domestic Volunteer Service Programs: | 80,574 | 86,000 | 80,574 | 83,074 | 83,074 | +2,500 | +2,500 | --- | 0   |
| Volunteers in Service to America (VISTA) | 95,988 | 97,782 | 95,988 | 97,500 | 98,068 | +2,880 | +2,880 | +1,368 | 0   |
| National Senior Volunteer Corps: | 39,219 | 41,669 | 39,219 | 40,219 | 40,395 | +1,176 | +1,176 | +176   | 0   |
| Foster Grandparents Program  | 66,117 | 50,565 | 46,117 | 48,117 | 48,886 | +2,767 | +2,767 | +767   | 0   |
| Senior Companion Program     | 1,494 | 2,500 | 1,494 | 400 | 1,494 | -1,094 | --- | -1,094 | 0   |
| Retired Senior Volunteer Program | 182,818 | 192,516 | 181,724 | 187,330 | 188,547 | +5,729 | +6,823 | +1,217 | 0   |
| Senior Demonstration Program | 31,129 | 34,100 | 32,229 | 32,100 | 32,229 | +1,100 | --- | +129   | D   |
| Subtotal, Senior Volunteers  | 312,616 | 324,527 | 302,504 | 303,850 | 303,850 | +9,329 | +9,329 | +1,346 | 0   |
| Program Administration       | 294,521 | 312,616 | 294,527 | 302,504 | 303,850 | +9,329 | +9,329 | +1,346 | 0   |

(1) Appropriations for Americorps are provided in the VA-HUD bill.
<table>
<thead>
<tr>
<th>Agency</th>
<th>FY 2000 Comparable</th>
<th>FY 2000 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000</th>
<th>House</th>
<th>Senate</th>
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<td>365,000</td>
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<td>(350,000)</td>
<td>(350,000)</td>
<td>(340,000)</td>
<td>(340,000)</td>
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<tr>
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<td>35,000</td>
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<td>+20,000</td>
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<td>Satellite replacement supplemental-FY00</td>
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<td>(-17,500)</td>
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(1) Unauthorized. Funding is subject to enactment of authorization.
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<th>FY 2000</th>
<th>FY 2001</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000</th>
<th>Conference vs House</th>
<th>Senate</th>
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<td>8,720</td>
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<td>+320</td>
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<td>20,400</td>
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<td>SPECIAL BENEFITS FOR DISABLED COAL MINERS</td>
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<td>5,670</td>
<td>5,670</td>
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<td>-124,000</td>
<td>-124,000</td>
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<td>365,748</td>
<td>365,748</td>
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<td>114,000</td>
<td>114,000</td>
<td>114,000</td>
<td>114,000</td>
<td>-10,000</td>
<td>-10,000</td>
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<tr>
<td>LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)</td>
<td>FY 2000 Comparable</td>
<td>FY 2001 Request</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>FY 2000 Conference vs</td>
<td>House</td>
<td>Senate</td>
<td>Disc</td>
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<td><strong>SUPPLEMENTAL SECURITY INCOME</strong></td>
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<td>71,000</td>
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<td>210,000</td>
<td>210,000</td>
<td>210,000</td>
<td>+10,000</td>
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<tr>
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<td>91,000</td>
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(1) Two year availability.
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<th>LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)</th>
<th>FY 2000 Comparable</th>
<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000 House</th>
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<td>2,349,000</td>
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<tr>
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(1) Two year availability.
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<tr>
<td>Total, Office of the Inspector General</td>
<td>65,752</td>
<td>73,000</td>
<td>65,752</td>
<td>69,444</td>
<td>3,692</td>
<td>3,692</td>
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<tr>
<td>Adjustment: trust fund transfers from general revenues</td>
<td>-2,422,000</td>
<td>-2,660,000</td>
<td>-2,433,000</td>
<td>-2,660,000</td>
<td>-2,650,000</td>
<td>-228,000</td>
<td>-217,000</td>
<td>+10,000</td>
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<tr>
<th>Social Security Administration</th>
<th>FY 2000</th>
<th>FY 2001</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000</th>
<th>Hand Disc</th>
<th>FY 2001</th>
<th>House</th>
<th>Senate</th>
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<tbody>
<tr>
<td>Federal funds</td>
<td>36,019,275</td>
<td>36,871,148</td>
<td>36,707,936</td>
<td>36,707,936</td>
<td>2,038,317</td>
<td>169,656</td>
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<tr>
<td>Current year</td>
<td>32,583,531</td>
<td>34,341,148</td>
<td>34,112,092</td>
<td>34,341,092</td>
<td>34,331,092</td>
<td>1,747,661</td>
<td>219,000</td>
<td>-10,000</td>
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<tr>
<td>New advances, 1st quarter FY01</td>
<td>(10,014,000)</td>
<td>(10,584,000)</td>
<td>(10,584,000)</td>
<td>(10,584,000)</td>
<td>(10,584,000)</td>
<td>(10,584,000)</td>
<td>(10,584,000)</td>
<td>(10,584,000)</td>
<td>(+570,000)</td>
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<tr>
<td>Trust funds</td>
<td>4,235,864</td>
<td>4,530,000</td>
<td>4,595,864</td>
<td>4,403,300</td>
<td>4,526,500</td>
<td>290,656</td>
<td>-69,344</td>
<td>+123,200</td>
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<thead>
<tr>
<th>United States Institute of Peace</th>
<th>FY 2000</th>
<th>FY 2001</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000</th>
<th>Hand Disc</th>
<th>FY 2001</th>
<th>House</th>
<th>Senate</th>
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<td></td>
<td>12,951</td>
<td>14,450</td>
<td>15,000</td>
<td>12,951</td>
<td>15,000</td>
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<tr>
<th>Title IV, Related Agencies</th>
<th>FY 2000</th>
<th>FY 2001</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>FY 2000</th>
<th>Hand Disc</th>
<th>FY 2001</th>
<th>House</th>
<th>Senate</th>
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<tr>
<td>Federal funds</td>
<td>38,259,094</td>
<td>40,434,735</td>
<td>40,152,492</td>
<td>40,224,324</td>
<td>40,383,031</td>
<td>+2,123,937</td>
<td>+250,539</td>
<td>+158,707</td>
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<tr>
<td>Current year</td>
<td>33,920,200</td>
<td>35,709,535</td>
<td>35,448,268</td>
<td>35,714,824</td>
<td>35,747,831</td>
<td>+1,827,831</td>
<td>+209,563</td>
<td>+53,007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advance Year, FY02</td>
<td>(23,556,200)</td>
<td>(24,780,535)</td>
<td>(24,469,268)</td>
<td>(24,765,824)</td>
<td>(24,798,831)</td>
<td>(+1,242,631)</td>
<td>(+299,563)</td>
<td>(+53,007)</td>
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</tr>
<tr>
<td>Advance Year, FY03</td>
<td>(350,000)</td>
<td>(395,000)</td>
<td>(365,000)</td>
<td>(365,000)</td>
<td>(365,000)</td>
<td>(+15,000)</td>
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<tr>
<td>Trust funds</td>
<td>4,338,894</td>
<td>4,636,200</td>
<td>4,706,226</td>
<td>4,509,500</td>
<td>4,635,200</td>
<td>+296,306</td>
<td>-69,024</td>
<td>+125,700</td>
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<tr>
<td>LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 (dollars)</td>
<td>FY 2000 Comparable</td>
<td>FY 2001 Request</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>FY 2000 House</td>
<td>Senate Disc</td>
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<td>SUMMARY</td>
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<tr>
<td>Grand bill total</td>
<td>330,325,712</td>
<td>356,123,602</td>
<td>351,717,730</td>
<td>352,337,510</td>
<td>358,269,886</td>
<td>+27,944,174</td>
<td>+6,552,156</td>
<td>+5,932,376</td>
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<tr>
<td>Federal funds</td>
<td>320,608,097</td>
<td>345,878,039</td>
<td>341,770,019</td>
<td>342,283,283</td>
<td>347,937,555</td>
<td>+27,329,458</td>
<td>+6,167,536</td>
<td>+5,394,272</td>
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<tr>
<td>Advance Year, FY02</td>
<td>(61,640,388)</td>
<td>(68,973,214)</td>
<td>(68,968,214)</td>
<td>(68,138,793)</td>
<td>(68,001,751)</td>
<td>(+6,597,313)</td>
<td>(+666,663)</td>
<td>(+157,042)</td>
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<tr>
<td>Advance Year, FY03</td>
<td>(350,000)</td>
<td>(395,000)</td>
<td>(365,000)</td>
<td>(365,000)</td>
<td>(365,000)</td>
<td>(+25,000)</td>
<td>---</td>
<td>---</td>
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<tr>
<td>Trust funds</td>
<td>9,717,615</td>
<td>10,245,563</td>
<td>9,947,711</td>
<td>9,956,427</td>
<td>10,332,331</td>
<td>+614,716</td>
<td>+384,620</td>
<td>+378,104</td>
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**BUDGET ENFORCEMENT ACT RECAP**

<table>
<thead>
<tr>
<th></th>
<th>FY 2000</th>
<th>FY 2001</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mandatory, total in bill</td>
<td>233,099,984</td>
<td>240,996,967</td>
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<tr>
<td>Less advances for subsequent years</td>
<td>42,791,003</td>
<td>49,527,451</td>
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<tr>
<td>Plus advances provided in prior years</td>
<td>40,529,605</td>
<td>42,791,003</td>
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</table>

**Subtotal, mandatory**

| 230,837,586 | 242,260,519 | 242,255,519 | 241,160,519 | 242,280,519 | +11,442,933 | +25,000 | +1,120,000 |
|----------------------------------------------------------------------|-------------------|-----------------|-------|--------|------------|----------------------------|-----------------------------|---------------------------|
| Discretionary, total in bill                                       | 97,226,728        | 107,126,635     | 102,725,763 | 104,440,543 | 109,252,919 | +12,026,191                      | +6,527,156                  | +6,812,376                 |
| Less advances for subsequent years                                 | -18,963,435       | -19,840,763     | -19,805,763 | -18,976,342 | -18,839,300 | +124,135                         | +966,463                    | +137,042                   |
| Plus advances provided in prior years                              | 8,844,735         | 18,933,435      | 18,953,435 | 18,953,435 | 18,953,435 | +10,108,700                      |                             |                           |
| Scorekeeping adjustments:                                          |                   |                 |       |        |            |                             |                             |                           |
| Adjustment to balance with 2000 bill                               | -12,801           |                 |       |        |            | +12,801                       |                             |                           |
| Adjustment for reg cap on Title XX SSBGs                           | -605,000          |                 |       |        |            | +605,000                       | +1,100,000                  |                           |
| SSA User Fee Collection                                            | -80,000           | -91,000         | -91,000 | -91,000 | -91,000    | -11,000                       |                             |                           |
| HEAF Recapture                                                      | -26,000           |                 |       |        |            | +26,000                        |                             |                           |
| Refugee and entrant assistance reappropriation                      | 12,000            |                 |       |        |            | -12,000                       |                             |                           |
| Medicaid Title XX offset                                           | 1,000             |                 |       |        |            | -1,000                        |                             |                           |
| Directory of New Hires                                              | -878,000          |                 |       |        |            | -878,000                       |                             |                           |
| FUBA                                                               | 40,000            |                 |       |        |            | -40,000                        |                             |                           |
| SCHIP shift                                                         |                   |                 |       |        |            | -1,900,000                     | +1,900,000                  |                           |
| TANF Savings                                                       |                   |                 |       |        |            | +240,000                       | +240,000                    |                           |
| NIH General Provision                                              |                   |                 |       |        |            | +1,700,000                     |                             |                           |
| SSA State Reimbursement                                            |                   |                 |       |        |            | +295,000                       | +295,000                    |                           |
| ATP Program Admin                                                   |                   |                 |       |        |            | -25,000                        | -25,000                     | -25,000                    |
| Across the board OMB\CBDO adjustment                               | -890              |                 |       |        |            | +890                          |                             |                           |
| Across the board Senate adjustment                                  |                   |                 |       |        |            | -211,637                       | +211,637                    |                           |
| Welfare to work and child support                                  | -50,000           |                 |       |        |            | -50,000                        | +50,000                     | +50,000                    |
| Total, discretionary, current year                                 | 85,508,137        | 106,128,307     | 99,547,435 | 100,529,999 | 108,906,054 | +23,397,771                      | +9,358,619                  | +9,376,055                 |
| Grand total, current year                                           | 316,365,923       | 348,388,826     | 341,802,954 | 341,690,518 | 351,186,573 | +34,840,650                      | +9,363,619                  | +9,496,055                 |
LEGISLATIVE BRANCH APPROPRIATIONS

The conference agreement would enact the provisions of H.R. 5657 as introduced on December 14, 2000. The text of that bill follows:

A BILL Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Nancy Nally Coverdell, widow of Paul D. Coverdell, late a Senator from Georgia, $141,300.

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairman of the Majority and Minority Conference Committees, $3,000 for each Chairman; and Chairman of the Majority and Minority Policy Committees, $3,000 for each Chairman; in all, $62,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $92,321,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

VICE PRESIDENT OF THE UNITED STATES

For the Office of the Vice President, $1,785,000.

PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $453,000.

MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $2,742,000.

MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $1,722,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $6,917,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,171,000 for each such committee; in all, $2,342,000.

OFFICES OF THE SECRETARIES

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $590,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,311,000 for each such committee; in all, $2,622,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $288,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $14,738,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $34,811,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,292,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $22,337,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $4,046,000.

OFFICE OF LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,069,000.


For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $2,077,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

For expenses of inquiries and investigations ordered by the Senate, $125,000; for construction and related expenses, $500.

SIERRA CLUB

For Sierra Club expenses not otherwise provided for, $500.

OFFICE OF THE VICE PRESIDENT

For the Office of the Senate Health and Fitness Facility.

SEC. 4. (a) There is established in the Treasury of the United States a revolving fund to be known as the Senate Health and Fitness Facility Revolving Fund (“the revolving fund”).

(b) The Architect of the Capitol shall deposit in the revolving fund—

(1) any amounts received as dues or other assessments for use of the Senate Health and Fitness Facility, and

(2) any amounts received from the operation of the Senate waste recycling program.

(c) Subject to the approval of the Committee on Appropriations of the Senate, amounts in the revolving fund shall be available to the Architect of the Capitol, without fiscal year limitation, for payment of costs of the Senate Health and Fitness Facility.

(d) The Architect of the Capitol shall withdraw from the revolving fund and deposit in the Treasury of the United States as miscellaneous receipts all moneys in the revolving fund that the Architect determines are in excess of current and reasonably foreseeable needs of the Architect.

SEC. 5. For each fiscal year (commencing with the fiscal year ending September 30, 2001), there is authorized an expense allowance for the Chairman of the Majority and Minority Policy Committees which shall not exceed $3,000 each fiscal year for each such Chairman, and amounts from such allowance shall be paid to either of such Chairmen only as reimbursement for actual expenses incurred by him and upon certification of such Chairmen. Such expense allowance and any such reimbursement shall be included in the aforesaid expense account for each Chairman.
For salaries and expenses of the House of Representatives, $769,551,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $14,378,000, including: Office of the Speaker, $1,759,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $726,000; Office of the Majority Whip, $1,030,000; Office of the Minority Floor Leader, $2,996,000, including $10,000 for official expenses of the Minority Leader; Office of the Minority Whip, including the Chief Deputy Majority Whip, $1,466,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,466,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $700,000; Republican Steering Committee, $765,000; Republican Conference, $1,255,000; Democratic Steering and Policy Committee, $1,352,000; Democratic Caucus, $668,000; nine minority employees, $1,229,000; training and program development—majority, $278,000; and training and program development—minority, $278,000.

MEMBERS’ REPRESENTATIONAL ALLOWANCES (INCLUDING MEMBERS’ CLERK HIRE, OFFICIAL EXPENSES OF OFFICIAL MAIL)

For Members’ representational allowances, including Members’ clerk hire, official expenses, and official mail, $410,182,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, JOINT ITEMS AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $92,196,000: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2002.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $20,628,000, including studies and examinations of executive agencies and temporary expenditures of such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2002.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees of the Board of Directors, $1,403,000, including: for salaries and expenses of the Office of the Clerk, including not more than $3,500, of which not more than $2,500 is for the Family Allowance; for exception expenses, $14,590,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and for exception expenses, $1,229,000; and for official representation and reception expenses, $3,692,000; for salaries and expenses of the Office of the Chief Administrative Officer, $38,550,000, of which $1,054,000 shall remain available until expended, including $26,605,000 for salaries, expenses and temporary personal services of House Information Resources, of which $26,020,000 is for acquisition and $144,000 for research and development, and $970,000 to reduce the Federal debt. Notwithstanding any other provision of law, any amounts appropriated under this Act for "HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS’ REPRESENTATIONAL ALLOWANCES" shall be available only for fiscal year 2001. Any amount remaining after all payments have been made under such allowances shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reduction of the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

REGULATIONS—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

DEFINITION—As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.
established by the Committee on House Administration of the House of Representatives.

(c) The funds used for the payment made under subsection (a) shall be derived from the applicable accounts of the House of Representatives.

JOINT ITEMS
For Joint Committees, as follows:

JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES OF 2001
For expenses, salaries, and other expenses associated with conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 2001, in accordance with paragraph (a), as may be adopted by the joint committee authorized by Senate Concurrent Resolution 89, agreed to March 14, 2000 (One Hundred Sixth Congress), and Senate Concurrent Resolution 90, agreed to March 14, 2000 (One Hundred Sixth Congress), $1,000,000 to be disbursed by the Secretary of the Senate and to remain available until September 30, 2001. Funds made available under this heading shall be available for payment, on a direct or reimbursable basis, whether incurred on, before, or after, October 1, 2000, for: Provided, That the committee has employed or designated an employee of the Committee on Rules and Administration of the Senate who has been designated to perform service for the joint committees of Congress in accordance with the Rules of the Senate, as may be adopted by the Committee on Rules and Administration, but the amount from which such staff member is paid may be reimbursed for the services of the staff member, office, and agency contributions when appropriate) out of funds made available under this heading.

ADMINISTRATIVE PROVISIONS
SEC. 105. During fiscal year 2001 the Secretary of Defense shall provide protective services on a non-reimbursable basis to the United States Capitol Police with respect to the following events:

1) Upon request of the Chair of the Joint Congressional Committee on Inaugural Ceremonies established under Senate Concurrent Resolution 89, $1,000,000 is to be paid to the Chairman of the Joint Committee on Inaugural Ceremonies established under Senate Concurrent Resolution 89, One Hundred Sixth Congress, agreed to March 14, 2000, the proceedings and ceremonies conducted for the inauguration of the President-elect and Vice President-elect of the United States.

2) Upon request of the Speaker of the House of Representatives and the President Pro Tempore of the Senate, the joint session convened to adjourn the fiscal year 2001 to convene the President of the United States on the State of the Union.

JOINT ECONOMIC COMMITTEE
For salaries and expenses of the Joint Economic Committee, $3,315,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION
For salaries and expenses of the Joint Committee on Taxation, $6,430,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:
OFFICE OF THE ATTENDING PHYSICIAN
For medical supplies, equipment, and contingencies purposes, and for the Attending Physician and his assistants, including one item in the amount of $1,500,000 to be paid to the Attending Physician; (2) an allowance of $500 per month each to three medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $300 or $400 per month each to one assistant and $400 per month each not to exceed 11 assistants on the basis hereof provided for such assistants; and (4) $1,159,904 for reimbursement of the Department of the Treasury for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or account from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,835,000, to be disbursed by the Chief Administrative Officer of the House.

CAPITOL POLICE BOARD
CAPITOL POLICE
For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 for uniforms; $73,912,000, of which $47,053,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House; $1,089,000, to be provided to the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES
For the Capitol Police Board for necessary expenses incurred for operating motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, and other services, personal and professional services, employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, and liability insurance paid by the Attending Physician and his assistants, in consultation with the Capitol Police Board, and not otherwise proper if the Comptroller General finds—

(a) that the certification was based on official records and that the certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained, the actual facts; or

(b) that the obligation was incurred in good faith, that the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and the United States has received value under the same manner and to the same extent as currently provided with respect to the enforcement of the liability of disbursing and other accounting officials, and such officers shall have the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment on any vouchers presented to them for certification.

SEC. 108. CHIEF ADMINISTRATIVE OFFICER.—
(a) There shall be within the Capitol Police an Office of Administration to be headed by a Chief Administrative Officer:

(1) The Chief Administrative Officer shall be appointed by the Comptroller General after consultation with the Capitol Police Board, and shall report to and serve at the pleasure of the Comptroller General.

(2) The Comptroller General shall appoint as Chief Administrative Officer an individual with the knowledge and skills necessary to carry out the responsibilities for budgeting, financial management, information technology, and human resource management described in this section.

(3) The Chief Administrative Officer shall receive basic pay at a rate determined by the Comptroller General, but not to exceed the annual rate of basic pay payable for ES-2 of the Senior Executive Service Basic Rates Schedule established for members of the Senior Executive Service of the General Accounting Office under section 733 of title 31.

(4) The Capitol Police shall reimburse from available appropriations any costs incurred by the General Accounting Office under this section.

(b) The Chief Administrative Officer shall have the following areas of responsibility:

(1) BUDGETING.—The Chief Administrative Officer shall—

(a) consult with the Chief of Police on the portion of the budget covering uniformed police force personnel, prepare and submit to the Capitol Police Board an annual budget for the Capitol Police; and

(b) exercise reasonable control in budgeting and monitor through periodic examinations the execution of the Capitol Police budget in relation to actual obligations and expenditures.

(2) FINANCIAL MANAGEMENT.—The Chief Administrative Officer shall—

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(A) oversee all financial management activities relating to the programs and operations of the Capitol Police; (B) develop and maintain an integrated accounting and financial management system for the Capitol Police, including financial reporting and internal controls, which—
(i) complies with applicable accounting principles, standards, and requirements, and internal control standards;
(ii) complies with any other requirements applicable to such systems;
(iii) provides for—
(I) complete, reliable, consistent, and timely information which is prepared on a uniform basis and is responsive to financial information needs of the Capitol Police;
(ii) the development and reporting of cost information;
(iii) the integration of accounting and budgeting information; and
(iv) the systematic measurement of performance;
(C) direct, manage, and provide policy guidance and oversight of Capitol Police financial management personnel, activities, and operations, including—
(i) the recruitment, selection, and training of personnel to carry out Capitol Police financial management functions; and
(ii) the implementation of a Capitol Police asset management system, including systems for cash management, debt collection, and property and inventory management and control; and
(D) the Chief Administrative Officer shall prepare annual financial statements for the Capitol Police and provide for an annual audit of the financial statements by an independent public accountant in accordance with generally accepted government auditing standards.

(3) INFORMATION TECHNOLOGY.—The Chief Administrative Officer shall—
(A) ensure, when and over the acquisition, use, and management of information technology by the Capitol Police;
(B) promote and oversee the use of information technology to improve the efficiency and effectiveness of programs of the Capitol Police; and
(C) establish and enforce information technology principles, guidelines, and objectives, including developing and maintaining an information technology architecture for the Capitol Police.

(4) HUMAN RESOURCES.—The Chief Administrative Officer shall—
(A) direct, coordinate, and oversee human resource management activities of the Capitol Police, except that with respect to uniformed police force personnel, the Chief Administrative Officer shall perform these activities in cooperation with the Chief of the Capitol Police;
(B) develop and monitor payroll and time and attendance systems and employee services; and
(C) develop and monitor processes for recruiting, selecting, appraising, and promoting employees.

(5) Administrative provisions with respect to the Office of Administration.

(1) The Chief Administrative Officer is authorized to select, appoint, employ, and discharge such officers and employees as may be necessary to carry out the functions, powers, and duties of the Office of Administration but he shall not have the authority to hire or discharge uniformed police force personnel.

(2) The Chief Administrative Officer may utilize resources of another agency on a reimbursable basis to be paid from available appropriations of the Capitol Police.

(3) The Chief Administrative Officer shall prepare, after consultation with the Capitol Police Board and the Chief of the Capitol Police, a plan—
(i) describing the policies, procedures, and actions of the Chief Administrative Officer that will take in carrying out the responsibilities assigned under this section;

(2) identifying and defining responsibilities and roles of all offices, bureaus, and divisions of the Capitol Police for budgeting, financial management, information technology, and human resources activities; and
(3) detailing mechanisms for ensuring that the offices, bureaus, and divisions perform their responsibilities and roles in a coordinated and integrated manner.

(e) No later than September 30, 2001, the Chief Administrative Officer shall prepare, after consultation with the Capitol Police Board and the Chief of the Capitol Police, a report on the Chief Administrative Officer’s progress in implementing the plan described in subsection (d) and recommendations to improve the budgeting, financial, management, and human resources management of the Capitol Police, including organizational, accounting and administrative control, and personal services changes.

(f) The Chief Administrative Officer shall submit the plan required in subsection (d) and the report required in subsection (e) to the Committees on Appropriations of the House of Representatives and of the Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

(g) As of October 1, 2002, unless otherwise determined by the Comptroller General, the Chief Administrative Officer established by section (a) of this Act and the General Accounting Office will become an employee of the Capitol Police and the Capitol Police Board shall assume all responsibilities of the Comptroller General.

Sec. 109. (a) Section 1(c) of Public Law 96-152 (40 U.S.C. 206±1) is amended by striking “the annual rate” and all that follows and inserting the following: “the rate of basic pay payable for level ES-4 of the Senior Executive Service, as established under chapter VII of title 5, United States Code (taking into account any comparable adjustments made under section 5304(h) of such title).”

(b) The amendment made by subsection (a) shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $2,371,000, to be disbursed by the Secretary of the Senate: Provided, That the amount made available under this heading shall not be subject to the provisions of section 203 of the Act of 1974 (Public Law 93-344), including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $28,493,000, of which not less than $12,800,000 may be used for the purchase or hire of a passenger motor vehicle.

ADMINISTRATIVE PROVISION

SEC. 110. Beginning on the date of enactment of this Act and hereafter, the Congressional Budget Office may use available funds to enter into contracts for the procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year and may enter into multi-year contracts for the acquisition of property and services, to the same extent as executive agencies under the authority of section 3044 and 3048, respectively, of the Federal Property and Administrative Services Act (41 U.S.C. 253 and 254).

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS SALARIES AND EXPENSES

For salaries for the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the maintenance, care and operation of the Capitol and the electrical and mechanical systems of the Senate and House Office Buildings, and for expenses of the Architect of the Capitol, including furnishings and office equipment, including not more than $1,000 for official reception and representation expenses; to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance and operation of a passenger motor vehicle; and not to exceed $20,000 for attendance at meetings and conventions in connection with subjects related to work under the Architect of the Capitol, $43,689,000, of which $3,843,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, such amount shall be available for the position of Project Manager for the Capitol Visitor Center, at a rate of compensation which does not exceed the rate of basic pay payable for level ES-2 of the Senior Executive Service, as established under subsection (b) of section 5304(h) of title 5, United States Code (taking into account any comparability payments made under section 5304(h) of such title); Provided further, That effective on the date of enactment of the Act, any amount made available under this heading hereunder under the Legislative Branch Appropriations Act, 2000, shall be available for such position at such rate of compensation.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and for furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $63,974,000, of which $21,669,000 shall remain available until expended.

CONGRESSIONAL BUDGET OFFICE

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant, $5,362,000, of which $125,000 shall remain available until expended.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $63,974,000, of which $21,669,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $32,750,000, of which $123,000 shall remain available until expended.

CAPITOL PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the
purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, for necessary expenses incurred in the operations not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library.

Provided further, That any unobligated or unexpended funds available for the maintenance of an "International Legal Information Database" project authorized for obligation or expenditure in appropriations Acts: Provided, That the total amount appropriated, $5,783,000, shall be derived from collections credited to this appropriation during fiscal year 2001, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $500,000 shall be derived from collections credited to this appropriation during fiscal year 2001, and shall remain available until expended, for maintenance of an international legal information database known as "Joining Hands Across America: Local Community Initiative" project as approved by the Library, for salaries and expenses to carry out the Russian Leadership Program enacted on May 21, 1999 (113 Stat. 93 et seq.): Provided further, That of the total amount appropriated, $5,957,800 is to remain available until expended for the purpose of developing and maintaining an "Integrated Library System (ILS): Provided further, That the total amount appropriated, $21,091,000, is to remain available until expended for the development and maintenance of an international legal information database..."
Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the International Copyright Institute and for copyright regulations to carry out this section.

BILLS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1921 (chapter 400, 46 Stat. 1487; 2 U.S.C. 473, as amended), not more than $593,000 is appropriated for the Office of the Librarian of Congress to administer this Act of March 3, 1921, and the Regulations thereto.

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount not more than $199,630, of which $59,300 is for the Congressional Research Service, when specifically authorized by the Librarian of Congress, for attendance at meetings concerned with the functions or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used to pay for the purchase, installation, maintenance, and repair of equipment, furniture, or library supplies, on the certification of the Librarian of Congress in this Act, not more than $4,892,000.

ADMINISTRATIVE PROVISIONS

SEC. 203. Appropriations in this Act available to the Library of Congress shall be available, in an amount not more than $593,000, of which $14,154,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

SEC. 204. Appropriations in this Act available to the Architect of the Capitol shall be available, in an amount not more than $58,000,000, of which not more than $20,000,000 shall remain available until expended.

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds.
$15,970,000, of which $5,000,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE
OFFICE OF SUPERINTENDENT OF DOCUMENTS
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents for printing, publishing, copying, indexing, and distributing publications and information, and for the acquisition of real and personal property and the publicizing and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated libraries as authorized by law, $27,954,000: Provided, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall be available until expended: Provided further, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Commercial in a format regulated by regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $384,867,000: Provided, That not more than $1,900,000 of payments received under title 5, United States Code, as may be necessary in carrying out the provisions of section 9104 of title 31, United States Code, for the various items of official expenses of any department or agency which is a member of the American Council on the Library, $27,954,000: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 5315 of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States, when applicable, to those payable under sections 901(6), 901(6), and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(b), and 4081(b)); and at rates for persons who are entitled to the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code, rental of living quarters in foreign countries, $384,867,000: Provided, That not more than $1,900,000 of payments received under title 5, United States Code, as may be necessary in carrying out the provisions of section 9104 of title 31, United States Code, for the various items of official expenses of any department or agency which is a member of the American Council on the Library, $27,954,000: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 5315 of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That the revolving fund and the funds provided under the heading "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 3,285 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committee on Appropriations of the Senate and the House of Representatives): Provided further, That activities financed through the revolving fund may provide information in any format: Provided further, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15: Provided further, That the amount available for attendance at meetings shall not exceed $75,000.

GENERAL ACCOUNTING OFFICE
SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $10,000 to be used for the purpose of 31 U.S.C. 3301, and to make contracts and commitments for supplies or services to be furnished in fiscal year 1999 and 2000 to depository and other designated libraries: Provided, That any unobligated or unexpended balances in this account or accounts for similar purposes may be carried forward and used in connection with travel expenses of the advisory council to the Public Printer, shall be deemed available until expended.

TITLE III—GENERAL PROVISIONS

Sec. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of personal vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Architect of the Capitol, for the Senate issued by the Committee on Rules and Administration, and for the Senate issued by the Committee on Rules and Administration.

Sec. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2001 unless expressly so provided in this Act.

Sec. 303. Whatever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members, and the provision for the House of Representatives shall be the permanent law with respect thereto.

Sec. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 305. (a) In the event that the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members, and the provision for the House of Representatives shall be the permanent law with respect thereto.

(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 such agency.

(c) If it has been finally determined by a court or Federal agency that any person intentionally used a label bearing a "made in" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

Sec. 306. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104±1 to pay awards and settlements as authorized under such subsection.

Sec. 307. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LB FMC) established by Section 306 of Public Law 104±1 to pay awards and settlements as authorized under such subsection.

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the design, construction, transportation, and placement of the new statute, the removal and transportation of the statute being replaced, and any unveiling ceremony.

(c) Support Provided shall be interpreted to permit a State to have more than 2 statutes on display in the Capitol of the United States.

(d) [Reserved]

(e) The Architect of the Capitol, upon the approval of the Joint Committee on the Library and with the advice of the Commission of Fine Arts as requested, is authorized and directed to relocate within the United States Capitol any of the statues received hereafter from the States under section 1814 of the Revised Statutes (40 U.S.C. 187) prior to the date of the enactment of this Act, and to provide for the reception, location, and relocation of the statues received hereafter from the States under such section.

SEC. 312. (a) Section 201 of the Legislative Branch Appropriations Act, 1993 (40 U.S.C. 216c) is amended by striking "$10,000,000" each place it appears and inserting "$14,500,000".

(b) Section 201 of such Act is amended—

(1) by inserting "(a)" before "Pursuant", and

(2) by adding at the end the following:

"(b) The Architect of the Capitol is authorized to solicits, receive, accept, and hold amounts under section 307(e)(2) of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c(a)(2)) in excess of the $14,500,000 authorized under such paragraph (a), but such amounts (and any interest thereon) shall not be expended by the Architect without approval in appropriation Acts, except under section 307(e)(3) of such Act (40 U.S.C. 216c(b)(3)).

SEC. 313. CENTER FOR RUSSIAN LEadership DEVELOPMENT. (a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the legislative branch of the Government a center to be known as the "Center for Russian Leadership Development" (the "Center").

(2) BOARD OF TRUSTEES.—The Center shall be subject to the supervision and direction of a Board of Trustees which shall be composed of 9 members as follows—

(A) 2 members appointed by the Speaker of the House of Representatives, 1 of whom shall be designated by the Majority Leader of the House and 1 of whom shall be designated by the Minority Leader of the House of Representatives.

(B) 2 members appointed by the President pro tempore of the Senate, 1 of whom shall be designated by the Majority Leader of the Senate and 1 of whom shall be designated by the Minority Leader of the Senate.

(C) The Librarian of Congress.

(D) 3 members in the interest of improving United States and Russian relations, designated by the Librarian of Congress.

Each member appointed under this paragraph shall serve for a term of 3 years. Any vacancy shall be filled in the same manner as the original appointment and the individual so appointed shall serve for the remainder of the term. Members of the Board shall serve without pay. The Board is authorized to reimburse for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

(b) PURPOSE AND AUTHORITY OF THE CENTER.—

(1) PURPOSE.—The purpose of the Center is to establish, in accordance with the provisions of paragraph (2), a program to enable emerging political leaders of Russia at all levels of government to gain significant, firsthand exposure to the American free market economic system and the operation of American democratic institutions through visits to governments and communities at comparable levels in the United States.

(2) GRANT SUPPORT.—For the purposes of paragraphs (3) and (4), the Center shall establish a program under which the Center annually awards grants to government or community organizations in the United States that seek to establish programs under which those organizations will host Russian nationals who are emerging political leaders at any level of government.

(3) RESTRICTIONS.—

(A) DURATION.—The period of stay in the United States supported by such grant funds under the program shall not exceed 30 days.

(B) LIMITATION.—The number of individuals supported with grant funds under the program shall not exceed 3,000 in any fiscal year.

(C) USE OF FUNDS.—Grant funds under the program shall be used to pay—

(i) the costs and expenses incurred by each program participant in traveling between Russia and the United States and in traveling within the United States;

(ii) the costs of providing lodging in the United States to each program participant, whether in public accommodations or in private homes; and

(iii) such additional administrative expenses incurred by organizations in carrying out the program as the Center may prescribe.

(4) APPLICATION.—

(A) IN GENERAL.—Each organization in the United States desiring a grant under this section shall submit an application to the Center at such time, in such manner, and accompanied by such information as the Center may reasonably require.

(B) CONTENTS.—Each application submitted pursuant to subparagraph (A) shall—

(i) describe the activities for which assistance under this section is sought;

(ii) include the number of program participants to be supported; and

(iii) describe the qualifications of the individuals who will be participating in the program; and

(iv) provide such additional assurances as the Center determines to be essential to ensure compliance with the requirements of this section.

(c) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury a trust fund to be known as the "Russian Leadership Development Center Trust Fund" (the "Fund") which shall consist of amounts which may be appropriated, credited, or transferred to it under this section.

(2) DONATIONS.—Any money or other property donated, bequeathed, or devised to the Center under the authority of this section shall be credited to the Fund.

(d) FUND MANAGEMENT.—

(A) IN GENERAL.—The provisions of subsections (b), (c), and (d) of section 116 of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 1105 (b), (c), and (d)), and the provisions of section 117(b) of such Act (2 U.S.C. 1106(b)), shall apply to the Fund.

(B) EXPENDITURES.—The Secretary of the Treasury is authorized to pay to the Center from amounts in the Fund such sums as the Board of Trustees of the Center determines are necessary and appropriate to enable the Center to carry out the provisions of this section.

(C) EFFECTIVE DATES.—Except as provided in subparagraph (B), the provisions of this section shall apply to amounts which are available after the date of enactment of this Act.

(e) ADMINISTRATIVE PROVISIONS.—

(1) IN GENERAL.—The provisions of section 119 of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 1108) shall apply to the Center.

(f) T RANSFER OF FUNDS.—Any amounts appropriated for use in the program established under section 3011 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31; 113 Stat. 93) shall be transferred to the Fund and shall remain available without fiscal year limitation.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—This section shall take effect on the date of enactment of this Act.

(2) TRANSFER.—Subsection (f) shall only apply to amounts which remain unexpended on and after the date the Board of Trustees of the Center certifies to the Librarian of Congress that the grants are ready to be made under the program established under this section.

SEC. 314. REVIEW OF PROPOSED CHANGES TO EXPORT THRESHOLDS FOR COMPUTERS. Not more than 30 days after the date of the submission of the report referred to in subsection (d) of section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note), the Controller General of the United States shall submit an assessment to Congress which contains an analysis of the new computer performance levels being proposed by the President for consideration.

TITLE IV—EMERGENCY FISCAL YEAR 2000 SUPPLEMENTAL APPROPRIATIONS

The following sums are appropriated out of any money in the Treasury not otherwise appropriated, to provide additional emergency supplemental appropriations for security enhancements, under the terms and conditions of chapter 5 of title II of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 106-277), $2,102,000, to remain available until expended, of which—

(1) $228,000 shall be for the acquisition and installation of card readers for additional access points which are not currently funded under the implementation of the security enhancement plan; and

(2) $1,874,000 shall be for security enhancements to the buildings and grounds of the Library of Congress:

Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to the provisions of section 252(b)(6) 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.
For an additional amount for necessary expenses for urgent repairs to the underground garage in the Cannon House Office Building, $9,000,000 shall be available until September 30, 2001: 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 it is made available by the Senate, of which $47,053,000 is provided to the Senate, of which $47,053,000 is provided to the Senate, of which $47,053,000 is provided to the Senate, of which $47,053,000 is provided to the Senate, of which $47,053,000 is provided to the Senate, of which $47,053,000 is provided to the Senate, of which $47,053,000 is provided to the Senate, and $50,089,000 is provided to the Secretary of Housing and Urban Development for the Modernization of the Capitol Police: Provided further, That the funds provided shall be made available upon the submission of a certification by the Secretary of Housing and Urban Development that this level of funding is sufficient for the purposes for which the funds are provided.

As the conferees have agreed this will fund 1,481 FTE's, the level proposed by the Senate. The Chief of Police is directed to secure the approval of the House and Senate Appropriations Committees for the additional positions above the level of 1,402 FTE's. The conferees intend that sufficient resources be allocated to implement the “two officers per door” policy as this item relates solely to the Senate. The conferees believe the Executive Director should ensure that calls to the Office of Compliance are answered during normal business hours. As an agency providing service to employees and members of Congress, the Executive Director should ensure that calls to the Office of Compliance are answered during normal business hours. As an agency providing service to employees and members of Congress, the Executive Director should ensure that calls to the Office of Compliance are answered during normal business hours. As an agency providing service to employees and members of Congress, the Executive Director should ensure that calls to the Office of Compliance are answered during normal business hours. As an agency providing service to employees and members of Congress, the Executive Director should ensure that calls to the Office of Compliance are answered during normal business hours.

The conferees have also included a provision adjusting the salary of the chief of the Capitol Police.

The conferees have included two administrative provisions proposed by the House relating to certifying officers and a chief administrative officer. The conferees have agreed to drop without prejudice the designation in 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, transmitted by the President to the Congress.

It may be cited as the “Legislative Branch Appropriations Act, 2001”.

LEGISLATIVE BRANCH APPROPRIATIONS

Following is explanatory language on H.R. 5657, as introduced on December 14, 2000.

The conferees have agreed this will fund 1,481 FTE’s, the level proposed by the Senate. The Chief of Police is directed to secure the approval of the House and Senate Appropriations Committees for the additional positions above the level of 1,402 FTE’s. The conferees intend that sufficient resources be allocated to implement the “two officers per door” policy as this item relates solely to the Senate, the conferees believe the Executive Director should ensure that calls to the Office of Compliance are answered during normal business hours. As an agency providing service to employees and members of Congress, the Executive Director should ensure that calls to the Office of Compliance are answered during normal business hours. As an agency providing service to employees and members of Congress, the Executive Director should ensure that calls to the Office of Compliance are answered during normal business hours. As an agency providing service to employees and members of Congress, the Executive Director should ensure that calls to the Office of Compliance are answered during normal business hours. As an agency providing service to employees and members of Congress, the Executive Director should ensure that calls to the Office of Compliance are answered during normal business hours.

The conferees have included the administrative provisions proposed by the House instead of $2,500 as proposed by the House and $2,066,000 as proposed by the Senate instead of $2,066,000 as proposed by the Senate. The conferees have also included a provision adjusting the salary of the chief of the Capitol Police.

The conferees have included two administrative provisions proposed by the House relating to certifying officers and a chief administrative officer. The conferees have agreed to drop without prejudice the designation in 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, transmitted by the President to the Congress.

It may be cited as the “Legislative Branch Appropriations Act, 2001”.

LEGISLATIVE BRANCH APPROPRIATIONS

Following is explanatory language on H.R. 5657, as introduced on December 14, 2000.

The conferees have agreed this will fund 1,481 FTE’s, the level proposed by the Senate. The Chief of Police is directed to secure the approval of the House and Senate Appropriations Committees for the additional positions above the level of 1,402 FTE’s. The conferees intend that sufficient resources be allocated to implement the “two officers per door” policy as this item relates solely to the Senate, the conferees believe the Executive Director should ensure that calls to the Office of Compliance are answered during normal business hours. As an agency providing service to employees and members of Congress, the Executive Director should ensure that calls to the Office of Compliance are answered during normal business hours. As an agency providing service to employees and members of Congress, the Executive Director should ensure that calls to the Office of Compliance are answered during normal business hours. As an agency providing service to employees and members of Congress, the Executive Director should ensure that calls to the Office of Compliance are answered during normal business hours.

The conferees have included the administrative provisions proposed by the House instead of $2,500 as proposed by the House and $2,066,000 as proposed by the Senate instead of $2,066,000 as proposed by the Senate. The conferees have also included a provision adjusting the salary of the chief of the Capitol Police.

The conferees have included two administrative provisions proposed by the House relating to certifying officers and a chief administrative officer. The conferees have agreed to drop without prejudice the designation in 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, transmitted by the President to the Congress.

It may be cited as the “Legislative Branch Appropriations Act, 2001”.

LEGISLATIVE BRANCH APPROPRIATIONS

Following is explanatory language on H.R. 5657, as introduced on December 14, 2000.

The conferees have agreed this will fund 1,481 FTE’s, the level proposed by the Senate. The Chief of Police is directed to secure the approval of the House and Senate Appropriations Committees for the additional positions above the level of 1,402 FTE’s. The conferees intend that sufficient resources be allocated to implement the “two officers per door” policy as this item relates solely to the Senate, the conferees believe the Executive Director should ensure that calls to the Office of Compliance are answered during normal business hours. As an agency providing service to employees and members of Congress, the Executive Director should ensure that calls to the Office of Compliance are answered during normal business hours. As an agency providing service to employees and members of Congress, the Executive Director should ensure that calls to the Office of Compliance are answered during normal business hours. As an agency providing service to employees and members of Congress, the Executive Director should ensure that calls to the Office of Compliance are answered during normal business hours.

The conferees have included the administrative provisions proposed by the House instead of $2,500 as proposed by the House and $2,066,000 as proposed by the Senate instead of $2,066,000 as proposed by the Senate. The conferees have also included a provision adjusting the salary of the chief of the Capitol Police.

The conferees have included two administrative provisions proposed by the House relating to certifying officers and a chief administrative officer. The conferees have agreed to drop without prejudice the designation in 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, transmitted by the President to the Congress.
Appropriates $43,689,000 for salaries and expenses, Capitol buildings, Architect of the Capitol, instead of $44,259,000 as proposed by the House, and $44,259,000 as proposed by the Senate. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

<table>
<thead>
<tr>
<th>Project</th>
<th>House</th>
<th>Senate</th>
<th>Conferees Agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Budget:</td>
<td>$39,346,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Update electrical system drawings on CAD</td>
<td>70,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. CAD Mechanical database</td>
<td>70,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Conservation of wall paintings</td>
<td>200,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Study, confined spaces, Capitol Complex</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Renovation of Minton tile</td>
<td>100,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Provide infrastructure for security instalations</td>
<td>400,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Computer, telecommunications and electrical support</td>
<td>300,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Security project support for AOC</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Roof fall protection</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Life safety support services</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Safety and environmental program and SOP development</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Wayfinding and ADA compliant signage</td>
<td>50,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. Computer aided facility management</td>
<td>263,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The conferees have agreed to the following:

- Appropriates $5,362,000 to the Architect of the Capitol for care and improvement of grounds surrounding the Capitol, House, and Senate office buildings, and the Capitol power plant instead of $5,217,000 as proposed by the House and $5,12,000 as proposed by the Senate. Of this amount, $125,000 shall remain available until expended instead of $25,000 as proposed by the House and $225,000 as proposed by the Senate. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

<table>
<thead>
<tr>
<th>Project</th>
<th>House</th>
<th>Senate</th>
<th>Conferees Agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Budget:</td>
<td>$5,127,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. CAD database development—site utilities</td>
<td>110,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Wayfinding and ADA compliant signage</td>
<td>100,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Appropriates $63,974,000 to the Architect of the Capitol as proposed by the Senate, of which $21,669,000 shall remain available until expended, for the operations of the Senate office buildings. Inasmuch as this item relates solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate.

SALARIES AND EXPENSES

Appropriates $29,750,000 to the Architect of the Capitol as proposed by the House, of which $29,750,000 shall remain available until expended, for the operations of the House office buildings. Inasmuch as this item relates solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the House.

COST OF GOODS SOLD

Appropriates $111,000 as proposed by the House and $122,000 as proposed by the Senate for Printing and Binding. The conferees have agreed to the following:

<table>
<thead>
<tr>
<th>Project</th>
<th>House</th>
<th>Senate</th>
<th>Conferees Agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Budget:</td>
<td>$111,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Update CAD drawings</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Roof fall protection</td>
<td>0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Appropriates $73,592,000 for salaries and expenses, Congressional Research Service, Library of Congress instead of $73,000,000 as proposed by the House and $73,374,000 as proposed by the Senate. In keeping with both the complete research and maximum practicable administrative independence of the Congressional Research Service, it is the conferees' intent that the Director of the Congressional Research Service shall be obliged, pursuant to the provisions of the Appropriations House and Senate Committees issues which directly impact the Congressional Research Service and its ability to serve the needs of Congress. The available funds for CRS that may not be adequately addressed in the annual budget submission should be raised with the Appropriations Committees.

COST OF GOODS SOLD

Appropriates $71,462,000 for Congressional printing and binding instead of $69,626,000 as proposed by the House and $73,297,000 as proposed by the Senate. The conference agrees that the Senate includes a heading on the manner of transfer of balances for preceding fiscal years to the Government Printing Office revolving fund as proposed by the House and language proposed by the Senate to provide for printing and binding for the Architect of the Capitol and for preparing the semi-monthly and session indexes for the Congressional Record.

The conference agreement amends an administrative provision proposed by the House regarding a study of Congressional Record Index and indexers to close activities, as directed in the House report, the conferees agree that this activity should continue and that improvements in work processes should be pursued by taking advantage of the latest technology. These activities and initiatives should be more closely integrated and coordinated with related GPO functions and should be pursued under the direction of the Public Printer or appropriate officials designated by the Public Printer.

CONGRESSIONAL RESEARCH SERVICE

The conference agreement amends an administrative provision proposed by the House regarding a study of Congressional Research Service and indexers to close activities, as directed in the House report, the conferees agree that this activity should continue and that improvements in work processes should be pursued by taking advantage of the latest technology.

The conferees agree at the request of the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate.

Conferences have agreed to the following:

<table>
<thead>
<tr>
<th>Project</th>
<th>House</th>
<th>Senate</th>
<th>Conferees Agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Budget:</td>
<td>$3,303,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Replace equipment at growing facilities</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Wayfinding signage</td>
<td>25,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Appropriates $3,328,000 for salaries and expenses, Botanic Garden instead of $3,216,000 as proposed by the House and $3,653,000 as proposed by the Senate of which $25,000 shall remain available until expended instead of $50,000 as proposed by the House and language proposed by the Senate. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

<table>
<thead>
<tr>
<th>Project</th>
<th>House</th>
<th>Senate</th>
<th>Conferees Agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Budget:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Personnel compensations</td>
<td>4,467,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Other expenses</td>
<td>34,110</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

COST OF GOODS SOLD

Appropriates $282,836,000 for salaries and expenses, Library of Congress instead of $269,864,000 as proposed by the House and $267,330,000 as proposed by the Senate. Of this...
amount, $6,850,000 is made available from receipts collected by the Library of Congress, and $10,459,575 is to remain available until expended for acquisition of library materials as provided by the House, which is $10,398,600 as proposed by the Senate. With respect to differences between the House and Senate bills, the conferees have agreed to the following:

1. Mandatories .................................................. $8,459,000
2. Price level ..................................................... $1,920,000
3. Russian Leadership Program .................................... 10,000,000
4. House Acknowledgment ......................................... 5,957,800
5. Arrearage reduction ............................................ 500,000
6. Mass decadalification ........................................... 1,216,000
7. Non-Film Preservation Subcommission ................................ 250,000
8. Digitization pilot with West Point ................................ 404,000
9. Digitization per-sonal costs ...................................... 7,590,000
10. Ft. Meade Storage: One-time costs ......................... $-406,000
11. Ft. Meade Storage: Open module one ....................... 618,000
12. Automation: National Digital Library servers and storage ........................................... 300,000
13. Security Office ................................................... 2,342,000
14. High-speed transmission line .................................. 4,300,000

The conference agreement includes funds for four projects that remain available until expended. One provision, for $5,957,800, is for teaching educators how to incorporate the Library’s digital collection into school curriculums. A second provision provides $400,000 for a digitization pilot project with the Military Academy at West Point. A third provision provides $10,000 to continue the Russian Leadership Program for FY2001. A fourth provision provides $4,300,000 to the Library of Congress to develop high speed data transmission between the Library of Congress and educational facilities, libraries, or networks serving the National Digital Library pilot program. The Library is directed to investigate the most cost effective methodology of providing this capability and take the necessary steps to develop the capability within the resources available. Any remaining balances appropriated for the development of the high speed data transmission is available for support of the Library’s digital futures initiative.

The conferees agree with the language in the House report directing the Library to employ students at the Ft. Meade remote storage facility and with language in the Senate report directing the Library to devote all available resources to elimination of catalog arrearage.

The conferees are aware that a task force has been established at the Library of Congress to explore the feasibility and desirability of instituting a telecommuting program for the Library. The conferees encourage the Library to consider a telecommuting program for the Library (including the Congressional Research Service), and to include a description of the program with his next budget submission.

Copyright Office

SALARIES AND EXPENSES

Appropriates $38,523,000, including $20,283,000 made available from receipts, for salaries and expenses, Copyright Office instead of $38,771,000, as proposed by the House, which is $38,783,000 from receipts, as proposed by the Senate. With respect to differences between the House and Senate bills, the conferees have agreed to the following:

Salaries .................................................. $31,318,000

Books for the Blind and Physically Handicapped

SALARIES AND EXPENSES

Appropriates $48,860,000 for salaries and expenses, books for the blind and physically handicapped, as proposed by the House and $48,711,000 as proposed by the Senate. Of this amount, $14,154,000 shall remain available until expended as proposed by the Senate instead of $14,335,000 as proposed by the House.

Furniture and Furnishings

Appropriates $4,892,000 for furniture and furnishings at the Library of Congress as proposed by the Senate instead of $5,394,000 as proposed by the House.

Administrative Provisions

Various technical corrections and section number changes have been made. In Section 201, the conferees have agreed to an overall limitation of $190,630 on funds available for attendance at meetings as proposed by the House and a limitation of $59,300 on CRS attendance at meetings as proposed by the House. The conference agreement includes Section 202 as proposed by the House. The conferees have modified the scope of accounts available for transfer authority to include transfers from the office and accounts furnishing account and not to it. The conference agreement does not include the separation incentives proposed by the House. The conferees have amended the appropriations to provide funds to pay the employer share of benefit costs for employees of the Library of Congress child care center.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

Appropriates $15,970,000 for structural and mechanical care, Library buildings and grounds, Architect of the Capitol instead of $15,837,000 as proposed by the House and $16,347,000 as proposed by the Senate. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

Operating Budget:

1. Personnel compensation and benefits .................. $7,959,000
2. Annual expenses ................................................. 1,966,000
   a. Capitol Program .............................................. 0
   b. Preservation environmental monitoring .......... 90,000
   c. Replace HVAC variable speed drive motor ..... 90,000
   d. Room and partition modifications ............... 105,000
   e. Replace partition supports ....................... 200,000
   f. Lightning protection, Madison building ....... 190,000

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

Appropriates $27,954,000 for salaries and expenses, Office of the Superintendent of Documents instead of $25,052,000 as proposed by the Senate and $30,255,000 as proposed by the House. The conferees have retained the heading “Transfer of Funds” as proposed by the House instead of the existing heading “distribution” to replace the wording, “on-line access”, within the appropriated paragraph as proposed by the Senate. The conferees have included the Senate language in the approving provision on the availability of $2,000,000 from the appropriation and the appropriation authorization of transfer of funds as proposed by the House.

The conferees recognize that the funding level provided may require adjustments in historically applicable program services and agree that no employee layoffs will be required. Emphasis should be on streamlining the distribution of traditional paper copies of publications which may include providing online access and less expensive electronic formats. The conferees agree to the transfer of unexpended funds proposed by the House, necessary to provide flexibility in meeting program requirements.

The conferees have agreed to modify the language in the House report directing the Congressional Research Service to conduct a study and direct that the General Accounting Office shall conduct a comprehensive study of the impact of government publications to the public solely in electronic format. The study shall include: (1) a current inventory of publications and documents which are provided to the public, (2) the frequency with which each type of publication or document is requested for deposit at non-regional depository libraries, and (3) an assessment of the feasibility of transfer of the depository library program to the Library of Congress that identifies how such a transfer might be accomplished. Identifies when such a transfer might optimally occur. Examines the functions, services, and programs of the Superintendents of Documents; Examines and identifies the administrative and technical support that is provided to the Superintendent by the Government Printing Office, with a view to the implications for such administration and technical support for both the Government Printing Office and the Library of Congress, of such a transfer; Identifies measures that are necessary to ensure the success of such a transfer.

The study shall be submitted to the Committee on House Administration and the Senate Committee on Rules and Administration by March 30, 2001.

Administrative Provision

The conferees have not included a provision proposed by the Senate amending 44 U.S.C. 1708.

General Accounting Office

SALARIES AND EXPENSES

Appropriates $384,867,000 for salaries and expenses, General Accounting Office as proposed by the Senate instead of $382,096,000 as proposed by the House. With respect to the appropriating paragraph, the conferees have set the limitation on representation expenses at $3,000,000 instead of $3,000,000 as proposed by the Senate and $7,000 as proposed by the Senate and made technical corrections to two other matters.

The General Accounting Office shall undertake a study of the electric power generation caused by all polluting sources, including automobiles and the electric power generation emissions of the Tennessee Valley Authority on the Great Smoky Mountains National Park, the Blue Ridge Parkway and the Pisgah, Nantahala, and Cherokee National Forests. This study will also include the amount of carbon emissions avoided by the use of non-emitting electricity sources such as nuclear power within the same region. The GAO shall report to the Committees on Appropriations no later than January 31, 2001.

Administrative Provisions

The conferees have not included several administrative provisions proposed by the Senate.

Title III—General Provisions

In Title III, General Provisions, section numbers have been changed to conform to the conference agreement as technical corrections have been made. The conferees have included a liquidated damages provision proposed by the House. The conferees have included provisions proposed by the Senate changing a date and extending the Russian Leadership Program. The conferees have not...
CONFERENCE RECORD — HOUSE
December 15, 2000

included a proposed merger of various law enforcement activities and have amended language in the Senate bill regarding the placement of statues in Statuary Hall. The conference agreement recommends that the President’s budget was submitted to the Conference Committee in the Senate. A Senate amendment provides for the use of pesticides and a prohibition on the use of pesticides if they have not been included. There is a provision regarding an assessment by the General Accounting Office of a report referred to in the National Defense Authorization Act for Fiscal Year 1998.

TITLe IV—FISCAL YEAR 2000 EMERGENCY SUPPLEMENTAL

The conferees have included several Fiscal Year 2000 supplemental appropriations for Capitol buildings and other emergency situations.

LEGISLATIVE BRANCH

The conference agreement provides $2,102,000 for Fiscal Year 2000 to the Capitol Police Board for security enhancements in addition to the $2,102,000 for police and certain Independent Agencies Appropriations, the conferees have included several additional Capitol buildings access points not currently funded in the security enhancement section. A total of $1,390,000 is provided for work at the Library of Congress to complete the closed circuit television ($1,390,000) and access control ($484,000) improvements. These funds are designated as an emergency requirement.

ARCHITECT OF THE CAPITOL

The conference agreement appropriates $9,000,000 for Fiscal Year 2000 to the Architect of the Capitol for repairs to the underground garage in the Cannon House Office Building. These funds are designated as an emergency requirement.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FEDERAL HOUSING ADMINISTRATION

At the request of the House and Senate subcommittees on VA, HUD and Independent Agencies Appropriations, the conferees have agreed to include a provision for the Department of Housing and Urban Development (HUD) that provides, on an emergency basis, $50,000,000 in credit subsidy for the FHA General and Special Risk Program Account.

Without these additional funds, the Title I home improvement program, the condominium loan program, the FHA reverse mortgage program for senior citizens, and various multifamily housing insurance programs would have to be suspended. The additional appropriation would have been unnecessary if HUD had adhered to assumptions made for its Management and Budget (OMB) in determining credit subsidy rates when the President’s budget was submitted to Congress, a violation of budget conventions. In the future, HUD should refrain from similar actions.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority, fiscal year 2000 amounted to $1,390,000,000. The conference agreement, as recommended by the Committee of Conference, with comparisons to the fiscal year 2000 amount, the 2001 budget estimates, and the House and Senate bills for 2000, is as follows:

In thousands of dollars

New budget (obligational) authority, fiscal year 2000 .......................... $2,475,000

Budget estimates of new (obligational) authority, fiscal year 2001 .......... 2,725,604

House bill, fiscal year 2001 ........................................ 1,913,691

Senate bill, fiscal year 2001 ........................................ 2,524,378

Conference agreement, fiscal year 2001 .................................. 2,526,863

Conference agreement compared with:

- New budget (obligational) authority, fiscal year 2000 $1,390,000
- Budget estimates (obligational) authority, fiscal year 2001 $1,984,718
- House bill, fiscal year 2001 $1,613,172
- Senate bill, fiscal year 2001 $1,248,303

Title IV—FY 2000 Emergency Supplemental ................................ 51,102

TREASURY DEPARTMENT, THE UNITED STATES POSTAL SERVICE, THE EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES APPROPRIATIONS

The conference agreement would enact the provisions of H.R. 5689 as introduced on December 14, 2000. The text of that bill follows:

A BILL Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 2001, and for other purposes...

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the following purposes:

- Be it enacted, That the Office of the Secretary of Treasury, the Office of the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLe I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real property or used overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $150,000 for official supplies and equipment, and not to exceed $1,390,000 for additional expenses of a confidential nature, to be allocated among the various agencies of a confidential nature, to be allocated among the various agencies to help fight money laundering.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

INeW OBSCURE ACTIVITIES

For development and implementation of automatic data processing equipment, software, and services for the Department of the Treasury, the Office of the Inspector General, and the Financial Institutions Examination Council, to be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses; not to exceed $1,200,000 for passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Department of the Treasury.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed $150,000 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)): services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official supplies and equipment, and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Department of the Treasury.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $31,000,000, to remain available until expended.

EXPANDED ACCESS TO FINANCIAL SERVICES IN CLASSES OF FEDERAL EMPLOYEES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel; attendance at meetings concerning with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official supplies and equipment, and not to exceed $1,250,000 for assistance to Federal law enforcement agencies, with or without reimbursement, $37,576,000, of which not to exceed $2,800,000 shall remain available until September 30, 2003; and of which $2,275,000 shall remain available until September 30, 2002: Provided, That funds appropriated in this account may be used to procure personal services contracts.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary, $55,000,000, to remain available until expended, to reimburse any Department of the Treasury organization for the costs of providing support to counter, investigate, or prosecute terrorist, including payment of rewards in connection with these activities: Provided, That the entire amount is designated as an emergency requirement pursuant to section 421(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 budget in connection with an emergency as defined in such Act is transmitted by the President to the Congress.
For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of Justice, to provide training and related activities for students undergoing training at the Center.

For expenses necessary of the Federal Law Enforcement Training Center, for acquisition of necessary real property and facilities, for training and for ongoing maintenance, facility improvements, and related expenses, $29,205,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT
INTERSTATE CRIMINAL DRUG ENFORCEMENT

For expenses necessary to conduct investigations and convict offenders involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, as it relates to the Treasury Department law enforcement violations such as money laundering, narcotics, and other violations of 21 U.S.C. 843(c) and any amendments to 27 U.S.C. 925(c): Provided further, That such funds shall be available until expended.

INTERAGENCY LAW ENFORCEMENT
INTERSTATE CRIMINAL MURDER ENFORCEMENT

For expenses necessary to conduct investigations and convict offenders involved in interstate criminal murder, as it relates to the Treasury Department law enforcement violations such as money laundering, narcotics, and other violations of 21 U.S.C. 843(c) and any amendments to 27 U.S.C. 925(c): Provided further, That such funds shall be available until expended.

FINANCIAL MANAGEMENT SERVICE
SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, for payments of $103,476,000, of which $7,827,000 shall remain available until expended.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 812 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees who are on orientation or training operations at the Federal Law Enforcement Training Center, as a bureau of the Department of Justice; training and costs to this appropriation; and travel expenses for official representation and travel expenses; not to exceed $2,500 shall be paid for official reception and representation expenses.

FINANCIAL MANAGEMENT SERVICE
SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, for payments of not to exceed $10,635,000 shall remain available until September 30, 2003, for information systems modernization initiatives; and of which not to exceed $2,500 shall be paid for official representation and representation expenses.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 812 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees who are on orientation or training operations at the Federal Law Enforcement Training Center, as a bureau of the Department of Justice; training and costs to this appropriation; and travel expenses for official representation and travel expenses; not to exceed $2,500 shall be paid for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 812 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees who are on orientation or training operations at the Federal Law Enforcement Training Center, as a bureau of the Department of Justice; training and costs to this appropriation; and travel expenses for official representation and travel expenses; not to exceed $2,500 shall be paid for official reception and representation expenses.

FINANCIAL MANAGEMENT SERVICE
SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, for payments of not to exceed $10,635,000 shall remain available until September 30, 2003, for information systems modernization initiatives; and of which not to exceed $2,500 shall be paid for official representation and representation expenses.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 812 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees who are on orientation or training operations at the Federal Law Enforcement Training Center, as a bureau of the Department of Justice; training and costs to this appropriation; and travel expenses for official representation and travel expenses; not to exceed $2,500 shall be paid for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 812 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees who are on orientation or training operations at the Federal Law Enforcement Training Center, as a bureau of the Department of Justice; training and costs to this appropriation; and travel expenses for official representation and travel expenses; not to exceed $2,500 shall be paid for official reception and representation expenses.

FINANCIAL MANAGEMENT SERVICE
SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, for payments of not to exceed $10,635,000 shall remain available until September 30, 2003, for information systems modernization initiatives; and of which not to exceed $2,500 shall be paid for official representation and representation expenses.
available until expended, of which $5,400,000 shall be for the International Trade Data System, and not less than $130,000,000 shall be for the development of the Automated Commercial Environment. That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the United States Customs Service prepares and submits to the Committees on Appropriations a final plan for expenditure that: (1) meets the capital planning and investment control requirements established by the Office of Management and Budget; (2) complies with the United States Customs Service's Enterprise Information Systems Architecture; (3) complies with laws, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Customs Investment Review Board, the Department of the Treasury, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office. Provided further, That none of the funds appropriated under this heading shall be obligated for the Automated Commercial Environment until that final expenditure plan has been approved by the Committees on Appropriations.

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $187,301,000, of which not to exceed $2,500 shall be available for the receipt, acceptance, and representation of such obligations, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: Provided, That the sum appropriated herein from the General Fund for fiscal year 2001 shall be reduced by not more than $3,500,000 for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including development of information systems and operational information systems, the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,545,090,000, which shall remain available until September 30, 2002.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 101. Not to exceed 10 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayer's rights, particularly with regard to the taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute an enforcement and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this Act or other Acts to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and efficient 1-800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1-800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve Internal Revenue Service 1-800 help line service.

UNITED STATES SECRET SERVICE

For necessary expenses of the United States Secret Service, including purchase of not to exceed $844,000 of passenger motor vehicles, of which not to exceed $541 shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made, side-car capable, mobile motorcycles; hire of aircraft training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Secretary of the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as authorized by section 101(c)(2) of the Federal Alcohol Administration Act.

For necessary expenses authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $5,400,000, of which not to exceed $10,000,000 may be used to reimburse the Social Security Administration for systems modernization; purchase of not to exceed $2,500,000 of passenger motor vehicles; purchase of American-made, side-car capable, mobile motorcycles; and hire of passenger motor vehicles; purchase of motor vehicles without regard to the general purchase price limitation for the current fiscal year, $823,800,000, of which $3,633,000 shall be available as a grant for activities required by section 101(c)(3) of the Federal Alcohol Administration Act; and $541,000,000, of which not to exceed $25,000,000 shall be for official expenses in association with the South Dakota Trust Fund and the Cheyenne River Sioux Tribe Terrestrial Wildlife Restoration and Lower Missouri River and his Powers and Duties, as authorized by section 203(b)(1) of the Act of September 30, 2001, shall be available as a grant for activities required by section 101(c)(3) of the Federal Alcohol Administration Act; and shall remain available until expended: Provided, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2002.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, preservation, and upkeep of facilities, $8,941,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in association with 31 U.S.C. 9002(b) from unobligated balances remaining in the Fund on September 30, 2001, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used in the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 2001 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act, as amended.

SEC. 113. Not to exceed 2 percent of any appropriation in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Office of the Chief Economist, Office of Inspector General, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriation in this Act made available to the Department of the Treasury, Office of Inspector General, Financial Crimes Enforcement Network, Office of the Chief Economist, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Not to exceed 2 percent of any appropriation in this Act made available to the Department of the Treasury, Office of Inspector General, Financial Crimes Enforcement Network, Office of the Chief Economist, Financial Management Service, and Bureau of the Public Debt may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective
Title II—Postal Service

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $96,093,000, of which not less than $15,000,000 shall be available for the payment of penalties and other charges on any such mail until October 1, 2002: Provided, That no provision of this paragraph shall be used to consolidate any other debt owing to the United States; Provided further, That the President shall maintain a system for the tracking of expenses related to reimbursable operations in the Executive Residence: Provided further, That not more than $40,000,000 shall be available to the Executive Residence for expenses of the Executive Residence during the preceding fiscal year.

Title III—Executive Office of the President and the Official Residence of the Vice President

For necessary expenses for the Executive Residence at the White House, $968,000, to remain available until expended, for projects and programs relating to safety and health issues, Presidential transition, telecommunications infrastructure repair, and continued preventive maintenance.

For necessary expenses for the White House to provide assistance to the President in connection with special events, special security, and all such advance payments shall be credited to an employee to the extent that the aggregate of the employee's basic and premium pay for the year would otherwise exceed the annual equivalent of that limitation. The term premium pay relates to the provisions of law cited in the first sentence of section 5547(c)(2) of title 5, United States Code. Payment of additional premium pay payable under this section may be made in a lump sum on the last payday of the calendar year.

Title IV—Executive Residence at the White House

For the care, maintenance, repair and alteration, furnishing, improvement, heating, and lighting, including electric power and fixtures, of the official residence of the President, $53,288,000: Provided, That $9,072,000 of the amounts made available under this subsection shall be used as authorized by law, including not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, pursuant to subsections (c) and (d) of section 5015 of title 31, United States Code: Provided further, That each such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 4311 of title 26, United States Code, is hereby declared to be a penalty provision applicable to an outstanding debt on a United States Government claim under section 4311 of title 26, United States Code: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such expenses for reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such event that is paid for with appropriated funds: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable operations in the Executive Residence: Provided further, That the President shall maintain a system for the tracking of expenses related to reimbursable operations in the Executive Residence: Provided further, That any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: Provided further, That none of the amounts made available for official expenses shall be considered as taxable to the President.
For necessary expenses of the Office of National Drug Control Policy, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3101, &c., $29,053,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of title IV of the United States Code: Provided, That, as provided in 31 U.S.C. 130(a), appropriations shall be applied only to the objects for which appropriations were requested or authorized, respectively: Provided further, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.) Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcripts of actual testimony of witnesses, except for transcripts of the proceeding of OMB and the budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: Provided further, That none of the funds appropriated in this Act or the Federal Labor Relations Act of 1971, as amended, $40,500,000, of which no less than 51 percent shall be transferred to Federal agencies and departments at a rate to be determined by the Director: Provided further, That, of the latter amount, $1,800,000 shall be used for transfers: Provided further, That HIDTAs designated as of September 30, 2000, shall be funded at fiscal year 2000 level unless the Director submits to the Committees, and the appropriate subcommittees, justification for changes in those levels based on clearly articulated priorities for the HDTA program, as well as published ONDCP performance measures of effectiveness.

SPECIAL FORFEITURE FUND (INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and other purposes, authorized by Public Law 105-277, $23,660,000, to remain available until expended: Provided, That such funds may be transferred to other Federal departments and agencies to carry out such activities: Provided further, That of the funds provided, $185,000,000 shall be to support a national media campaign, as authorized in the Drug-Free Media Campaign Act of 1998: Provided further, That such funds shall be made available to the United States Olympic Committee's anti-doping program no later than 30 days after the enactment of this Act: Provided further, That of the funds provided, $40,000,000 shall be to continue a program of matching grants to drug-free communities, as authorized in the Drug-Free Communities Act of 1997: Provided further, That the $1,000,000 shall be available to the National Drug Court Institute.

This title may be cited as the "Executive Office Appropriations Act, 2002".

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

For necessary expenses of the Committee for Purchase from People Who are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92-28, $4,158,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission for the period ending September 30, 2001, of which $5,217,500, of which $5,000,000 shall be available for facilities and other expenses at each of the following locations: Colorado, $1,000,000; Michigan, Sault St. So., $2,500,000; Maryland, $3,250,000, for the continued operation of the Federal Election Campaign Act: Provided, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of division C of Public Law 105-277), to remain available until expended, consisting of $1,100,000 for policy research and evaluation, and $1,000,000 for the National Alliance for Model State Drug Laws, and up to $600,000, for the operation of the Drug-Free Communities Act: Provided, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Labor Relations Act of 1971, including administrative expenses, as provided in section 2421 of said Act, $73,600,000, of which not to exceed $4,809,500 shall be available for internal automated data processing systems, and of which not to exceed $2,500,000 shall be available for internal automated data processing systems, and of which not to exceed $2,500,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

For necessary expenses to carry out the provisions of the Federal Labor Relations Act of 1971, as amended, $40,500,000, of which no less than $4,898,500 shall be available for internal automated data processing systems, and of which not to exceed $4,500,000 shall be available for reception and representation expenses.
CONGRESSIONAL RECORD—HOUSE

SEC. 404. No funds made available by this Act shall be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided by the United States Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided by the United States General Services Administration, including payment for recovery of stolen Government property: Provided further, That to not exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and contributions by these employees in apprehending and assisting the Office of Inspector General effectiveness:

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under 40 U.S.C. 757 and sections 5124b and 5128 of Public Law 104-106, Information Technology Management Reform Act of 1996, for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from amounts actually incurred by these projects or other funding, to the extent feasible:
SEC. 408. Section 411 of Public Law 106-58 is amended by striking "April 30, 2001" each place it appears and inserting "April 30, 2002.

SEC. 409. Designation of Ronald N. Davies Federal Building and Courthouse. (a) The Federal building and courthouse located at 102 North 4th Street, Grand Forks, North Dakota, hereinafter known and designated as the "Ronald N. Davies Federal Building and Courthouse".

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and courthouse referred to in section 1 shall be deemed to be a reference to the Ronald N. Davies Federal Building and Courthouse.

SEC. 410. From the funds made available under the heading "Federal Buildings Fund Limitation" in addition to amounts provided in budget activities above, up to $2,500,000 shall be available for the construction of a road and acquisition of the property necessary for construction of said road and associated port of entry facilities: Provided, That said property shall include a 125 foot wide right of way beginning approximately 700 feet east of Highway 11 at the northeast corner of the existing port facilities and going north approximately 4,750 feet and approximately 10.22 acres adjacent to the port of entry in Township 29 N., Range 8 W., Section 14, located at 102 North 4th Street, Grand Forks, North Dakota, hereinafter known and designated as the "Ronald N. Davies Federal Building and Courthouse".

SEC. 411. Designation of J. Bratton Davis United States Bankruptcy Courthouse. (a) The United States bankruptcy courthouse at 1200 Lawrence Street, North Charleston, South Carolina, shall be known and designated as the "J. Bratton Davis United States Bankruptcy Courthouse".

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the bankruptcy courthouse referred to in subsection (a) shall be deemed to be a reference to the J. Bratton Davis United States Bankruptcy Courthouse.

SEC. 412. (a) The United States Courthouse Annex located at 801 19th Street in Denver, Colorado, is hereby designated as the "Alfred A. Arraj United States Courthouse Annex".

(b) Any reference in a law, map, regulation, document, or paper or other record of the United States to the Courthouse Annex herein referred to in subsection (a) shall be deemed to be a reference to the "Alfred A. Arraj United States Courthouse Annex".

SEC. 413. Designation of the Paul Coverdell Dormitory. The dormitory building currently being constructed on the Core Campus of the Federal Executive Training Center in Glyncro, Georgia, shall be known and designated as the "Paul Coverdell Dormitory".

MERIT SYSTEMS PROTECTION BOARD

SA LLARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including personnel, salaries and expenses of the Civil Service Commission, the Merit Systems Protection Board, the Federal Labor Relations Authority, the Interagency Personnel Office, and the Office of the Inspector General, not to exceed $9,500,000, to remain available until expended.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,250,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the Library of Congress (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary to maintain security and to provide for the storage and filing of records as defined by Public Law 99-480, $209,393,000: Provided, That the Architect of the United States is authorized to use such funds to retain such outside services as the Architect of the United States may deem necessary to carry out the purposes of such Act.

DEPARTMENT OF THE INTERIOR

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance, and improvement of Federal facilities, equipment, and related activities, including the purchase of vehicles, repair or alteration of buildings, and the operation and maintenance of water and sewer systems, $2,397,000,000: Provided, That the Secretary of the Interior is authorized to enter into agreements with other Federal agencies to provide support services, which includes the remission of fees and charges to those agencies, to the extent that such agreements are consistent with applicable laws and regulations.

OFFICE OF PERSONNEL MANAGEMENT

SA LLARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services and expenses of the Merit Systems Protection Board, for the Office of the Inspector General, and for the support of the Federal Employee Health Benefits Program, $1,200,000,000: Provided, That no such donations shall be accepted for travel or entertainment of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SA LLARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out the provisions of the Inspector General Act, as amended, $10,000,000: Provided, That no such donations shall be accepted for travel or entertainment of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SA LLARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out the provisions of the Inspector General Act, as amended, $10,000,000: Provided, That no such donations shall be accepted for travel or entertainment of employees of such Commission.
to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to remand such funds to the agencies in the District of Columbia and elsewhere.

**GOVERNMENT PAYMENT FOR ANNUNTIATES, EMPLOYEES HEALTH BENEFITS**

For payment of Government contributions with respect to employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

**GOVERNMENT PAYMENT FOR ANNUNTIATES, EMPLOYEE LIFE INSURANCE**

For payment of Government contributions with respect to employees retiring after December 31, 1986, as provided by chapter 87 of title 5, United States Code, such sums as may be necessary.

**PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND**

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special acts to be paid out of the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (31 U.S.C. 771-775), be paid out of the Civil Service Retirement and Disability Fund.

**OFFICE OF SPECIAL COUNSEL SALARIES AND EXPENSES**

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan No. 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-454), the Whistleblower Protection Act of 1989 (Public Law 101-12), Public Law 103-424, and the Uniform Services Employment and Reemployment Act of 1994 (Public Law 103-353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles, $11,147,000.

**UNITED STATES TAX COURT SALARIES AND EXPENSES**

For necessary expenses, including contract reporting for non-Federal testimony as authorized by 5 U.S.C. 3109, $37,305,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the “Independent Agencies Appropriations Act, 2001.”

**TITLe V—GENERAL PROVISIONS**

**THIS ACT**

SEC. 501. 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. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 2001 for the purpose of transferring control over the Federal Law Enforcement Training Center located in Albuquerque, New Mexico, out of the Department of the Treasury.

SEC. 505. No part of any appropriation contained in this Act shall be payable to the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to the same position, and is certified by the Office of Personnel Management as still capable of performing the duties of his former position and has not been restored thereto.

SEC. 506. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the “Buy American Act”).

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any assistance that will be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 508. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures of sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 509. No funds appropriated by this Act shall be available for paying for abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortion.

SEC. 510. The provision of section 509 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 511. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2001 from appropriations made available for salaries and expenses for fiscal year 2001 in this Act, shall remain available through September 30, 2002, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 512. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

1. such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

2. such request is required due to extraordinary circumstances involving national security.


SEC. 514. (a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Archivist of the United States shall transfer to the Gerald R. Ford Foundation, as trustee, all right, title, and interest of the United States in and to the approximately 2.3 acres of land located within Grand Rapids, Michigan, and further described in subsection (b), such grant to be in trust, with the beneficiary being the National Archives and Records Administration, for the purpose of supporting the facilities and programs of the Gerald R. Ford Museum in Grand Rapids, Michigan, and the Gerald R. Ford Library in Grand Rapids, Michigan, in accordance with a trust agreement to be agreed upon by the Archivist and the Gerald R. Ford Foundation.

(b) LAND DESCRIPTION.—The land to be transferred pursuant to subsection (a) is described as follows:

The following premises in the City of Grand Rapids, County of Kent, State of Michigan, described as:

That part of Block 2 of Converse Plat, and that part of Block 2 of J.W. Converse Replatted Addition, and that part of Government Lot 1 of Section 25, T7N, R12W, City of Grand Rapids, Kent County, Michigan, described as: BEGINNING at the NE corner of Lot 1 of Block 2 of Converse Plat; thence East 245.0 feet along the South line of Bridge Street; thence South 230.0 feet along a line which is parallel with and 170 feet East from the East line of Front Avenue as originally platted; thence West 207.5 feet parallel with the South line of Bridge Street; thence along the centerline of vacated Front Avenue 100 feet more or less to the extended centerline of vacated Douglas Street; thence West along the centerline of vacated Douglas Street 275 feet more or less to the East line of Scribner Avenue; thence North along the East line of Scribner Avenue 327 feet more or less to a point which is 7.0 feet South from the NW corner of Lot 8 of Block 2 of Converse Plat; thence E 200 feet more or less to the place of beginning, also described as:

Parcel A—Lots 9 & 10, Block 2 of Converse Plat, being the subdivision of Government Lots 1 & 2, Section 25, T7N, R12W; also Lots 11-24, Block 2 of J.W. Converse Replatted Addition; also part of N 1/2 of Section 25, T7N, R12W commencing at SE corner Lot 24, Block 2 of J.W. Converse Replatted Addition, thence N to NE corner of Lot 9 of Converse Plat, thence E 16 feet, thence S to SW corner of Lot 23 of J.W. Converse Replatted Addition, thence W 16 feet to beginning.

Parcel B—Part of Section 25, T7N, R12W, commencing on S line of Bridge Street 50 feet E of E line of Front Avenue, thence S 107.85 feet, thence N to a point on S line of said street which is 80 feet E of beginning, thence W to beginning.
Sec. 604. Appropriations of the executive department and independent agencies for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with the United States Code and regulations issued by the Office of Personnel Management.

Sec. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this Act or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person:

(1) is a citizen of the United States; (2) is a person residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee pursuant to the United States Public Law 91-175 of 1975; or (6) is a national of the People’s Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992.

Provided, That for the purpose of this section, an affidavit signed by any such person shall be prima facie evidence that the requirements of this section with respect to his or her status have been complied with; Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined not more than $4,000 or imprisoned for not more than 2 years, or both.

Sec. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintaining operating expenses, shall be made available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities. Funds made available under this section shall be in addition to, and not in substitution for, any other provisions of existing law. Provided further, That any payment made to any officer contrary to the provisions of this section shall be recovered in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

Sec. 607. In addition to funds provided in this or any other Act, all Federal and independent agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in subsection (a) shall be increased to cover the cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.
disposed of pursuant to a records schedule re-
covered through recycling or waste prevention
programs. Such funds shall be available until
expended for the following purposes:
(1) to prevent fraud, waste, and misap-
provision, and recycling programs as described in Ex-
ecutive Order No. 13101 (September 14, 1998),
including any such programs adopted prior to the
effectiveness of such Order.
(2) Other Federal agency environmental
management programs, including, but not limited to,
development and implementation of haz-
ards, waste management, and pollution pre-
vention programs.
(3) Other employee programs as authorized by
law or required by the head of the Federal
agency.
SEC. 608. Funds made available by this or any
other Act for administrative expenses in the cur-
cent fiscal year contained in any appropriation
subject to chapter 91 of title 31, United States
Code, shall be available, in addition to objects
for which such funds are otherwise available, for
rent in the District of Columbia; services in
accordance with 5 U.S.C. 3109; and the objects
specified under this head, all the provisions of
which shall be applicable to the expenditure of
such funds as are otherwise specified therein by
which they are made available: Provided,
That in the event any functions budgeted as ad-
ministrative expenses are subsequently trans-
ferred or reallocated, the limitations on adminis-
trative expenses shall be correspondingly
reduced.
SEC. 609. No part of any appropriation for the
current fiscal year contained in this or any other
Act shall be paid to any person for the filling
of any position for which he or she has
been nominated after the Senate has voted not to
approve the nomination of such person.
SEC. 610. No part of any appropriation con-
tained in this or any other Act shall be available for
funds made available by the Postal Service and under
the charge of the Postal Service. Any such funds shall
have, with respect to such property, the powers of special policemen pro-
vided by the first section of the Act of June 1, 1948, as amended (32 Stat. 281; 40 U.S.C. 318c), and, as to property
occupied or owned by the Postal Service, the Postmaster General may
take the same actions as the Administrator of Gen-
eral Services may take under the provisions of
sections 2 and 3 of the Act of June 1, 1948, as amended
(32 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the
authority of laws which have been disapproved
pursuant to section 613 of such title (whether by
adjudgment or otherwise), and the overall average percent-
age of such payments which was effective in fis-
salaries under such section.
(b) Nothing in this section shall be considered
the payment of the salary of any officer or
employee of the Federal Government, who—
(1) prohibits or prevents, or attempts or
threatens to prohibit or prevent, any other offi-
cer or employee of the Federal Government
from having any direct oral or written communica-
tion or contact with any Member, committee,
or subcommittee of the Congress in connection
with any matter pertaining to the employment of
any other officer or employee of the Federal
Government, who—
SEC. 615. Notwithstanding any other provision of
law, no executive branch agency shall pur-
chase, lease, or construct any Federal Gover-
ment facilities, except within or contiguous to existing
locations, to be used for the purpose of con-
ducting Federal law enforcement training with-
out the advance approval of the Committees on
Appropriations, except that the Federal Law
Enforcement Training Center is authorized to use
accommodations for temporary utilities
by lease, contract, or other agreement for train-
ing which cannot be accommodated in existing
Center facilities.
Notwithstanding section 1346 of title 31, United States
Code, section 610 of this Act, funds made available for fiscal year 2001 by
this or any other Act shall be available for the purposes of fund for public security and
equipment, equipment, and telecommunications ini-
tiatives which benefit multiple Federal depart-
ments, agencies, or entities, as provided by Ex-
cutive Order No. 12472 (July 24, 1983).
SEC. 617. (a) None of the funds appropriated
by this or any other Act may be obligated or ex-
pended by any Federal department, agency, or
instrumentality for the salary or ex-
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such communication or contact is at the initiative of such other employee or officer in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) a respondent or employee who, in the performance of official duties; or

(3) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the agency.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of its duties.

SEC. 622. No funds appropriated in this or any other Act may be used to implement or enforce the anti-discrimination, anti-harassment, and anti-bullying provisions of Executive Order No. 12928, section 4(8) of the Equal Opportunity Compliance and Equal Rights Act of 1972, 42 U.S.C. 2000e note, of the Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(1) any of the following religious plans:
(A) Personal Care’s HMO;
(B) any other available religious plan having the same or comparable coverage;
(C) OSF Health Plans, Inc.; and

(2) the format of accounting statements.

(2) the format of accounting statements.

(1) measures of costs and benefits; and

(2) the format of accounting statements.

(3) financial statements and report containing—

(1) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible—

(2) the format of accounting statements.

(3) the performance of official duties; or

(4) the performance of official duties; and

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations.

(3) financial statements and report containing—

(1) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible—

(2) the format of accounting statements.

(3) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible—

(4) the format of accounting statements.

(3) financial statements and report containing—

(1) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible—

(2) the format of accounting statements.
shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) Definitions.—For purposes of this section, the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

(d) Notification.—None of the funds made available in this Act or any other Act may be used to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor, if the facility or contractor is not a Federal agency or unit of the United States government.

SEC. 634. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise allowed to be present at the location.

SEC. 635. Notwithstanding section 1346 of title 31, United States Code, or section 610 of title 5, United States Code, the President's pay agent may, in accordance with section 3133(e) of such title, determine the level of comparability payments for purposes of section 5304 of title 5, United States Code.

SEC. 636. Retiree Provisions Relating to Certain Members of the Police Force of the Metropolitan Washington Airports Authority.—(a) Qualified MWAA Police Officer Defined.—For purposes of this section, the term "qualified MWAA police officer" means any individual who has served as a member of the police force of the Metropolitan Washington Airports Authority for not less than two years.

(b) Eligibility to Be Treated as a Law Enforcement Officer for Retirement Purposes.—(1) In general.—Any qualified MWAA police officer shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor. (2) Prior service.—The service described in this paragraph is all service which an individual has performed, prior to the effective date of this section, in an area described in paragraph (3) which—

(A) the employee deductions that would have been required for such service under chapter 83 or 84 of title 5, U.S.C. (as the case may be) if such election had then been in effect, minus

(B) the total employee deductions and contributions under such chapter 83 or 84 (as applicable) that were actually made for such service.

(3) Eligibility for reemployment.—None of the funds made available in this Act or any other Act may be used to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor, if the facility or contractor is not a Federal agency or unit of the United States government.
(b)(2) or (3) (as appropriate), for purposes of comparability payments.

(2) The report shall include the cost of obtaining such data, the rationale underlying the decision to base the report on such data, and the relative advantages and disadvantages of using such data (including whether the effort involved in analyzing and integrating such data is commensurate with the benefits derived from the use thereof). The report may include specific recommendations regarding the continued use of such data.

(g)(i) No later than May 1, 2001, the President's pay agent shall prepare and submit to the committees specified in subsection (f)(1) a report relating to the ongoing efforts of the Office of Personnel Management, the Office of Management and Budget, and the Bureau of Labor Statistics to revise the methodology currently being used by the Bureau of Labor Statistics in performing its surveys under section 5304 of title 5, United States Code.

(2) The report shall include a detailed accounting of any concerns the pay agent may have regarding the current methodology, the specific projects the pay agent has directed any of those agencies to undertake in order to address those concerns, and a timeline for the anticipated completion of those projects and for implementation of the revised methodology.

(3) The report shall also include recommendations for the appropriate resolution of issues that may be expedited, including any additional resources which, in the opinion of the pay agent, are needed in order to expedite completion of the activities specified in this subsection have been provided or completed by that date.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 73 of title 5, United States Code, is amended by adding after the item relating to section 7363 the following:

"SUBCHAPTER VII—MANDATORY REMOVAL FROM EMPLOYMENT OF LAW ENFORCEMENT OFFICERS CONVICTED OF FELONIES"

"§ 7371. Mandatory removal from employment of law enforcement officers convicted of felonies." (a) IN GENERAL.—Chapter 73 of title 5, United States Code, is amended by adding after subsection VI the following:

"SUBCHAPTER VII—MANDATORY REMOVAL FROM EMPLOYMENT OF LAW ENFORCEMENT OFFICERS CONVICTED OF FELONIES"

"§ 7371. Mandatory removal from employment of law enforcement officers convicted of felonies."

"(a) In this section, the term—"

"(1) 'conviction notice date' means the date on which an agency that employs a law enforcement officer has notice that the officer has been convicted of a felony that is entered by a Federal or State court, regardless of whether that conviction is appealed or is subject to appeal; and"

"(2) 'law enforcement officer' has the meaning given that term under section 8331(20) or 8401(17)."

"(b) Any law enforcement officer who is convicted of a felony shall be removed from employment as a law enforcement officer on the first day of the applicable pay period following the conviction notice date."

"(c)(1) This section does not prohibit the removal of an individual from employment as a law enforcement officer before a conviction notice date if the removal is properly effected other than under this section."

"(2) For purposes of this subsection, the term 'removal' means the act of removing the individual from employment as a law enforcement officer by or leased on behalf of an office or entity within the legislative branch of the Government.";

Sec. 644. Section 501 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106-346) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c). Sec. 645. (a)(1) Title 5, United States Code, is amended by inserting after section 5327 the following:

"§ 5327b. Administrative appeals judges"

"(a) For purposes of this section—"

"(1) the term 'administrative appeals judge position' means a position the duties of which primarily involve reviewing decisions of administrative law judges appointed under section 3105; and"

"(2) the term 'agency' means an Executive agency, as defined by section 105, but does not include—"

"(b) Subject to such regulations as the Office of Personnel Management may prescribe, the head of the agency concerned shall fix the rate of basic pay for each administrative appeals judge position within such agency which is not classified above GS-15 pursuant to section 5108.

"(3) A rate of basic pay fixed under this section shall—"

"(1) not less than the minimum rate of basic pay for level AL-3 under section 5327; and"

"(2) not greater than the maximum rate of basic pay for level AL-3 under section 5327."

"(c) The amendment in subsection (a) shall apply with respect to pay for service performed on or before the first day of the first applicable pay period beginning on or after—"

"(1) the 120th day after the date of enactment of this Act; or"

"(2) entering into agreements with third parties, including other government agencies, to collect, review, or obtain aggregate lists or singular data containing personally identifiable information relating to an individual's online or viewing habits for governmental and nongovernmental internet sites.

This Act may be cited as the "Treasury and General Government Appropriations Act, 2003".

TREASURY DEPARTMENT, THE UNITED STATES POSTAL SERVICE, THE EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES APPROPRIATIONS

Following is explanatory language on H.R. 5658, as introduced on December 14, 2000.

The conferences on H.R. 4577 agree with the matter included in H.R. 5658 and enacted in this conference report by reference and the following description. This bill was developed through negotiations by subcommittee staffs, and it is inserted in the record by the General Government Appropriations Subcommittee.
The conference agreement includes the following reprogramming guidelines which shall be complied with by all agencies funded by the Treasury and General Government Appropriations Act, 2001:

1. For any action where funds earmarked for a specific activity are in excess of the project or activity requirement, and are proposed to be used for a different activity, a reprogramming shall be submitted.

2. For any action where funds earmarked for a specific activity are in excess of the project or activity requirement, and are proposed to be used for a different activity, a reprogramming shall be submitted.

3. For agencies, departments, or offices receiving appropriations less than $20,000,000, a reprogramming shall be submitted for amounts to exceed $500,000 or 10 percent, whichever is greater.

4. For agencies, departments, or offices receiving appropriations greater than $20,000,000, a reprogramming shall be submitted if the amount to be shifted to or from any object class, budget activity, program line item, or program activity involved is in excess of $500,000 or 10 percent, whichever is greater, of the object class, budget activity, program line item, or program activity.

5. For any action where funds earmarked by either of the Committees for a specific activity are proposed to be used for a different activity, a reprogramming shall be submitted.

6. For any action where funds earmarked by either of the Committees for a specific activity are proposed to be used for a different activity, a reprogramming shall be submitted.

7. For any action where funds earmarked by either of the Committees for a specific activity are proposed to be used for a different activity, a reprogramming shall be submitted.

Office of Inspector General

Salaries and Expenses

The conference agrees to provide $156,315,000 instead of $149,437,000 as proposed by the House and $249,630,000 as proposed by the Senate. Included in this amount is $7,332,000 to maintain current levels: $3,813,000 as a transfer from the Department-Wide Systems and Capital Investments Programs (SCIP); $3,072,000 for the fiscal year 2000 drug supplemental for the Office of Foreign Asset Control (OFAC); $485,000 to annualize the costs of filling 6 positions with the resulting fiscal year 2000, $2,899,000 for OFAC program initiatives; $504,000 and no more than 3 positions for increased management and coordination to support the reprogramming of the Department’s involvement in the National Money Laundering Strategy; $2,900,000 for grants to state and local law enforcement agencies to help prevent money laundering; $502,000 for reimbursements to Morris County, New Jersey, for law enforcement agencies; $150,000 for reimbursements to Arlington County, Virginia, to reimburse law enforcement agencies; and not to exceed $300,000 to reimburse the State Police, the police departments of the towns of New Castle, North Castle, Mount Kisco, Bedford, and the Department of Public Safety of Westchester County of the State of New York.

Reception and Representation Allowances

The conference is concerned to learn that, over the past several years, the Office of the Under Secretary of Enforcement has required the various Treasury law enforcement bureaus to transfer a portion of their reception and representation allowances to the Office of the Under Secretary. Although there may be certain functions appropriate to the involvement of all the Treasury law enforcement bureaus in an individual law enforcement bureau. Included in this amount is $1,000,000 for Departmental Offices reception and representation allowances. In the event that the Under Secretary believes that Departmental Offices representation allowances are insuffi- cient to meet current needs, the Under Secretary may justify for increases to this allowance to the Committees for its consideration. The conference also directs the Under Secretary to submit for advance authority to use reception and representation allowance funds from any appropriation account other than Departmental Offices, Salaries and Expenses, and other related accounts, as appropriate, for the individual law enforcement bureaus.

Federal Law Enforcement Training Center

Salaries and Expenses

The conference agrees to provide $29,205,000 instead of $31,000,000 as proposed by the Senate instead of $400,000 as proposed by the House.

Interagency Law Enforcement

Salaries and Expenses

The conference agrees to provide $206,851,000 instead of $198,736,000 as proposed by the House and $202,851,000 as proposed by the Senate. The conference includes $4,000,000 to partially fund a budget
shortfall. The conferees fully concur with the language on this topic contained under Departmental Offices in the Senate Report accompanying S. 2900.

BUREAU OF THE PUBLIC DEBT

Tobacco and Firearms

Salaries and Expenses

The conferees agree to provide $768,695,000 instead of $731,325,000 as proposed by the House and $724,937,000 as proposed by the Senate. The conferees agree to provide the President's request with the exception of $5,521,000 for tobacco compliance initiatives and $4,148,000 for the proposed Joint Terrorism Task Force.

UNITED STATES CUSTOMS SERVICE

Salaries and Expenses

The conferees agree to provide $1,863,765,000 instead of $1,822,365,000 as proposed by the House and $1,884,687,000 as proposed by the Senate. Included in this amount is $13,700,000 for the second year of funding of the fiscal year 2000 Southwest Border initiative; $15,000,000 for security enhancements along the northern border; $11,000,000 for vehicle replacement; $3,700,000 for money laundering; $9,500,000 for drug investigations; and an additional $10,000,000 for combat food and child labor. Additionally, the conferees include $500,000 for Customs' ongoing research on trade of agricultural commodities and products at a Northern Plains university with an agricultural economics program and support the use of $2,500,000 for the acquisition of Passive Radar Detection Technology.

TARGETED RESOURCES FOR THE SOUTHWEST BORDER

The conferees provide $13,700,000 to be combined with the $11,300,000 in fiscal year 2000 Super Surplus of the Treasury Forfeiture Fund to hire new inspectors, agents, or acquire new detection technology for use along the Southwest border for a total of $25,000,000. The House conferees do not concur with the Senate Report language by the Senate. The conferees agree to provide $13,228,000 as proposed by the House and $128,228,000 as proposed by the Senate. Included in this amount is $5,000,000 for source zone deployment of P-3's; $2,174,000 to maintain current levels; $7,450,000 for new aircraft and personnel; and $9,196,000 for costs associated with the delivery of new P-3's.

AUTOMATION MODERNIZATION

The conferees agree to provide $258,400,000 instead of $248,000,000 as proposed by the House and $248,000,000 as proposed by the Senate. Included in this amount is $5,400,000 for the International Trade Data System, as well as not less than $130,000,000 to begin work on the Automated Commercial Environment (ACE).

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

The conferees agree to provide $182,901,000 as proposed by the House and Senate. The conferees agree to include a provision as proposed by the Senate with respect to administrative costs associated with certain trust funds.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

The conferees agree to provide $3,567,001,000 instead of $3,487,252,000 as proposed by the House and $3,506,939,000 as proposed by the Senate. The conferees fully fund the President's request for adjustments required to maintain current levels of service, organizational modernization, and operational contract support. The funding level also reflects an increase of $50,000,000 above the fiscal year 2000 level as a result of an inter-appropriation transfer during fiscal year 2000. The conferees have not provided any funding for the Staffing Tax Administration for Balance and Equity (STABLE) initiative, a proposed fiscal year 2001 inter-appropriation transfer, or the electronic tax administration initiative.

IRS DATA FOR ECONOMIC MODELING

The conferees are aware of the critical importance and usefulness of IRS data to economic modeling, such as the modeling used to project the economic impact of proposed Social Security legislation. The conferees direct IRS to continue working closely with the Bureau of the Census to ensure the appropriate availability of these data in a timely and consistent manner. The conferees agree that adjustments may be made to reflect changes in the Congressional Budget Office (CBO) to facilitate the operation of CBO's long-term models of Social Security and Medicare. CBO requires access to IRS records that are matched with survey data from the Bureau of the Census (Involving the Current Population Survey and the Survey of Income and Program Participation) and records of the Social Security Administration with all record identifiers removed.

TAX LAW ENFORCEMENT

The conferees agree to provide $3,382,402,000 instead of $3,370,040,000 as proposed by the House and $3,378,040,000 as proposed by the Senate. The conferees fully fund the President's request with respect to adjustments required to maintain current levels of service and operational contract support. The funding level also reflects a decrease of $100,000,000 below the fiscal year 2000 level as a result of an inter-appropriation transfer during fiscal year 2000 and a decrease of $41,000,000 for a transfer to the Treasury Inspector General for Tax Administration for Balance and Equity (STABLE) initiative or for the Counterterrorism Initiative, or for the Staffing Tax Administration, as requested. The conferees have not provided any funding for the Staffing Tax Administration for Balance and Equity (STABLE) initiative or for the Counterterrorism Initiative, or for the Staffing Tax Administration, as requested. The conferees have not provided any funding for the Staffing Tax Administration for Balance and Equity (STABLE) initiative or for the Counterterrorism Initiative, or for the Staffing Tax Administration, as requested. The conferees have not provided any funding for the Staffing Tax Administration for Balance and Equity (STABLE) initiative or for the Counterterrorism Initiative, or for the Staffing Tax Administration, as requested. The conferees have not provided any funding for the Staffing Tax Administration for Balance and Equity (STABLE) initiative or for the Counterterrorism Initiative, or for the Staffing Tax Administration, as requested.

ADMINISTRATIVE PROVISIONS-INTERNAL REVENUE SERVICE

Section 101. The conferees agree to continue a provision which requires the IRS to institute and enforce policies and practices that will safeguard the confidentiality of taxpayer information.

Section 104. The conferees agree to continue a provision proposed by the Senate with respect to the IRS 1-800 help line service.

UNITED STATES SECRET SERVICE

Salaries and Expenses

The conferees agree to provide $823,800,000 as proposed by the House instead of $778,279,000 as proposed by the Senate.

ACQUISITION, CONSTRUCTION, IMPROVEMENT, AND RELATED EXPENSES

The conferees agree to provide $8,941,000 instead of $5,021,000 as proposed by the House and $4,283,000 as proposed by the Senate. Included in this amount is $3,000,000 for security enhancements at the Vice President's residence.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

Section 107. The conferees agree to continue a provision which requires the Secretary of the Treasury to comply with certain reprogramming guidelines when obligating or expending funds for law enforcement activities.

Section 111. The conferees agree to continue a provision which allows the Department of the Treasury to buy uniforms, insurance, and motor vehicles without regard to the general purchase price limita-

Section 114. The conferees agree to continue a provision which authorizes the transfer, up to 2 percent, between law enforcement appropriations under certain circumstances.

Section 115. The conferees agree to continue a provision which authorizes the transfer, up to 2 percent, between the Departmental Offices, Office of Inspector General, Treasury Inspector General for Tax Administra-

Section 116. The conferees agree to continue a provision regarding the purchase of law enforcement vehicles.
Section 117. The conferees agree to continue a provision proposed by the House which prohibits the Department of the Treasury and the Bureau of Engraving and Printing from redesigning the $1 Federal Reserve Note.

Section 118. The conferees agree to continue and make permanent a provision which authorizes the Bureau of Engraving and Printing agencies to pay their protection officers premium pay in excess of the pay period limitation.

Section 119. The conferees agree to include a new provision of transfer from and reimbursements to the Salaries and Expenses appropriation of the Financial Management Service for the purposes of debt collection.

Section 120. The conferees agree to include a new provision that extends the Treasury Franchise Fund through October 1, 2002.

Section 121. The conferees agree to include a new provision to authorize Treasury to apply an increased universe of voice and communication conferees to provide $438,000 for the design and $658,000 as proposed by the House. The conferees provide $438,000 as proposed by the Senate instead of $5,510,000 as proposed by the Senate.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

SECTION 118. The conferees agree to include a proviso that $9,072,000 of the funds as proposed by the House instead of $52,135,000 as proposed by the Senate. Of this amount, $67,093,000 is provided for reimbursement of prior year unobligated balances.

SECTION 119. The conferees agree to provide $53,288,000 as proposed by the Senate instead of $57,093,000 as proposed by the Senate. Of this amount, $57,093,000 is provided as an advance appropriation to ensure that mail processing and delivery is not interrupted due to a strike and $29,000,000 is provided for reimbursement to the Postal Service for prior year losses.

SECTION 120. The conferees agree to provide $24,312,000 as proposed by the House instead of $24,312,000 as proposed by the Senate. The conferees urge ONDCP to consider using funds provided above the budget request for designating new HIDTAs or areas which have already submitted requests.

SPECIAL FORFEITURE FUND

The conferees agree to provide $233,600,000 instead of $219,000,000 as proposed by the House and $144,300,000 as proposed by the Senate. Of this amount, $135,000,000 is provided for the National Youth Anti-Drug Media Campaign; $40,000,000 for the Drug-Free Communities Act; and $3,000,000 for the costs associated with operations of the counter drug intelligence executive secretariat (CDX); $3,300,000 for anti-drug efforts of the United States Olympic Committee; $1,300,000 to the Metro Intelligence Support and Technical Investigative Center (MISTIC); and $1,000,000 for the National Drug Control Institute.

NATIONAL YOUTH ANTI-DRUG MEDIA CAMPAIGN

The conferees agree to provide $233,600,000 instead of $219,000,000 as proposed by the House and $144,300,000 as proposed by the Senate. Of this amount, $135,000,000 is provided for the National Youth Anti-Drug Media Campaign; $40,000,000 for the Drug-Free Communities Act; and $3,000,000 for the costs associated with operations of the counter drug intelligence executive secretariat (CDX); $3,300,000 for anti-drug efforts of the United States Olympic Committee; $1,300,000 to the Metro Intelligence Support and Technical Investigative Center (MISTIC); and $1,000,000 for the National Drug Control Institute.

December 15, 2000

COUNCIL OF ECONOMIC ADVISORS

The conferees agree to provide $4,110,000 as proposed by the Senate instead of $3,997,000 as proposed by the House.

OFFICE OF POLICY DEVELOPMENT

The conferees agree to provide $4,032,000 as proposed by the Senate instead of $4,030,000 as proposed by the House.

NATIONAL SECURITY COUNCIL

The conferees agree to provide $7,165,000 as proposed by the Senate instead of $7,148,000 as proposed by the House.

OFFICE OF ADMINISTRATION

The conferees agree to provide $43,737,000 as proposed by the Senate instead of $41,115,000 as proposed by the House. The conferees provide $43,737,000 as proposed by the Senate.

APPORTIONMENT FOR INTERNATIONAL FOOD ASSISTANCE PROGRAMS

The conferees do not concur with the House report language regarding apportionment for International Food Assistance Programs.

OFFICE OF NATIONAL DRUG CONTROL POLICY

The conferees agree to provide $62,786,000 instead of $62,786,000 as proposed by the House and $67,935,000 as proposed by the Senate. The conferees fully fund the President's request.

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

The conferees agree to provide $54,328,000 as proposed by the Senate instead of $52,135,000 as proposed by the House and include $9,072,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency, as proposed by the House.

EXECUTIVE PROVISIONS AT THE WHITE HOUSE

The conferees agree to provide $10,900,000 instead of $10,286,470 as proposed by the House.

WHITESTONE REPAIR AND RESTORATION

The conferees agree to provide $695,000 instead of $685,000 as proposed by the Senate and $658,000 as proposed by the House. The conferees provide $468,000 for design and replacement of the existing concrete roadway containing voice and communication lines leading to the East Wing and the Executive Residence instead of the full request of $5,000,000. The conferees direct the Executive Residence to submit a completed design to the Committees on Appropriations, including an estimate of total construction costs associated with this project.

SPECIAL ASSISTANCE TO THE PRESIDENT AND OFFICIALS OF THE VICE PRESIDENT

The conferees agree to provide $3,673,000 as proposed by the Senate instead of $3,664,000 as proposed by the House.
The conferees agree to provide $40,500,000 instead of $40,240,000 as proposed by the House and $39,755,000 as proposed by the Senate.

### General Services Administration

#### Federal Buildings Fund

**Limitations on Availability of Revenue**

The conferees agree to provide $5,971,509,000 in new obligations authority instead of $5,272,370,000 as proposed by the House and $5,502,333,000 as proposed by the Senate. The conferees directly appropriate $648,154,000 into the Federal Buildings Fund to meet program requirements subject to approval by the Committees on Appropriations.

**Construction and Acquisition**

The conferees agree to provide $472,176,000 instead of no funding as proposed by the House and $3,000,000 as proposed by the Senate. These funds are provided for nine projects. The conferees direct GSA to provide a written report to the Committees on Appropriations with respect to how GSA plans to allocate these funds among the various projects prior to allocating the funds. Within 45 days, the conferees have included $3,500,000 for the design and site acquisition of a combined law enforcement facility in Saint Petersburg, Florida.

**Grants Program**

The conferees agree to provide $1,500,000 for the construction of a new Federal building at Foley Square in lower Manhattan. Since 1992, significant work has been conducted on the memorialization of appropriate square feet or provide cleaning services, security enhancements, or any other service usually provided to any agency which does not pay the requested rental rates.

**Repairs and Restoration**

The conferees agree to provide $95,150,000 instead of $5,650,000 as proposed by the House and $4,950,000 as proposed by the Senate. This legislation contains funds for base repairs and restoration program, $88,000,000 for the major repair and restoration project at the main Archives building, $1,500,000 for the construction of a new Southeast Regional Archives facility, and $700,000 for the design of a 10,000-square-foot extension to the Gerald R. Ford Museum.

### National Archives and Records Administration

#### Operating Expenses

The conferees agree to provide $209,393,000 instead of $208,575,000 as proposed by the House, instead of $105,119,000 as proposed by the Senate, of which up to $5,000,000 may be used for the implementation of the Nazi War Crimes Disclosure Act (5 U.S.C. 552 note; Public Law 105-246), including preservation and restoration of declassified records, public access and dissemination activities, and necessary support services for the Federal Criminal Records Interagency Working Group.

### Office of Personnel Management

#### Salaries and Expenses

The conferees agree to provide a new provision proposed by the Senate.

### Personnel Management

**General Payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation**

The conferees agree to provide $2,000,000 as proposed by the Senate instead of $1,000,000 as proposed by the Senate.

### Merit Systems Protection Board

**Salaries and Expenses**

The conferees agree to provide $89,437,000 as proposed by the Senate instead of $88,575,000 as proposed by the House.

### Environmental Dispute Resolution Fund

The conferees agree to provide $5,125,000 as proposed by the House instead of $500,000 as proposed by the Senate.
September 30, 2001. The report should include projected utilization rates and views as to whether this benefit can be expected to curtail the rate at which Federal employees are being lost to the private sector, help the Federal government recruit and retain employees, reduce turnover and replacement costs, and contribute to parental involvement and involvement of children in formative years.

**LIMITATION ON ADMINISTRATIVE EXPENSES**

The conferees agree to provide $101,986,000 as proposed by the House instead of $99,624,000 as proposed by the Senate.

**OFFICE OF INSPECTOR GENERAL**

The conferees agree to provide $1,360,000 as proposed by the House instead of $1,356,000 as proposed by the Senate.

**OFFICE OF SPECIAL COUNSEL**

The conferees agree to provide $11,147,000 instead of $10,319,000 as proposed by the House and $10,733,000 as proposed by the Senate. The conferees fully fund the President’s request.

**UNITED STATES TAX COURT**

The conferees agree to provide $37,305,000 instead of $37,292,000 as proposed by the House and $37,200,000 as proposed by the Senate.

**TITLE V—GENERAL PROVISIONS—THIS ACT**

Section 501. The conferees agree to continue the provision limiting the expenditure of funds to the current year unless expressly provided in this Act.

Section 502. The conferees agree to continue the provision limiting the expenditure of funds for consulting services under certain conditions.

Section 503. The conferees agree to continue the provision prohibiting the use of funds to engage in activities that would prohibit the enforcement of section 307 of the 1990 Tariff Act.

Section 504. The conferees agree to continue the provision prohibiting the transfer of control over the Federal Law Enforcement Training Center out of the Department of the Treasury.

Section 505. The conferees agree to continue the provision concerning employment rights of Federal employees who return to their civilian jobs after assignment with the Armed Forces.

Section 506. The conferees agree to continue the provision that requires compliance with the Immigration and Nationality Act.

Section 507. The conferees agree to continue the provision concerning prohibition of contracts that use certain goods not made in America.

Section 508. The conferees agree to continue the provision prohibiting contract eligibility where fraudulent intent has been proven, particularly in America’s Workforce Act.

Section 509. The conferees agree to continue the provision prohibiting the expenditure of funds for abortions under the FEHBP, as proposed by the House.

Section 510. The conferees agree to continue the provision that would authorize the expenditure of funds for abortions under the FEHBP if the life of the mother is in danger or the pregnancy is a result of an act of rape or incest, as proposed by the House.

Section 511. The conferees agree to continue the provision prohibiting providing that fifty percent of unobligated balances may remain available for certain purposes.

Section 512. The conferees agree to continue the provision prohibiting the use of funds for the White House to request official background reports without the written consent of the individual who is the subject of the report.

Section 513. The conferees agree to continue the provision that cost accounting standards for Federal Procurement Policy Act shall not apply to the FEHBP.

Section 514. The conferees agree to include a new provision requiring a parcel of land from the Gerald R. Ford Library and Museum to the Gerald R. Ford Foundation as trustee, with reversionary interest as proposed by the Senate.

Section 515. The conferees include a new provision requiring OMB to develop guidelines for ensuring and maximizing the quality, objectivity, and integrity of information disseminated by Federal agencies as proposed by the House.

Section 516. The conferees agree to include a new provision permitting OPM to utilize certain funds to resolve litigation and implement settlement agreements regarding the non-foreign area cost-of-living allowance program as proposed by the Senate.

Section 517. The conferees include and modify a provision prohibiting the use of funds for property, construction, or project as proposed by the Senate.

Section 518. The conferees agree to include a new provision permitting OPM to utilize certain funds to resolve litigation and implement settlement agreements regarding the non-foreign area cost-of-living allowance program as proposed by the Senate.

Section 519. The conferees agree to continue the provision requiring agencies to certify that a Schedule C appointment was not created solely or primarily to detail the employee to the White House.

Section 520. The conferees agree to continue the provision requiring agencies to administer a policy designed to ensure that all Federal workplaces are free from discrimination and sexual harassment.

Section 521. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 522. The conferees agree to continue the provision prohibiting the payment of the salary of any employee who prohibits, threatens or prevents another employee from communicating with Congress.

Section 523. The conferees agree to continue the provision prohibiting Federal training not directly related to the performance of official duties.

Section 524. The conferees agree to continue and modify the provision prohibiting the expenditure of funds for implementation of agreements in nondisclosure policies unless certain provisions are included.

Section 525. The conferees agree to continue and make permanent the provision authorizing the President to make certain transfers of蕨ites under certain circumstances.

Section 526. The conferees agree to continue the provision concerning employment rights of Federal employees who return to their civilian jobs after assignment with the Armed Forces.

Section 527. The conferees agree to continue the provision allowing agencies to be used for quarter allowances and cost-of-living allowances.

Section 528. The conferees agree to continue the provision permitting agencies to utilize any goods manufactured by forced or indentured child labor.

Section 529. The conferees agree to continue the provision prohibiting the expenditure of funds for publicity or propaganda designed to support or defeat legislation pending in Congress.

Section 530. The conferees agree to continue and make permanent the provision directing the Architect of the Capitol to publish and report on the cumulative costs and benefits of Federal regulatory programs.

Section 531. The conferees agree to continue the provision prohibiting the issuance of any special police powers to any Federal agency from disclosing an employee’s home address to any labor organization, absent employee authorization or court order.

Section 532. The conferees agree to continue and make permanent the provision authorizing the Secretary of the Treasury to establish scientific canine explosive detection teams.

Section 533. The conferees agree to continue the provision prohibiting the use of funds for printing and propagation of political literature.

Section 534. The conferees agree to continue the provision prohibiting the use of funds for printing and propagation of political literature.

Section 535. The conferees agree to continue the provision prohibiting the use of funds for printing and propagation of political literature.

Section 536. The conferees agree to continue and include technical modifications to
the provision addressing contraceptive coverage in health plans participating in the FEHBP, making it identical to current law as enacted by Section 625 of the Departments of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act of 2000 and deleting the names of two plans that no longer participate in the program.

Section 631. The conferees agree to continue the provision authorizing the use of fiscal year 2001 funds to finance an appropriate share of the Joint Financial Management Improvement Program.

Section 632. The conferees agree to continue and modify the provision authorizing agencies to transfer funds to the Policy and Operations account of GSA to finance an appropriate share of the Joint Financial Management Improvement Program.

Section 633. The conferees agree to continue and modify the provision authorizing agencies to provide child care in Federal facilities.

Section 634. The conferees agree to continue and modify the provision authorizing breast feeding at any location in a Federal building or on Federal property.

Section 635. The conferees agree to include a new provision that permits interagency funding of the National Science and Technology Council as proposed by the House.

Section 636. The conferees agree to include a new provision concerning retirement provisions relating to certain members of the police force of the Metropolitan Washington Airports Authority as proposed by the House.

Section 637. The conferees agree to include a new provision authorizing the President’s Pay Agent to use appropriate data from sources other than the Bureau of Labor Statistics in making new locality pay designations as proposed by the House.

Section 638. The conferees agree to continue the provision requiring identification of the Federal agencies providing Federal funds and the amount provided for all proposals, solicitations, grant applications, forms, notifications, press releases, or other publications related to the distribution of funding to a State.

Section 639. The conferees agree to include a new provision requiring the mandatory removal from employment of any law enforcement officer convicted of a felony as proposed by the Senate.

Section 640. The conferees agree to include a new provision repealing Section 504 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (as enacted into law by P.L. 106±346) related to Federal Internet sites.

Section 641. The conferees agree to include a new provision that includes a technical modification to the basis for using inactive duty military leave as proposed by the House.

Section 642. The conferees agree to include a new provision that includes a technical modification to the basis for using inactive duty military leave as proposed by the Senate.

Section 643. The conferees agree to include a new provision that requires criminal background checks for employees at federally provided day care facilities of the executive branch as proposed by the House.

Section 644. The conferees include a new provision modifying Section 503 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (as enacted into law by P.L. 106±346) related to Federal Internet sites.

Section 645. The conferees agree to include a new provision that makes pay rates for Administrative Appeals Judges comparable to Administrative Law Judges as proposed by the House.

Section 646. The conferees agree to include a new provision that requires the Inspector General of each department or agency to submit to Congress a report that discloses any activity relating to the collection of data about individuals who access any Internet site of the department or agency.
(Amounts in thousands of dollars)

<table>
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<th>FY 2000 Enacted</th>
<th>FY 2001 Request</th>
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<th>Senate</th>
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(Amounts in thousands of dollars)

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<th>Conference vs. enacted</th>
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<tr>
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<td></td>
<td>422,249</td>
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United States Secret Service:

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<th>823,800</th>
<th>778,279</th>
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<td>5,021</td>
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<td>828,821</td>
<td>782,562</td>
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Total, title I, Department of the Treasury

| 12,352,437 | 14,520,692 | 13,200,949 | 13,161,407 | 13,597,742 | +1,245,305 |
| Current year, FY 2001
| 12,352,437 | 14,098,443 | 13,200,949 | 13,161,407 | 13,597,742 | +1,245,305 |
| Appropriations
| (12,317,537) | (14,043,443) | (13,200,949) | (13,105,905) | (13,542,742) | (+1,225,205) |
| Emergency funding
| (34,900) | (55,900) | (55,502) | (55,500) | (55,000) | (+20,100) |
| Advance appropriations, FY 2002
|                      | 422,249 |          |         |         |         |             |
(Amounts in thousands of dollars)

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<th>FY 2001 Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>Conference vs. enacted</th>
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<td>67,093</td>
<td>96,093</td>
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<td>53,288</td>
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<td>5,510</td>
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(Amounts in thousands of dollars)

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<tr>
<th>FY 2000</th>
<th>FY 2001</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
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<td>Office of National Drug Control Policy:</td>
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**TITLE IV - INDEPENDENT AGENCIES**

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(Amounts in thousands of dollars)

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<th>House</th>
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<th>Conference</th>
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<td>Federal Buildings Fund:</td>
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<tr>
<td>Appropriations</td>
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<td></td>
<td></td>
<td>464,154</td>
<td>+ 484,176</td>
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<tr>
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<td>477,484</td>
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<td></td>
<td>374,345</td>
<td>276,400</td>
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<td>(1,580,909)</td>
<td>(1,624,771)</td>
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<td>Senate</td>
<td>Conference</td>
<td>Conference vs. enacted</td>
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<td>2,430</td>
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(Amounts in thousands of dollars)

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<tr>
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<th>House</th>
<th>Senate</th>
<th>Conference</th>
<th>Conference vs. enacted</th>
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<td>93,471</td>
<td>94,995</td>
<td>94,095</td>
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<td>101,986</td>
<td>99,624</td>
<td>101,986</td>
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</tr>
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<td>1,360</td>
<td>1,356</td>
<td>1,360</td>
<td>+404</td>
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<td>Limitation on administrative expenses</td>
<td>9,608</td>
<td>9,745</td>
<td>9,745</td>
<td>9,708</td>
<td>9,745</td>
<td>+137</td>
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<tr>
<td>Government Payment for Annuities, Employees Health Benefits</td>
<td>5,105,395</td>
<td>5,427,166</td>
<td>5,427,166</td>
<td>5,427,166</td>
<td>5,427,166</td>
<td>+321,771</td>
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<tr>
<td>Government Payment for Annuities, Employee Life Insurance</td>
<td>36,200</td>
<td>35,000</td>
<td>35,000</td>
<td>35,000</td>
<td>35,000</td>
<td>-1,200</td>
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<td>Payment to Civil Service Retirement and Disability Fund</td>
<td>9,120,558</td>
<td>8,940,051</td>
<td>8,940,051</td>
<td>8,940,051</td>
<td>8,940,051</td>
<td>-180,507</td>
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<td>Total, Office of Personnel Management</td>
<td>14,458,081</td>
<td>14,615,866</td>
<td>14,608,779</td>
<td>14,607,000</td>
<td>14,609,403</td>
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<td>Office of Special Counsel</td>
<td>9,703</td>
<td>11,147</td>
<td>10,319</td>
<td>10,733</td>
<td>11,147</td>
<td>+1,444</td>
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<td>United States Tax Court</td>
<td>35,045</td>
<td>37,439</td>
<td>37,305</td>
<td>35,474</td>
<td>37,305</td>
<td>+2,260</td>
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<tr>
<td>Total, title IV, Independent Agencies</td>
<td>14,969,147</td>
<td>16,437,796</td>
<td>15,123,722</td>
<td>15,610,326</td>
<td>15,968,378</td>
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<tr>
<td>Current year, FY 2001</td>
<td>14,969,147</td>
<td>15,960,312</td>
<td>15,123,722</td>
<td>15,147,981</td>
<td>15,709,978</td>
<td>+740,831</td>
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<td>Appropriations</td>
<td>(14,967,847)</td>
<td>(15,960,312)</td>
<td>(15,123,722)</td>
<td>(15,147,981)</td>
<td>(15,709,978)</td>
<td>(+742,131)</td>
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<td>Recissions</td>
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<td></td>
<td></td>
<td></td>
<td>(-2,000)</td>
</tr>
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<td>Advance appropriations, FY 2002-2004</td>
<td></td>
<td>477,484</td>
<td></td>
<td>462,345</td>
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</tr>
<tr>
<td>(Amounts in thousands of dollars)</td>
<td>FY 2000 Enacted</td>
<td>FY 2001 Request</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>Conference vs. enacted</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>----------------</td>
<td>----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
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<tr>
<td>Grand total</td>
<td>28,069,062</td>
<td>31,756,826</td>
<td>29,102,263</td>
<td>29,433,584</td>
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<tr>
<td>Current year, FY 2001</td>
<td>28,004,626</td>
<td>30,790,000</td>
<td>29,035,170</td>
<td>28,904,146</td>
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<td>Appropriations</td>
<td>(27,968,426)</td>
<td>(30,735,000)</td>
<td>(29,035,170)</td>
<td>(28,848,644)</td>
<td>(29,973,035)</td>
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<td>Emergency funding</td>
<td>(38,200)</td>
<td>(55,000)</td>
<td>(55,502)</td>
<td>(55,000)</td>
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<td>(+16,500)</td>
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<td>Rescissions</td>
<td>(-2,000)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(+2,000)</td>
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<tr>
<td>Advance appropriations, FY 2002-2004</td>
<td>64,436</td>
<td>96,626</td>
<td>67,093</td>
<td>529,438</td>
<td>343,493</td>
<td>+279,057</td>
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<td>(Limitations)</td>
<td>(5,342,416)</td>
<td>(6,326,621)</td>
<td>(5,272,370)</td>
<td>(5,502,333)</td>
<td>(5,971,509)</td>
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<td>(Rescission of limitations)</td>
<td>(-20,782)</td>
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<td>(+20,782)</td>
</tr>
<tr>
<td>Scorekeeping adjustments:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bureau of The Public Debt (Permanent)</td>
<td>142,000</td>
<td>145,000</td>
<td>145,000</td>
<td>145,000</td>
<td>145,000</td>
<td>+3,000</td>
</tr>
<tr>
<td>Federal Reserve Bank reimbursement fund</td>
<td>128,000</td>
<td>131,000</td>
<td>131,000</td>
<td>131,000</td>
<td>131,000</td>
<td>+3,000</td>
</tr>
<tr>
<td>Limitation on admin expenses adjustment to BA</td>
<td>-1,561</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>+1,561</td>
</tr>
<tr>
<td>US Mint revolving fund</td>
<td>11,000</td>
<td>14,000</td>
<td>14,000</td>
<td>14,000</td>
<td>14,000</td>
<td>+3,000</td>
</tr>
<tr>
<td>Sallie Mae</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
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<td>Federal buildings fund</td>
<td>-119,366</td>
<td>63,000</td>
<td>-309,000</td>
<td>-79,000</td>
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<tr>
<td>Advance appropriations:</td>
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<td></td>
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<td>Postal service, FY 2000/2001</td>
<td>71,195</td>
<td>64,436</td>
<td>64,436</td>
<td>64,436</td>
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<td>-6,759</td>
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<td>IRS, FY 2002</td>
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<td>-422,249</td>
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<td>GSA, FY 2002-2004</td>
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<td>-477,484</td>
<td>-374,345</td>
<td>-276,400</td>
<td>-276,400</td>
<td></td>
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<td>National Archives, FY 2002</td>
<td></td>
<td></td>
<td>-88,000</td>
<td></td>
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<tr>
<td>Conveyance of land to the Columbia Hospital for Women (sec. 410)</td>
<td>-8,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>+8,000</td>
</tr>
<tr>
<td></td>
<td>FY 2000 Enacted</td>
<td>FY 2001 Request</td>
<td>House</td>
<td>Senate</td>
<td>Conference</td>
<td>vs. enacted</td>
</tr>
<tr>
<td>--------------------------------------</td>
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<td>-----------------</td>
<td>-------</td>
<td>--------</td>
<td>------------</td>
<td>-------------</td>
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<tr>
<td>NOAA retirement provision (sec. 654), FY 1999</td>
<td>5,650</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-5,650</td>
<td>-</td>
</tr>
<tr>
<td>Government-wide early buyout (sec. 651)</td>
<td>30,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-30,000</td>
<td>-</td>
</tr>
<tr>
<td>GSA early buyout (sec. 411)</td>
<td>-1,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>+1,000</td>
<td>+</td>
</tr>
<tr>
<td>FY 1999 supplemental (sec. 654)</td>
<td>-5,650</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>+5,650</td>
<td>+</td>
</tr>
<tr>
<td>Across the board cut (0.38%)</td>
<td>-73,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>+73,000</td>
<td>+</td>
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<tr>
<td>OMB/CBO adjustment</td>
<td>72,153</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-72,153</td>
<td>-</td>
</tr>
<tr>
<td>OMB/CBO adjustment (mandatory to discretionary)</td>
<td>(-408)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>(+408)</td>
<td></td>
</tr>
<tr>
<td>Total, scorekeeping adjustments</td>
<td>187,985</td>
<td>-548,390</td>
<td>-20,657</td>
<td>-253,002</td>
<td>-62,057</td>
<td>-250,042</td>
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<tr>
<td>Total mandatory and discretionary</td>
<td>28,257,047</td>
<td>31,208,436</td>
<td>29,081,606</td>
<td>29,180,582</td>
<td>30,309,471</td>
<td>+2,052,424</td>
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<td>Discretionary</td>
<td>13,724,052</td>
<td>16,528,829</td>
<td>14,401,999</td>
<td>14,500,975</td>
<td>15,629,864</td>
<td>+1,905,812</td>
</tr>
</tbody>
</table>
CONGRESSIONAL RECORD — HOUSE

December 15, 2000

MISCELLANEOUS APPROPRIATIONS

The conference agreement would enact the provisions of H.R. 5666 as introduced on December 15, 2000. The text of that bill follows: A BILL Making miscellaneous appropriations for the fiscal year ending September 30, 2001, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, and for other purposes:

DIVISION A

CHAPTER 1

GENERAL PROVISIONS—THIS CHAPTER

Sec. 101. The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001, is amended—

(1) in title III, under the heading “Rural Utilities Service, Rural Electricification and Telecommunications Loans Program Account”—

(7) by inserting “(A) in the section heading, by inserting “, Flue-cured, or Cigar Binder Type 54-55 tobacco quota or allotment for any year under part I of subtitle B of title III of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001.”;

(10) by inserting “or” after “year 2000” and inserting “year 2001”.

Sec. 102. The second sentence of section 730 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000, (Public Law 106-78), is amended by striking “year 2001” and inserting “year 2000” and “year 2020”.

Sec. 103. The Secretary of Agriculture, in collaboration with the Secretaries of Energy and Interior, shall undertake a study of the feasibility of including ethanol, biodiesel, and other bio-based fuels as part of the Strategic Petroleum Reserve. This study shall include a review of legislative and regulatory changes needed to allow this inclusion, and those elements necessary to develop a proxy to the amount, including cost. The Secretary shall provide this study to the House and Senate Appropriations Committees by February 15, 2001.

Sec. 104. (A) In section 730 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (Public Law 106-78), the City of Wilson, North Carolina, is eligible in the budgetary year 2001 for the community facility loan guarantee program under section 306(a)(1) of the Consolidated Farm and Rural Development Act.

Sec. 105. Title VIII of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000, is amended by inserting at the end the following:

“SEC. 778. Notwithstanding section 723 of this Act or any other provision of law, there are hereby appropriated $26,000,000, to remain available until expended, for the program authorized under section 334 of the Federal Agriculture Improvement and Reform Act of 1996: Provided, That the entire amount shall be available only to the extent an official budget request for $26,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.”

Sec. 106. In carrying out the bovine tuberculosis eradication program covered by the Secretary of Agriculture’s emergency declaration effective as of October 11, 2000, the Secretary of Agriculture shall pay 100 percent of the amounts of approved claims for materials affected because of or exposed to bovine tuberculosis, and for the appraisal and claims growing out of the destruction of animals: Provided, That in calculating the net present value of the future income portion of any claim, the Secretary shall use a discount rate of 3 percent: Provided further, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

Sec. 107. Section 820(b) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001, is amended by striking “of 1996” and inserting the following: “of 1996, and for the Farmland Protection Program established under title II of the Food, Agriculture Improvement and Reform Act of 1996.”

Sec. 108. For an additional amount for the United States Department of Agriculture, Office of the General Counsel, (II) by inserting “, Flue-cured, or Cigar Binder Type 54-55 tobacco quota or allotment for any year under part I of subtitle B of title III of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001.”

Sec. 109. For an additional amount for Grain Inspection, Packers and Stockyards Administration, Salaries and Expenses, $200,000: Provided, That the entire amount shall be available only to the extent an official budget request for $200,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

Sec. 110. Notwithstanding any other provision of law, the National Institutes of Health Service may provide financial and technical assistance to the Hamakua Ditch project in Hawaii from funds available for the Emergency Watershed Protection Program, not to exceed $3,000,000.

CHAPTER 2

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, $500,000, to remain available until expended: Provided, That these funds are to be expended by the National Institute of Corrections (NIC) for a comprehensive assessment of medical care and incidents of inmate mortality in the Wisconsin State Prison System.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For an additional amount for “Justice Assistance”, $3,080,000, to remain available until expended, of which $1,880,000 shall be for a grant to the Pasadena, California, Police Department for equipment; of which $200,000 shall be for a grant to the City of Signal Hill, California, for equipment and technology for an emergency operations center; and of which $1,000,000 shall be a grant to the State of Alabama Department of Forensic Sciences for equipment.

JUVENILE JUSTICE PROGRAMS

For an additional amount for “Juvenile Justice Programs”, $1,000,000, to remain available until expended, for a grant to Mobile County, Alabama, for a juvenile court network program.

For an additional amount for “Community Oriented Policing Services”, $3,080,000, to remain available until expended, of which $1,880,000 shall be for a grant to the Pasadena, California, Police Department for equipment; of which $200,000 shall be for a grant to the City of Signal Hill, California, for equipment and technology for an emergency operations center; and of which $1,000,000 shall be a grant to the State of Alabama Department of Forensic Sciences for equipment.

For an additional amount for “Juvenile Justice Programs”, $1,000,000, to remain available until expended, for a grant to Mobile County, Alabama, for a juvenile court network program.

For an additional amount for “Juvenile Justice Programs”, $1,000,000, to remain available until expended, for a grant to Mobile County, Alabama, for a juvenile court network program.
Expenses" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, $10,000,000 for the State of Texas and $2,000,000 for the State of California to reimburse court costs, detention costs, courtroom technology, the building of holding spaces, administrative costs, and defense costs.

Sec. 203. In addition to amounts appropriated under the heading "State and Local Law Enforcement Assistance" within the Department of Justice, $500,000 shall be made available only for the New Hampshire Department of Safety to investigate and support the prosecution of violations of federal trucking laws.

Sec. 205. In addition to other amounts made available by the Technology Policy Act, The Secretary of Commerce, by paragraph 1(a)(2) of the Act entitled "An Act to support the Secretary of Commerce to establish a regional radio system to facilitate communications between the State, and local law enforcement agencies, firefighting agencies, and other emergency services agencies.

DEPARTMENT OF COMMERCE

ECONOMIC AND STATISTICAL ANALYSIS SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $200,000, to remain available until expended, for the establishment of satellite accounts in the Department of Commerce, the National Oceanic and Atmospheric Administration Operations, Research, and Facilities for an additional amount for "Operations, Research, and Facilities", $750,000, to remain available until expended, for a study by the National Academy of Sciences pursuant to H.R. 209, as passed by the House of Representatives on September 10, 2000.

GENERAL PROVISIONS

Sec. 206. The Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, as enacted by section 1(a) of the Act entitled "An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2001, and for other purposes" is amended by inserting before the period at the end of the paragraph under the heading "National Oceanic and Atmospheric Administration, Operations, Research, and Facilities" the following new proviso: "Provided further, That, of the amounts made available for the National Marine Fisheries Service under this heading, $10,000,000 shall be available only for research regarding litigation concerning the Alaska Steller sea lion and Gulf of Alaska groundfish fisheries, of which $6,000,000 shall be available only for the Office of Oceanic and Atmospheric Research to study climate change, and $4,000,000 shall be available to the North Pacific and Bering Sea fish and marine mammal species composition, of which $2,000,000 shall be available only for the National Ocean Service, as appropriate, to research relationships as they relate to the decline of the western population of Steller sea lions, of which $2,000,000 shall be available only for the North Pacific and Bering Sea Fish and Wildlife Management Council, an independent analysis of Steller sea lion science and other work related to such litigation."
(5) regime shift, climate change, and other im-
pect associated with changing environmental 
ctions in the North Pacific and Bering Sea; 
(6) disease; 
(7) marine and pup survival rates; 
(8) population counts; 
(9) nutritional stress; 
(10) foreign and tribal harvest of sea lions outside the exclusive economic zone; 
(11) the residual impacts of former government-
authorized Steller sea lion eradication bounty programs; 
(12) the residual impacts of intentional lethal 
takes of Steller sea lions. Within available funds the 
Secretary may enter into a pilot basis innovative non-lethal measures to protect Steller sea 
lions from marine mammal predators including 
killer whales.

(a) ECONOMIC DISASTER RELIEF. Ð $30,000,000 is hereby appropriated to the Secretary of Com-
merce to make available as a direct payment to 
merchants to carry out such purposes specified in 
sections 113 through 118, respectively.

(b) The amendments made by this section shall 
take effect as if included in H.R. 4942 of the 106th Congress on the date of its enactment.

CHAPTER 3
DEPARTMENT OF DEFENSE
GENERAL PROVISIONS—THIS CHAPTER
Sec. 301. In the event that award of the full 
funding contract for low-rate initial production of 
the F-22 aircraft is delayed beyond December 
31, 2000 because of inability to complete the re-
quirements specified in section 8124 of the De-
partment of Defense Appropriations Act, 2001 (Public Law 106-259), the Air Force may obligate up to $353,000,000 of the funds appropriated in Title I of Public Law 106-259 to continue F-22 Lot 10 aircraft ad-
procurement at the lower base and preserve program costs and schedule.

Sec. 302. (a) Consistent with Executive Order Number 13233, dated March 1, 2001, and with-
standing section 303 of the Alaska National In-
terest Lands Conservation Act, Public Law 96-
487, or any other law, the Department of the Air 
Force shall have primary jurisdiction, custody, 
control, and control over its appurtenant waters (including submerged lands). In 
exercising such primary jurisdiction, custody, 
and control, the Secretary of the Air Force may 
utilize and apply such authorities as are gen-
erally applicable to a military installation, base, 
camp, post, or station. Shemya Island and its 
apurtenant waters (including submerged lands) shall continue to be within the 
Alaska Maritime National Wildlife Refuge and the 
National Wildlife Refuge System and the 
Secretary of the Interior shall have jurisdiction, 
secondary to that of the Department of the Air 
Force. Nothing in this section shall prohibit the 
transfer of jurisdiction, custody, and control 
from the Secretary of the Interior to the Secretary of the Air 
Force to another military department. In 
the event the military department exercising such 
primary jurisdiction, custody, and control no 
longer has a need to exercise such primary jur-
diction, custody, and control shall terminate and the Secretary of the Interior 
shall then exercise sole jurisdiction, custody, 
and control over Shemya Island and its 
apurtenant waters (including submerged lands) as part of the Alaska Maritime National 
Wildlife Refuge.

(b) Any environmental contamination of 
Shemya Island caused by a military department 
shall be the responsibility of that military de-
partment and not the responsibility of the De-
partment of the Interior. Any money rentals re-
ceived by a military department from outgrants for 
Shemya Island shall be used for the environ-
mental restoration of the island in accordance 
with 10 U.S.C. 2667.

(c) This section shall not be construed as al-
ting any person as exempt from the State of 
Alaska or any private person.

(d) The military department exercising pri-
mary jurisdiction, custody, and control over 
Shemya Island shall be accountable for the ac-
plishment of the military mission and subject to 
section 21 of the Internal Security Act of 1950,
to the National Science and Technology Council (authorized by Executive Order No. 12881), or any successor entity to the council, under section 635 of the Treasury and General Government Appropriations Act, 2001, for payment of any expenses of, and to ensure that administrative services, facilities, staff and other support are provided for, the Commission on the Future of Engineering, Computing, and ICT Industry pursuant to section 102(e)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by section 1 of the Act) for the Research and Development budgets for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe effective fiscal year 2001 and for the termination of other transfer authorities contained elsewhere in this Act: Provided further, That the exact status and legal description of the real property to be acquired pursuant to this section shall be determined by a survey satisfactory to the Secretary of the Navy; That the Secretary of the Navy may require such additional terms and conditions in connection with the land acquisition pursuant to this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 317. Of the total amount appropriated by title IV of the Department of Defense Appropriations Act, 2001 (Public Law 106-259) for "Operation and Maintenance, Navy", $750,000 shall be available only for repair of equipment at the National Training Center; (2) develop and test military equipment at the National Training Center;
shall be coordinated, to the extent practicable and appropriate, with the review of the West Mojave Coordinated Management Plan that, as of the date of the enactment of this Act, is being undertaken by the Bureau of Land Management.

(h) Funding.

(1) INITIATION OF CONSERVATION MEASURES.—There are authorized to be appropriated $75,000,000 to the Secretary of the Army for the implementation of conservation measures necessary for the expansion plan for the National Training Center, and the District, to comply with the Endangered Species Act of 1973.

(2) IMPLEMENTATION OF SECTION.—The amount appropriated under paragraph (1) shall be expended in accordance with the following:

(A) Consultation with the Secretaries under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(B) The acquisition of private and State lands within the wildlife management areas in the West Mojave Desert.

(C) The construction of barriers, fences, and other structures that would promote the conservation of endangered or threatened species and their critical habitats.

(D) Conserving a portion of barriers, fences, and other structures that would promote the conservation of endangered or threatened species and their critical habitats.

(E) Other conservation measures.

CHAPTER 4
DISTRICT OF COLUMBIA FEDERAL FUNDS
FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For an additional amount for the District of Columbia courts for capital repairs necessitated by the President of the United States under the District of Columbia Appropriations Act, 2001, the District of Columbia may reallocate not more than $1,000,000 of the funds provided under this heading for the District of Columbia Appropriations Act, 2001, among the items and entities funded under such heading at the District of Columbia courts for capital repairs necessitated by the President of the United States under the District of Columbia Appropriations Act, 2001.


(1) in the third sentence of paragraph (1), by striking "United States Treasury and" and all that follows through "the Secretary" and inserting "$75,000,000 to the Secretary of the Army for the implementation of conservation measures necessary for the expansion plan for the National Training Center, and the District, to comply with the Endangered Species Act of 1973."

(b) Section 212(b) of the District of Columbia Appropriations Act, 1996 (31 U.S.C. 158a), as amended by section 160(d) of the District of Columbia Appropriations Act, 2000, is amended to read as follows:

(1) In the first sentence of paragraph (1), by striking "United States Treasury and" and all that follows through "the Secretary" and inserting "$75,000,000 to the Secretary of the Army for the implementation of conservation measures necessary for the expansion plan for the National Training Center, and the District, to comply with the Endangered Species Act of 1973."

(2) In the second sentence of paragraph (1), by striking "United States Treasury and" and all that follows through "and shall be expended" and inserting "$75,000,000 to the Secretary of the Army for the implementation of conservation measures necessary for the expansion plan for the National Training Center, and the District, to comply with the Endangered Species Act of 1973."

(3) In the third sentence of paragraph (1), by striking "United States Treasury and" and all that follows through "respect to the services furnished to such department, establishment, or agency." and inserting "$75,000,000 to the Secretary of the Army for the implementation of conservation measures necessary for the expansion plan for the National Training Center, and the District, to comply with the Endangered Species Act of 1973."

(4) In the fourth sentence of paragraph (1), by striking "United States Treasury and" and all that follows through "and shall be expended" and inserting "$75,000,000 to the Secretary of the Army for the implementation of conservation measures necessary for the expansion plan for the National Training Center, and the District, to comply with the Endangered Species Act of 1973."

(5) In the fifth sentence of paragraph (1), by striking "United States Treasury and" and all that follows through "and shall be expended" and inserting "$75,000,000 to the Secretary of the Army for the implementation of conservation measures necessary for the expansion plan for the National Training Center, and the District, to comply with the Endangered Species Act of 1973."

(6) The amendments made by this section shall take effect as if included in the enactment of section 133 of the District of Columbia Appropriations Act, 1990.

SEC. 402. (a) The Act entitled "An Act donating certain Lots in the City of Washington for the use of the United States for a Colonel's Chapel at the District of Columbia," approved July 28, 1866 (14 Stat. 343), is amended by striking the second sentence:

"(b) Section 212(b) of the District of Columbia Appropriations Act, 2000, is amended to read as follows:

(1) In the first sentence of paragraph (1), by striking "United States Treasury and" and all that follows through "and shall be expended" and inserting "$75,000,000 to the Secretary of the Army for the implementation of conservation measures necessary for the expansion plan for the National Training Center, and the District, to comply with the Endangered Species Act of 1973."

(2) In the second sentence of paragraph (1), by striking "United States Treasury and" and all that follows through "and shall be expended" and inserting "$75,000,000 to the Secretary of the Army for the implementation of conservation measures necessary for the expansion plan for the National Training Center, and the District, to comply with the Endangered Species Act of 1973."

(3) In the third sentence of paragraph (1), by striking "United States Treasury and" and all that follows through "and shall be expended" and inserting "$75,000,000 to the Secretary of the Army for the implementation of conservation measures necessary for the expansion plan for the National Training Center, and the District, to comply with the Endangered Species Act of 1973."

(4) In the fourth sentence of paragraph (1), by striking "United States Treasury and" and all that follows through "and shall be expended" and inserting "$75,000,000 to the Secretary of the Army for the implementation of conservation measures necessary for the expansion plan for the National Training Center, and the District, to comply with the Endangered Species Act of 1973."

(5) In the fifth sentence of paragraph (1), by striking "United States Treasury and" and all that follows through "and shall be expended" and inserting "$75,000,000 to the Secretary of the Army for the implementation of conservation measures necessary for the expansion plan for the National Training Center, and the District, to comply with the Endangered Species Act of 1973."

(6) The amendments made by this section shall take effect as if included in the enactment of section 133 of the District of Columbia Appropriations Act, 1990.
For an additional amount for "Construction", $15,000,000, to remain available until expended, for an additional amount for the "Historic Preservation Fund", $1,000,000, to be available until expended, for the Congress on the date of its enactment.

For an additional amount for "Science", $1,000,000, to remain available until expended, for high temperature superconducting research and development at Boston College.

For an additional amount for "Science", $5,000,000, to be derived from the Land Acquisition Fund, to be invested in investments approved by the Board of Trustees of the Woodrow Wilson International Center for Scholars and the income from such investments may be used to support the programs of the Center that the Board of Trustees and the Director of the Center determine appropriate.

For an additional amount for "Construction", $3,500,000, to remain available until expended, of which $1,500,000 is for the Stonewall National Battlefield and $2,000,000 is for the Millennium Cultural Cooperative Park.

For an additional amount for "Science", $2,000,000, to remain available until expended, for a grant to the Oak Ridge National Laboratory/Nevada Test Site Development Corporation for the development of (1) cooling, refrigeration, and thermal energy management equipment capable of using natural gas or hydrogen fuels; and (2) improvement of the reliability of heat-activated cooling, refrigeration, thermal energy management, and fuel-cell technology used in combined heating, cooling, and power applications.

For an additional amount for "Construction", $2,000,000, to remain available until expended, for a grant to the Grant Programs Administration, Department of Health and Human Services, for the construction of the Biotechnology Science Center at the Marshall University in Huntington, West Virginia, $25,000,000, to remain available until expended.

For an additional amount for "Construction", $5,000,000, to remain available until expended, of which $2,500,000 is for the Stones River National Battlefield and $2,500,000 is for the Millennial Cultural Cooperative Park.

For an additional amount for "Construction", $15,000,000, to remain available until expended, of which $1,500,000 is for the Stonewall National Battlefield and $2,000,000 is for the Millennium Cultural Cooperative Park.
Department of Health and Human Services, for the construction of the Christian Nurses Hospice in Brentwood, New York, $400,000.

SEC. 803. There are appropriated to the Institute of Marine Biology Research an amount equal to the balance remaining unexpended at the end of the fiscal year 1998, for the support of the marine biology program at the Long Island Maritime Museum, $250,000.

CHAPTER 9

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

PAYMENTS TO THE HEIRS OF DECREASED MEMBERS OF CONGRESS

For payment to Laura Y. Bateman, widow of Herbert H. Bateman, late a Representative from the State of Virginia, $141,300.

For payment to Susan L. Vento, widow of Bruce F. Vento, late a Representative from the State of Minnesota, $141,300.

For payment to Betty Lee Dixon, widow of Julian Dixon, late a Representative from the State of California, $141,300.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

SALARIES AND EXPENSES

For an additional amount for "CAPITOL BUILDINGS—CAPITOL BUILDINGS—SALARIES AND EXPENSES" for necessary expenses for construction of emergency egress from the fourth floor of the Capitol Building, $1,033,000, 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.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For the Library of Congress, $25,000,000, to remain available until expended, for necessary salaries and expenses of the Senate National Digital Information Infrastructure and Preservation Program; and an additional $75,000,000, to remain available until expended, for such purposes: Provided, That the portion of such additional $75,000,000, which may be expended shall not exceed an amount equal to the matching contributions (including contributions other than money) for the Library of Congress that are received by the Librarian of Congress for the program from non-Federal sources, and (2) are received before March 31, 2003: Provided further, That such portion may be expended only if (A) the Depository Library Program under paragraph (1) is carried out in conformance with a plan or plans approved by the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate; Provided further, That the amount of such additional $75,000,000 may be expended before the approval of a plan to develop such a plan, and to collect or preserve essential digital information which otherwise would be uncollectible or lost, and (B) if the total amount so expended is $5,000,000 may be expended after such approval; Provided further, That the balance in excess of such $5,000,000 shall not be expended without approval in advance by the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate: Provided further, That the plan under this heading shall be developed by the Librarian of Congress jointly with entities of the Federal government with expertise in telecommunications technology and electronic commerce policy (including the Secretary of Commerce and the Director of the White House Office of Technology Policy), and the National Archives and Records Administration, and with the participation of representatives of other Federal, research, and private libraries, with expertise in the collection and maintenance of archives of digital materials (including the National Library of Medicine, the National Agricultural Library, the National Institute of Standards and Technology, the Research Libraries Group, the Online Computer Library Center, and the Council on Library and Information Resources) and representatives of private business organizations which are involved in efforts to preserve, collect, and disseminate information in digital formats (including the Council). Provided further, That notwithstanding any other provision of law, effective with the One Hundred Seventh Congress and each succeeding Congress the chair of the subcommittee on Legislative Branch of the Committee on Appropriations of the House of Representatives shall serve as a member of the Joint Committee on the Library of Congress of the legislative service of the House of Representatives (as defined and authorized in the One Hundred Third Congress) and whose pay was paid in whole or in part by a source other than the Clerk Hire account of a Member of the House of Representatives (other than an individual described in paragraph (6)) shall be entitled—

(1) to receive credit under the provisions of subsection III of chapter 83 or chapter 84 of title 5, United States Code (whichever would be appropriate), as Congressional employee service, for all such service; and

(ii) to have all pay for such service which was so paid by a source other than the Clerk Hire account of a Member included (in addition to amounts otherwise paid) for purposes of computing an annuity payable out of the Civil Service Retirement and Disability Fund.

(2) FERS.—Section 8411 of title 5, United States Code, is amended by adding at the end the following new subsection:

 ``(3) An individual shall not be granted credit under this paragraph for service performed under paragraph (1) who has died, unless an application authorized by this subsection is made by or on behalf of the survivor of such individual, whether or not a survivor annuity was authorized for such service under this subsection."

(2) FITS.—In the case of any period of service as an employee of a legislative service organization which constituted employment for purposes of title II of the Social Security Act attributable to pay referred to in subparagraph (A), an individual shall be required to pay into the Civil Service Retirement and Disability Fund an amount equal to the difference between—

(i) the employee contributions that were actually made to such Fund under applicable provisions of law with respect to the service described in subparagraph (A); and

(ii) the employee contributions that would have been required with respect to such service if the amounts described in subparagraph (A) had also been treated as basic pay.

The amount required under this subparagraph shall include interest, which shall be computed under section 8334(e) of title 5, United States Code.

(C) CERTAIN OFFSETS REQUIRED IN ORDER TO PREVENT DOUBLE CONTRIBUTIONS AND BENEFITS.—Any compensation attributable to pay referred to in subparagraph (A) or (B) of this section may, in the case of an individual under subsection (4) of section 8334(a) of title 5, United States Code, shall instead be computed in a manner based on section 8334(k) of such title; and

(iii) any retirement benefits under subsection III of chapter 83 or chapter 84 of title 5, United States Code, shall be subject to offset (to reflect that portion of benefits under title II of the Social Security Act attributable to pay referred to in subparagraph (A) similar to that payable for all such service provided for under section 8349 of such title.

(2) SURVIVOR ANNUITANTS.—For purposes of survivor annuities, an application authorized by this section may, in the case of an individual under paragraph (1) who has died, be made by a survivor of such individual.

(3) RECOMPUTATION OF ANNUITIES.—Any annuity payable to a survivor annuitant is recompounded under this section for purposes of computing any annuity payable under any date on which the individual makes the deposit.
(4) **CERTIFICATION OF SPEAKER.**—The Office of Personnel Management shall accept the certification of the Speaker of the House of Representatives (or the Speaker’s designee) concerning the service of, and the amount of compensation received by, an employee with respect to whom credit is to be sought under this subsection.

(5) **NOTIFICATION AND OTHER DUTIES OF THE OFFICE OF PERSONNEL MANAGEMENT.**—

(A) **NOTICE.**—The Office of Personnel Management shall take such action as may be necessary and appropriate to inform individuals of any right that they might have as a result of the enactment of this subsection.

(B) **ASSISTANCE.**—The Office shall, on request, assist an individual in obtaining from any department, agency, or other instrumentality of the United States any information in the possession of such instrumentality which may be necessary to qualify the entitlement of such individual to have any service credited under this subsection or to have an annuity recomputed under paragraph (3).

(C) **INFORMATION.**—Any department, agency, or other instrumentality of the United States which possesses any information with respect to an individual’s performance of any service described in subsection (a), at the request of the office, furnish such information to the Office.

(D) **EXCLUSION OF CERTAIN EMPLOYEES.**—An individual is not eligible for credit under this subsection if the individual served as an employee of the House of Representatives for an aggregate period of 5 years or longer after the individual’s final period of service as an employee of a legislative service organization of the House of Representatives.

(E) **MEMBER DEFINED.**—In this subsection, the term ‘member of the House of Representatives’ includes a Delegate or Resident Commissioner to the Congress.

Sec. 902. (a) The Legislative Branch Appropriations Act, 2001 is amended under the heading “MISCELLANEOUS ITEMS” under the heading “SENATE” under title I by striking “$8,655,000” and inserting “$25,155,000”.

(b) The amendment made by subsection (a) is not the Act of July 31, 1947, when the use of such resources is required for construction needs on the Yakima Training Center, Washington.

Sec. 1101. Section 5309(g)(4)(D)(2) of title 49, United States Code, is amended by striking “Transportation infrastructural improvements, Inner Harbor/Redevelopment Authority improvements, and (c), of the type subject to disposition under the Act of July 31, 1947, when the use of such resources is required for construction needs on the Yakima Training Center, Washington.”

**CHAPTER 11 DEPARTMENT OF TRANSPORTATION**

**GENERAL PROVISIONS**—This Chapter

Sec. 1101. Item number 630 of the table contained in section 1602 of the Transportation Act for the 21st Century (112 Stat. 280), relating to the Buffalo, New York, is amended by striking “Design and construct Outer Harbor Bridge in Buffalo” and inserting “Transportation infrastructure improvements, Inner Harbor Redevelopment project, Buffalo”.

Sec. 1103. If the State of Arkansas incorporates into the creation of U.S. Route 71 through Fort Chaffee, Arkansas, land obtained by the State from the Federal Government as a result of the closure of a military installation, the Secretary of Transportation shall credit to the State share of the cost of the relocation the fair market value of such land.

Sec. 1104. For an additional amount to enable the Secretary of Transportation to make a grant to the Huntsville International Airport, Alabama, to be provided from the airport and airway trust fund, to remain available until expended.

Sec. 1105. Notwithstanding any other provisions of law, for the Southeast Light Rail Extension Project in Dallas, Texas, $1,000,000, to be derived from the...
Mass Transit Account of the Highway Trust Fund and to remain available until expended. Sec. 1106. Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1072) is amended by inserting paragraph (38) and replacing it with the following—

``(38) The Ports-to-Plains Corridor from Laredo, Texas, via I-27 to Denver, Colorado, shall include—

(A) In the State of Texas the Ports-to-Plains Corridor shall follow—

(i) I-27 from Laredo to United States Route 83 at Exit 18;

(ii) United States Route 83 from Exit 18 to Carrizo Springs;

(iii) United States Route 277 from Carrizo Springs to San Angelo;

(iv) United States Route 87 from San Angelo to Steingrube;

(v) From Sterling City to Lamesa, the Corridor shall follow United States Route 87 and, the corridor shall also follow Texas Route 158 from Sterling City to I-20, then via I-20 to West Texas Route 349 and, Texas Route 349 from Midland to Lamesa;

(vi) United States Route 87 from Lamesa to Lubbock;

(vii) I-27 from Lubbock to Amarillo; and

(viii) United States Route 287 from Amarillo to Dumas.

(B) The corridor designation contained in paragraph (A) shall take effect only if the Texas Transportation Commission has not designated the Ports-to-Plains Corridor in Texas by June 30, 2001.''.

Sec. 1107. For an additional amount to enable the Secretary of Transportation to make a grant for the Newark–Elizabeth rail link project, New Jersey, $3,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended.

Sec. 1108. Section 309(m)(3)(C) of Title 49 United States Code shall not apply to the funds made available in the Department of Transportation and Related Agencies Appropriations Act, 2001; Provided, That notwithstanding any other provision of law, the 14th Street Bridge, Virginia; Chouteau Bridge, Jackson County, Missouri; Clementine C. Clay Bridge replacement in New Orleans, Louisiana; Maine Memorial Bridge, Florida; Historic Woodrow Wilson Bridge, Camden, New Jersey; Mississippi–Mississippi River Bridge, Vicksburg, Mississippi; Port of Long Beach Bridge, California; Pearl Harbor Memorial Bridge replacement, Connecticut; Powell County Bridge, Montana; Santa Clara Bridge, Oxnard, California; Star City Bridge, West Virginia; US 231 Bridge over Tennessee River, Alabama; US 54/US 69 Bridge, Kansas; Waimalu Bridge replacement in Honolulu, Hawaii; Ojibwe Bridge, Wisconsin; and Minden Bridge, Nevada, are eligible in fiscal year 2001 under section 144(g)(2) of title 23, United States Code: Provided further, That section 378 of Public Law 105-100 is hereby amended by inserting after "101" the following: “and Interstate 5 Trade Corridor”.

Sec. 1109. Notwithstanding any other provision of law, funds otherwise appropriated in this or any other Act for fiscal year 2001, $4,000,000 is hereby appropriated from the Highway Trust Fund for Commercial Remote Sensing Products and Spatial Information Technologies under section 5113 of Public Law 105-178, as amended: Provided, That such funds are used to study the creation of a new highway right of way south of I-10 along the Mississippi Gulf Coast by relocating the existing railroad right of way out of downtown areas.

Sec. 1110. Amtrak is authorized to obtain services from the Administrator of General Services, and the Administrator is authorized to provide services to Amtrak, under sections 210(b) and 211(b) of the Federal Property and Administrative Services Act of 1967, as amended (40 U.S.C. 390a(1) and 491(b)) for fiscal year 2001 and each fiscal year thereafter until the fiscal year that Amtrak operates without Federal operating grant funds appropriated for its benefit, as required by sections 2410(d) and 2410(a) of title 49, United States Code.

Sec. 1111. Of the funds made available in the “Alteration of bridges” account of the Department of Transportation and Related Agencies Appropriations Act, 2001 for the Fox River Bridges, the Secretary of Transportation and Related Agencies Appropriations Act, 2001 for the Fox River Bridges, the Secretary of Transportation shall (A) direct the Secretary of the Army to remove of the bridge located at mile point 56.9 of the Fox River in Oshkosh, Wisconsin. The United States shall assume no responsibility for project management relating to removal of the bridge.

Sec. 1112. Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a permit, subject to subsection (a), to appropriate endorsement for employment in the coastwise trade for the following vessels:

1. M/W WELLS GRAY (State of Alaska registration number AK 9452 N; former Canadian registration number 154661); and

2. ANNANDALE (United States official number 519434).

Sec. 1113. CONVEYANCE OF COAST GUARD PROPERTY IN MIDDLETOWN, CALIFORNIA. (A) AUTHORITY TO CONVEY.— (1) IN GENERAL.—The Administrator of General Services (in this section referred to as the “Administrator”) may promptly convey to Lake County, California (in this section referred to as the “County”) all right, title, and interest of the United States (subject to subsection (c)) in and to the property described in subsection (b).

(2) IDENTIFICATION OF PROPERTY.—The Administrator, in consultation with the Commandant of the Coast Guard, may identify, describe, and determine the property to be conveyed under this subsection.

(b) PROPERTY DESCRIBED.— (1) IN GENERAL.—The property referred to in subsection (a) shall include—

(A) the Coast Guard LORAN Station Middletown as has been reported to the General Services Administration to be excess property, consisting of approximately 733.43 acres, and is comprised of all or part of tracts A–101, A–102, A–104, A–105, A–106, A–107, A–108, and A–111.

(B) SURVEY.—The exact acreage and legal description of the property described under subsection (a), and any easements or rights-of-way reserved by the United States under subsection (c)(1), shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the County.

(c) CONDITIONS.— (1) IN GENERAL.—In making the conveyance under subsection (a), the Administrator shall—

(A) reserve for the United States such existing rights-of-way for access and such easements as are necessary for continued operation of the LORAN station;

(B) preserve other existing easements for public roads and highways, public utilities, irrigation districts, and wireless transmission lines; and

(C) impose such other restrictions on use of the property conveyed as are necessary to protect the safety, security, and continued operation of the LORAN station.

(2) FIREBRAKES AND FENCE.—(A) The Administrator may not convey any property under this section unless the County and the Commandant of the Coast Guard enter into an agreement with the Administrator under which the County is required, in accordance with design specifications and maintenance standards established by the Commandant—

(i) to establish and construct within 6 months after the date of the conveyance, and thereafter to maintain, firebreaks on the property to be conveyed;

(ii) to construct within 6 months after the date of conveyance, and thereafter maintain, a fence approved by the Commandant along the property line between the property conveyed and adjoining Coast Guard property.

(B) The agreement shall require that—

(i) the County shall pay all costs of construction, and maintenance of firebreaks under subparagraph (A)(i); and

(ii) the Commandant shall provide all materials, labor, and equipment needed to construct the firebreaks under subparagraph (A)(i), and the County shall pay all other costs of construction and maintenance of the fence.

(d) REVERSIONARY INTEREST.—During the five-year period beginning on the date the Administrator makes the conveyance authorized by subsection (a), the real property conveyed pursuant to this section, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator.

(1) the County sells, conveys, assigns, exchanges, or encumbers the property conveyed or any part thereof;

(2) the County fails to maintain the property conveyed in a manner consistent with the terms and conditions in subsection (c);

(3) the County conducts any commercial activities at the property conveyed or any part thereof, without approval of the Secretary; or

(4) at least 30 days before the reversion, the Administrator provides written notice to the owner that the property or any part thereof is needed for national security purposes.

Sec. 1114. CONVEYANCE OF COAST GUARD PROPERTY TO TOWN OF NANTUCKET, MASSACHUSETTS. (A) AUTHORITY TO CONVEY.— (1) IN GENERAL.—Notwithstanding any other law, the Administrator of the General Services Administration (Administrator) or the Com- mandant of the Coast Guard (Commandant), as appropriate, shall convey to the Town of Nantucket, Massachusetts (Town), without monetary consideration, all right, title, and interest of the United States (in this section referred to as the United States) in and to a certain parcel of land located in Nantucket, Massachusetts, and part of United States Coast Guard LORAN Station Nantucket, as more particularly described in the property conveyed under this section. The Town shall bear all monetary costs associated with any survey required to describe the property to be conveyed under this section and any easements reserved by the United States under subsection (b)(1).

(b) TERMS AND CONDITIONS OF CONVEYANCE.—(1) CONVEYANCE.—The property described in subsection (a), the property conveyed by the Administrator shall—

(A) be conveyed to the Town of Nantucket, Massachusetts, and be placed under the administrative control of the Administrator; and

(B) revert to the United States if—

(i) the Town sells, conveys, assigns, exchanges, or encumbers the property or any part thereof, without the approval of the Administrator; or

(ii) the Administrator provides written notice to the Administrator that the property or any part thereof is needed for national security purposes.

Sec. 1115. CONVEYANCE OF COAST GUARD PROPERTY TO COUNTY OF SANTA CLARA, CALIFORNIA. (A) AUTHORITY TO CONVEY.— (1) IN GENERAL.—The Administrator of General Services (in this section referred to as the “Administrator”) may promptly convey to the County of Santa Clara, California (in this section referred to as the “County”), the United States Coast Guard LORAN Station Santa Clara, in and to a certain parcel described in subsection (a), the property conveyed by the Administrator to the Town of Nantucket, Massachusetts, without monetary consideration, all right, title, and interest of the United States (in this section referred to as the United States) in and to the property conveyed by the Administrator to the Town of Nantucket, Massachusetts, and in and to a certain parcel of land located in Nantucket, Massachusetts, and part of United States Coast Guard LORAN Station Santa Clara, as more particularly described in subsection (a).

(2) SURVEY.—The exact acreage and legal description of the property described under subsection (a), and any easements or rights-of-way reserved by the United States under subsection (c)(1), shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the County.
C. the Town shall not interfere or allow interference, in any manner, with any aid to navigation, whether located upon the property conveyed under this section or upon any portion of LORAN Station Nantucket, Plum Island Lighthouse, Nantucket Lightship, United States, nor hinder activities required for the inspection, operation, and maintenance of any such aid to navigation without the Commandant’s express written permission.

(2) The Town shall not convey, assign, exchange, or in any way encumber the property conveyed under this section, unless approved by the Administrator.

(3) The Town shall not conduct any commercial activities at or upon the property conveyed under this section, unless approved by the Administrator.

(4) The Town shall not be required to maintain any active aid to navigation associated with the property conveyed under this section except for private aids to navigation permitted under 14 U.S.C. § 83.

(5) The United States shall not convey any property under this section, nor grant any real property license under subsection (d), until the Town enters into an agreement with the United States to relocate the Coast Guard receiving antenna equipment, as identified by the Commandant, at the Town’s sole cost and expense, and subject to the Commandant’s design specifications, project schedule, and final project inspection.

(6) The United States shall not convey any property under this section, nor grant any real property license under subsection (d), until the Town enters into an agreement with the United States to relocate the Coast Guard receiving antenna equipment, as identified by the Commandant, at the Town’s sole cost and expense, and subject to the Commandant’s design specifications, project schedule, and final project inspection.

(7) All conditions placed with the deed of title shall be construed as covenants running with the land.

(c) Reversionary Interest.—In addition to any term or condition established pursuant to this section, the conveyance of property under this section, the conveyance of any property under this section, or any portion thereof, is needed for national security purposes.

(d) Definitions.—For purposes of this section:

(1) AID TO NAVIGATION.—The term “aid to navigation” means equipment used for navigation purposes, including but not limited to, a light, antenna, sound signal, electronic and radio navigation equipment, camaras, sensors, or other equipment operated or maintained by the United States.

(2) TOWN.—The term “Town” includes the successors and assigns of the Town of Nantucket, Massachusetts.

(3) The City shall ensure that the property conveyed is available and accessible to the public, on a reasonable basis for educational, park, recreational, cultural, historic preservation or similar purposes.

(4) The City shall not be required to maintain any active aid to navigation associated with the property conveyed under this section except for private aids to navigation permitted under 14 U.S.C. § 83.

(5) All conditions placed with the deed of title for property conveyed under this section shall be construed as covenants running with the land.

(6) The Administrator or the Commandant, as appropriate, may require such additional terms and conditions with respect to the conveyance of property under this section as the Administrator or the Commandant considers appropriate to protect the interests of the United States.

(c) Reversionary Interest.—In addition to any term or condition established pursuant to this section, any property conveyed under this section, the conveyance of any property under this section, any portion of either parcel described in paragraph (1)(B) of this section, or any portion thereof, is needed for national security purposes.

(d) Definitions.—For purposes of this section:

(1) AID TO NAVIGATION.—The term “aid to navigation” means equipment used for navigation purposes, including but not limited to, a light, antenna, sound signal, electronic and radio navigation equipment and signals, camaras, sensors, or other equipment operated or maintained by the United States.

(2) TOWN.—The term “Town” includes the successors and assigns of the City of Newburyport, Massachusetts.

(3) The City shall ensure that the property conveyed is available and accessible to the public, on a reasonable basis for educational, park, recreational, cultural, historic preservation or similar purposes.

(4) The City shall not be required to maintain any active aid to navigation associated with the property conveyed under this section except for private aids to navigation permitted under 14 U.S.C. § 83.

(5) All conditions placed with the deed of title for property conveyed under this section shall be construed as covenants running with the land.

(6) The Administrator or the Commandant, as appropriate, may require such additional terms and conditions with respect to the conveyance of property under this section as the Administrator or the Commandant considers appropriate to protect the interests of the United States.

(c) Reversionary Interest.—In addition to any term or condition established pursuant to this section, any property conveyed under this section, the conveyance of any property under this section, any portion of either parcel described in paragraph (1)(B) of this section, or any portion thereof, is needed for national security purposes.

(d) Definitions.—For purposes of this section:

(1) AID TO NAVIGATION.—The term “aid to navigation” means equipment used for navigation purposes, including but not limited to, a light, antenna, sound signal, electronic and radio navigation equipment and signals, camaras, sensors, or other equipment operated or maintained by the United States.

(2) TOWN.—The term “Town” includes the successors and assigns of the City of Newburyport, Massachusetts.

(3) The City shall ensure that the property conveyed is available and accessible to the public, on a reasonable basis for educational, park, recreational, cultural, historic preservation or similar purposes.

(4) The City shall not be required to maintain any active aid to navigation associated with the property conveyed under this section except for private aids to navigation permitted under 14 U.S.C. § 83.

(5) All conditions placed with the deed of title for property conveyed under this section shall be construed as covenants running with the land.

(6) The Administrator or the Commandant, as appropriate, may require such additional terms and conditions with respect to the conveyance of property under this section as the Administrator or the Commandant considers appropriate to protect the interests of the United States.

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(5) All conditions placed with the deed of title for property conveyed under this section shall be construed as covenants running with the land.

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(5) All conditions placed with the deed of title for property conveyed under this section shall be construed as covenants running with the land.

(6) The Administrator or the Commandant, as appropriate, may require such additional terms and conditions with respect to the conveyance of property under this section as the Administrator or the Commandant considers appropriate to protect the interests of the United States.

(c) Reversionary Interest.—In addition to any term or condition established pursuant to this section, any property conveyed under this section, the conveyance of any property under this section, any portion of either parcel described in paragraph (1)(B) of this section, or any portion thereof, is needed for national security purposes.

(d) Definitions.—For purposes of this section:
with an assisted vessel (including hull-to-hull), by towline, including if only pre-tethered, or made fast to that vessel by 1 or more lines) for purposes of escorting force on the assisted vessel for this or any other purpose (including the movement of the assisted vessel); and
(2) the term "escort operations" means accompanying a vessel in the case of providing of towing or towing assistance to the vessel.

SEC. 1120. Notwithstanding any other provision of law, the Commandant of the United States Coast Guard is authorized to utilize $100,000 of the amounts made available for fiscal year 2001 for environmental compliance and restoration of Coast Guard facilities to remove and dispose of a remaining Coast Guard lighthouse facility at Cape May, New Jersey, for costs incurred for clean-up of lead contaminated soil at that facility.

SEC. 1121. Notwithstanding any other provision of law, $2,400,000, to be derived from the Highway Trust Fund, shall be available for planning, development and construction of farm-to-market roads in Tulare County, California: Provided, That the non-federal share of such improvements shall be twenty percent.

SEC. 1122. Notwithstanding any other provision of law, and subject to the availability of funds appropriated specifically for the project, the Coast Guard is authorized to transfer funds in an amount not to exceed $200,000 and project management authority to the Traverse City Area Public School District for the purposes of demolition and removal of the structure commonly known as "Building 402" at former Coast Guard property located in Traverse City, Michigan, and associated sites where such funds shall be transferred until the Coast Guard receives a detailed, fixed price estimate from the School District describing the nature and cost of the work to be done and the Coast Guard shall transfer only that amount of funds it and the School District consider necessary to complete the project.

SEC. 1123. Notwithstanding any other provision of law, for necessary expenses for Tampa A&M University buses and bus facilities, $500,000, to be derived from the Mass Transkit Account of the Highway Trust Fund and to remain available until expended.

SEC. 1124. Notwithstanding any other provision of law, prior to the fiscal year 2002 appropriation of "Fixed Guideway Modernization" funds authorized under section 5309(a)(1)(E) of Title 49, United States Code, $7,047,502 of funds authorized under section 5338(b) of 49 United States Code for the "Fixed Guideway Modernization" program shall be distributed by the General Services Administration and an utilization percentage of 0.53 that did not receive amounts of fixed guideway modernization formula grants to which such area was lawfully entitled for fiscal years 1999-2001 in view of eligibility determinations made under 49 United States Code Chapter 53 during the six months prior to the effective date of this act: Provided, That such sums shall not reduce a grantee's fiscal year 2002 appropriation level of "Fixed Guideway Modernization" funds: Provided further, That such sum remain available until expended.

SEC. 1125. Notwithstanding any other provision of law, Airport Improvement Program Formula Changes provided in Public Law 106-181 and defined in Section 104 that Act shall be applied regardless of funding levels made available under Section 48103 of title 49, United States Code.

SEC. 1126. Item number 473 contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 274), relating to Minnesota Airport Authority "between I-35W and 24th Avenue to four lanes in Richfield" and inserting "reconstruction project from Penn Avenue to 24th Avenue, including the Penn Avenue Bridge" is hereby disapproved.

SEC. 1127. The Secretary of Transportation shall not issue final regulations under section 20153 of title 49, United States Code, before July 1, 2001.

SEC. 1128. Notwithstanding any other provision of law, in addition to amounts made available for this Act or any other Act, the following sums shall be made available from the Highway Trust Fund (other than the Mass Transit Account):

- $5,000,000 for rehabilitation, repair, and restoration of the historic Stillwater Lift Bridge between Stillwater, Minnesota and Houlton, Wisconsin;
- $1,000,000 for improvements to McClung Road, Bland Street, Larson Street, and Whirlipool Drive in the City of LaPorte, Indiana;
- $1,000,000 for design, environmental mitigation, engineering, and construction of, and improvements to, the US 36-Wadsworth interchange (Broomfield interchange) in Broomfield County, Colorado;

Provided, That the amounts appropriated in this section shall remain available until expended and shall not be subject to, or computed against, any obligation limitation or contract authority set forth in this or any other Act.

CHAPTER 13

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MINOR PROJECTS

For an additional amount for "Construction, minor projects", $8,840,000, to remain available until expended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

For an additional amount for "Empowerment zones/enterprise communities", $185,000,000, to remain available until expended: Provided, That $185,000,000 shall be available for urban empowerment zones, as authorized by the Taxpayer Relief Act of 1997, including $12,333,339 for each empowerment zone.

COMMUNITY DEVELOPMENT FUND

For an additional amount for "Community development fund", $66,128,000, to remain available until September 30, 2004.

The referenced statement of the managers in the seventh designated paragraph under this
heading in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (Public Law 106-377) is deemed to be amended by striking "$29,750,000" and inserting "$358,128,000". Provided, That such funds shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the statement of managers accompanying this conference report.

**DEPARTMENT OF THE TREASURY**

**COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS**

**COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT**

Under this heading in Public Law 106-377, strike $8,750,000 may be used for administrative expenses, including administration of the New Markets Tax Credit and Individual Development Accounts.**

**ENVIRONMENTAL PROTECTION AGENCY**

For an additional amount for "Science and technology", $1,000,000 for continuation of the South Bronx Air Pollution Study being conducted by New York University.

**ENVIRONMENTAL PROGRAMS AND MANAGEMENT**

The statement of the managers under this heading in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (Public Law 106-377) is deemed to be amended by inserting the word "Valley" after the words "the waterway" in reference to a project identified as number 104 in such statement of the managers.

**STATE AND TRIBAL ASSISTANCE GRANTS**

Grants appropriated under this heading in Public Law 106-74 and Public Law 106-377 for drinking water infrastructure needs in the New York City watershed shall be awarded under section 1443(d) of the Safe Drinking Water Act, as amended. The referenced statement of the managers under this heading in Public Law 106-377 is deemed to be amended by striking all references to the words "City of Liberty" in reference to item number 78, and inserting the words "Town of Versailles, Indiana for wastewater infrastructure improvements".

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

**EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE**


**CHAPTER 14**

**GENERAL PROVISIONS—THIS DIVISION**

SEC. 1401. H. Con. Res. 234 of the 106th Congress, as adopted by the House of Representatives on November 18, 1999, shall be considered as having been accepted in full. Provided, That such funds provided in the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) do not apply to any report required to be submitted under any of the following provisions of law:

- Sections 1105(a), 1106(a) and (b), and 1109(a) of title III, United States Code, and any other provision necessary for the budget of the United States Government.
- The Balanced Budget and Emergency Deficit Control Act of 1995 (2 U.S.C. 602(e)) (1) and (3).
- Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 685(e)).
- Section 403 (a). Government-Wide Reductions. There is hereby rescinded an amount equal to 0.22 percent of the discretionary budget authority provided (or obligation limit imposed) for fiscal year 2001 in this or any other Act for each department, agency, instrumentality, or entity of the Federal Government, except for those programs, projects, and activities which are specifically exempted elsewhere in this provision: Provided, That this exact reduction percentage shall be applied on a pro rata basis to each program, project, and activity subject to the rescission.

**SECTION 1403. (a) GOVERNMENT-WIDE RESTRICTIONS.** This reduction shall not be applied to the amounts appropriated in Title I of Public Law 106-259: Provided, That this reduction shall not be applied to the amounts appropriated in Division B of Public Law 106-246: Provided further, That this reduction shall not be applied to the amounts appropriated under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001, as contained in this Act, or in prior Acts.

**(b) RESTRICTIONS.** This reduction shall not be applied to the amounts appropriated in Title I of Public Law 106-259: Provided, That this reduction shall not be applied to the amounts appropriated in Division B of Public Law 106-246: Provided further, That this reduction shall not be applied to the amounts appropriated under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001, as contained in this Act, or in prior Acts.

**(c) REPORT.** The Director of the Office of Management and Budget shall submit to the President's budget submitted for fiscal year 2002 a report specifying the reductions made to each account pursuant to this section.

**DIVISION B**

**SEC. 101. ELIGIBILITY OF PRIVATE ORGANIZATIONS UNDER CHILD AND ADULT CARE FOOD PROGRAM.**


- "(ii) during the period beginning on the date of enactment of this clause and ending on September 30, 1999, the child is served by the organization meet the income eligibility criteria established under section 9(b) for free or reduced price meals; or"
- "(iii) the"

(b) Emergency Requirement.

- (1) In General. The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.
- (2) Designation.—The entire amount necessary to carry out this section shall be designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.
concerning the pilot projects.''

Secretary under paragraph (5); and

Agriculture, Nutrition, and Forestry of the Senate of the House of Representatives and the Committee on Education and the Workforce of the

2004, the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the United States Senate with

in twenty-four months from the date of enactment of this Act the results of the study identified in subsection (a).

The study should be coordinated with the CALFED program and take advantage of information already developed within that program to reduce the cost of the incalculable.

Where the alternatives evaluated are in addition to or different from the existing CALFED alternatives, such information should be

to the availability of appropriators, is authorized and directed to provide grants to support local habitat management planning efforts undertaken as part of the consultation described in subsection (d) in the form of matching funds up to $5,000,000.

development of the report. The Secretary of the Interior shall provide a report to the Committee on Reclamation of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate with

(2) up to $5,000,000 shall be for the habitat management planning grants under subsection (d).

The Secretary of the Interior shall conduct a feasibility study for a Sacramento River, California, diversions project that is consistent with the Water Forum Agreement and the Committee on Agriculture, Nutrition, and Forestry of the United States Water Forum dated April 24, 2000, and that consider:

(1) a study of several of the Natomas Central Mutual Water Company's diversions;

(2) the diversion of 35,000 acre feet of water by the Placer County Water Agency;

(3) the diversion of 29,000 acre feet of water for delivery to the Northridge Water District;

(4) the potential to accommodate other diversions of water from the Sacramento River, subject to additional negotiations and agreement among water users, water users and other affected parties upstream on the Sacramento River; and

(5) an inter-tie between diversions referred to in paragraphs (3), (4), and (5) with the Northridge Water District's pipeline that delivers water from the American River.

The feasibility study shall include:

(1) the development of a range of reasonable options;

(2) an environmental evaluation; and

(3) consultation with Federal and State resource management agencies regarding potential impacts and mitigation measures.

The study authorized by this section shall include a range of alternatives, all of which would investigate and, where feasible, could reduce the significance any water supply impact on water users in the Sacramento River watershed, including Central Valley Project contractors, from any diversions of the Sacramento River as referenced in subsection (a). In evaluating the alternatives, the study shall consider water supply alternatives that would increase water users in the Sacramento River watershed. The study should be coordinated with the CALFED program and take advantage of information already developed within that program to reduce the cost of the incalculable.

Alternative. The feasibility study shall be carried out in a manner that includes a range of alternatives, all of which would investigate and, where feasible, could reduce the significance any water supply impact on water users in the Sacramento River watershed, including Central Valley Project contractors, from any diversions of the Sacramento River as referenced in subsection (a). In evaluating the alternatives, the study shall consider water supply alternatives that would increase water users in the Sacramento River watershed. The study should be coordinated with the CALFED program and take advantage of information already developed within that program to reduce the cost of the incalculable.

Alternative. The feasibility study shall be carried out in a manner that includes a range of alternatives, all of which would investigate and, where feasible, could reduce the significance any water supply impact on water users in the Sacramento River watershed. The study should be coordinated with the CALFED program and take advantage of information already developed within that program to reduce the cost of the incalculable.

Alternative. The feasibility study shall be carried out in a manner that includes a range of alternatives, all of which would investigate and, where feasible, could reduce the significance any water supply impact on water users in the Sacramento River watershed. The study should be coordinated with the CALFED program and take advantage of information already developed within that program to reduce the cost of the incalculable.

Alternative. The feasibility study shall be carried out in a manner that includes a range of alternatives, all of which would investigate and, where feasible, could reduce the significance any water supply impact on water users in the Sacramento River watershed. The study should be coordinated with the CALFED program and take advantage of information already developed within that program to reduce the cost of the incalculable.

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Alternative. The feasibility study shall be carried out in a manner that includes a range of alternatives, all of which would investigate and, where feasible, could reduce the significance any water supply impact on water users in the Sacramento River watershed. The study should be coordinated with the CALFED program and take advantage of information already developed within that program to reduce the cost of the incalculable.
December 15, 2000

H12272

CONGRESSIONAL RECORD — HOUSE

(3) in subsection (f)(21) by striking "$10,000,000" and inserting "$20,000,000"; (4) in subsection (f)(25) by striking "$5,000,000" and inserting "$15,000,000"; (5) in subsection (f)(30) by striking "$10,000,000" and inserting "$20,000,000"; (6) in subsection (f)(43) by striking "$15,000,000" and inserting "$25,000,000"; (d) ADDITIONAL ASSISTANCE FOR CRITICAL RESOURCE PROJECTS.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4831; 43 U.S.C. 502g) is amended by adding at the end of the subsection the following:

"(45) WASHINGTON, D.C., AND MARYLAND.—$15,000,000 for the project described in subsection (f)(21) by striking "$10,000,000" and inserting "$20,000,000"; (46) LUSK COUNTY, ARKANSAS.—$5,000,000 for water supply infrastructure, including facilities for withdrawal, treatment, and distribution, Lusk County, Arkansas; (47) UNION COUNTY, ARKANSAS.—$52,000,000 for water supply infrastructure, including facilities for withdrawal, treatment, and distribution, Union County, Arkansas; (48) CAMBRIA COUNTY, PENNSYLVANIA.—$10,300,000 for desalination infrastructure, Cambria, California; (49) LOS ANGELES HARBOR TERMINAL ISLAND, CALIFORNIA.—$6,500,000 for wastewater recycling and desalination infrastructure, Los Angeles Harbor/terminal Island, California; (50) NORTH VALLEY REGION, LANCASTER, CALIFORNIA.—$14,300,000 for water infrastructure, North Valley Region, Lancaster, California; (51) SAN DIEGO COUNTY, CALIFORNIA.—$10,000,000 for water-related infrastructure, San Diego County, California; (52) SOUTH PERRIS, CALIFORNIA.—$25,000,000 for water supply desalination infrastructure, South Perris, California; (53) AURORA, ILLINOIS.—$8,000,000 for wastewater infrastructure to reduce or eliminate combined sewer overflows, Aurora, Illinois; (54) COOK COUNTY, ILLINOIS.—$53,000,000 for water-related infrastructure and resource protection and development, Cook County, Illinois; (55) MADISON AND ST. CLAIR COUNTIES, ILLINOIS.—$10,000,000 for water and wastewater assistance to Madison and St. Clair Counties, Illinois; (56) IBERIA PARISH, LOUISIANA.—$5,000,000 for water and wastewater infrastructure, Iberia Parish, Louisiana; (57) KENNER, LOUISIANA.—$5,000,000 for wastewater infrastructure and desalination projects in the area of Kenner, Louisiana; (58) BENTON HARBOUR, MICHIGAN.—$1,500,000 for water related infrastructure, City of Benton Harbor, Michigan; (59) GRAND RAPIDS COUNTY, MICHIGAN.—$6,700,000 for wastewater infrastructure assistance to reduce or eliminate sewer overflows, Grand Rapids County, Michigan; (60) NEGAUNEE, MICHIGAN.—$10,000,000 for wastewater infrastructure assistance, City of Negaunee, Michigan; (61) GARRISON AND KATHIO TOWNSHIP, MINNESOTA.—$11,000,000 for a wastewater infrastructure project for the city of Garrison and Kathio Township, Minnesota; (62) HARDING JERSEY.—$7,000,000 for water filtration infrastructure, Newton, New Jersey; (63) LIVERPOOL, NEW YORK.—$2,000,000 for water infrastructure, including a pump station, Liverpool, New York; (64) STANLY COUNTY, NORTH CAROLINA.—$8,000,000 for water-related infrastructure, Stanly County, North Carolina; (65) YUKON, OKLAHOMA.—$5,500,000 for water-related infrastructure, including wells, storage tanks, and transmission lines, Yukon, Oklahoma; (66) ALETHEHY COUNTY, PENNSYLVANIA.—$20,000,000 for water-related environmental infrastructure, Allegheny County, Pennsylvania; (67) MOUNT JOY TOWNSHIP AND CENWEGO TOWNSHIP, PENNSYLVANIA.—$8,300,000 for water and wastewater infrastructure, Mount Joy Township and Conewago Township, Pennsylvania; (68) PHOENIXVILLE BOROUGH, CHESTER COUNTY, PENNSYLVANIA.—$2,400,000 for water and sewer infrastructure, Phoenixville Borough, Chester County, Pennsylvania; (69) MONROE COUNTY, PENNSYLVANIA.—$7,300,000 for storm water separation and treatment plant upgrades, Titusville, Pennsylvania; (70) WASHINGTON, GREENE, WHEATONDELAND, AND LAMONTE, PENNSYLVANIA.—$8,000,000 for water and wastewater infrastructure, Washington, Greene, Westmoreland, and Fayette Counties, Pennsylvania; (71) THE SOUTHERN CALIFORNIA DESALINATION PROJECT.—$1,000,000 for water quality improvements. (a) IN GENERAL.—In coordination with the Florida Keys Aqueduct Authority, appropriate agencies of municipalities of Monroe County, Florida, and other appropriate public agencies of the State of Florida or Monroe County, the Secretary of the Army may provide technical and financial assistance to carry out projects to improve water quality in the Florida Keys National Marine Sanctuary. (b) COST-SHARING LIMITATION.ÐBefore entering into a cooperation agreement to provide assistance with respect to a project under this section, the Secretary shall ensure that—(i) the non-Federal sponsor has completed adequate planning and design activities, as applicable; (ii) the non-Federal sponsor has completed a financial plan identifying sources of non-Federal funding for the project; (iii) the project complies with—(A) applicable growth management ordinances of Monroe County, Florida; (B) applicable agreements between Monroe County, Florida, and the State of Florida to manage growth in Monroe County, Florida; and (C) applicable water quality standards; and (iv) the project is consistent with the master wastewater and stormwater plans for Monroe County, Florida. (c) CONSIDERATION.—In selecting projects under subsection (a), the Secretary shall consider whether a project will have substantial water quality benefits relative to other projects under consideration. (d) CONSULTATION.—In carrying out this section, the Secretary shall—(1) the Water Quality Steering Committee established under section 8(d)(2)(A) of the Florida Keys National Marine Sanctuary and Protection Act (16 U.S.C. 4304); (2) the South Florida Ecosystem Restoration Task Force established by section 528(f) of the Water Resources Development Act of 1996 (110 Stat. 2712-33); (3) the Commission on the Everglades established by executive order of the Governor of the State of Florida; and (4) other appropriate State and local government officials.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000. Such sums shall remain available until expended.

(a) SAN GABRIEL BASIN RESTORATION.—

(1) ESTABLISHMENT OF FUND.—There shall be established in the Treasury of the United States an interest bearing account to be known as the San Gabriel Basin Restoration Fund (in this section referred to as the "Restoration Fund")

(2) ADMINISTRATION OF FUND.—The Restoration Fund shall be administered by the Secretary of the Army, in cooperation with the San Gabriel Basin Water Quality Authority or its successor agency.

(c) PURPOSES OF FUND.—Subject to subparagraph (B), the amounts in the Restoration Fund, including interest accrued, shall be utilized by the Secretary—(i) to design and construct water quality projects to be administered by the San Gabriel Basin Water Quality Authority and the Central Basin Water Quality Project to be administered by the Central Basin Municipal Water District, and (ii) to operate and maintain any project constructed under this section for such period as the Secretary determines but not to exceed 10 years, following the initial date of operation of the project.

(e) COST-SHARING LIMITATION.—(1) IN GENERAL.—The Secretary may not obligate any funds appropriated to the Restoration Fund in a fiscal year until such time as the Secretary has determined that the non-Federal interests are sufficient to ensure that at least 35 percent of any funds obligated by the Secretary are from funds provided to the Secretary by non-Federal interests.

(f) NON-FEDERAL RESPONSIBILITY.—The San Gabriel Basin Water Quality Authority shall be responsible for providing the non-Federal share of any project carried out under this section.

(g) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in this section, the Secretary shall comply with any applicable Federal and State laws.

(h) RELATIONSHIP TO OTHER ACTIVITIES.—Nothing in this section shall be construed to affect other Federal or State authorities that are responsible for providing the cleanup and protection of the San Gabriel and Central basin groundwaters. In carrying out the activities described in this section, the Secretary shall integrate such activities with Federal and State projects and activities. None of the funds made available for such activities pursuant to this section shall be counted against any Federal authorization ceiling established for any previously authorized Federal projects or activities.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Restoration Fund established under subsection (a) $85,000,000. Such funds shall remain available until expended.

(2) SET-ASIDE.—Of the amounts appropriated under paragraph (1), no more than $10,000,000 shall be available to carry out the Central Basin Water Quality Project.

(e) ADJUSTMENT.—Of the $25,000,000 made available for San Gabriel Basin Groundwater Restoration Projects under heading "Construction, General" in title I of the Energy and Water Development Appropriations Act, 2001—

(1) $2,000,000 shall be available only for studies and other investigative activities and planning and design of projects determined by the Secretary to offer a long-term solution to the problem of groundwater contamination caused by perchlorates at sites located in the city of San Diego, California; and
(2) $23,000,000 shall be deposited in the Restoration Fund, of which $4,000,000 shall be used for remediation in the Central Basin, California.

SEC. 111. PERCHLORATE. (a) IN GENERAL.—The Secretary, in coordination with the Federal, State, and local government agencies, may participate in studies and other investigative activities and in the planning and design of projects determined by the Secretary to offer a long-term solution to the problem of groundwater contamination caused by perchlorates.

(b) BOSSA PROJECTS.—(1) BOSSA AND LEON RIVERS.—The Secretary, in coordination with Federal agencies and the Brazos River Authority, shall participate under subsection (a) in investigations and projects in the Bosse and Leon Rivers watershed in Texas to assess the impact of the perchlorate associated with the former Naval Weapons Industrial Reserve Plant at McGregor, Texas.

(2) CAÑO DE LACÉ.—The Secretary, in coordination with Federal agencies and the North Texas Municipal Water District, shall participate under subsection (a) in investigations and projects relating to perchlorate contamination in this subarea.

(c) EASTERN SANTA CLARA BASIN.—The Secretary, in coordination with other Federal, State, and local government agencies, may participate under subsection (a) in investigations and projects related to sites that are sources of perchlorate and that are located in the city of Santa Clara, California.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there is authorized to be appropriated to the Secretary $25,000,000, of which not to exceed $5,000,000 shall be available to carry out subsection (b)(1), not to exceed $3,000,000 shall be available to carry out subsection (b)(2), and not to exceed $7,000,000 shall be available to carry out subsection (b)(3).

SEC. 112. WET WEATHER QUALITY. (a) COMBINED SEWER OVERFLOWS.—Section 402(q) of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

"(1) COMBINED SEWER OVERFLOWS.—

"(i) REQUIREMENT FOR PERMITS, ORDERS, AND DECREES.—Each permit, order, or decree issued pursuant to this Act after the date of enactment of this Act shall contain a requirement for a discharge from a municipal combined storm and sanitary sewer system that is a part of a Municipal Combined Sewer Overflow Control Policy specified in the CSO control policy referred to as the "CSO control policy".

"(ii) WATER QUALITY AND QUALITY USE REVIEW.—No later than July 1, 1995, and after providing notice and opportunity for public comment, the Administrator shall issue guidance to facilitate the conduct of water quality and designated use reviews for municipal combined sewer overflow receiving waters.

"(iii) REPORT.—Not later than September 1, 1995, the Administrator shall submit to Congress a report describing the tentative changes to the CSO control policy needed to achieve the goals specified in the CSO control policy.

"(b) MANAGEMENT OF WET WEATHER DISCHARGES.—The management of municipal combined sewer overflows, sanitary sewer overflows, and stormwater discharges, on an integrated basis, may provide a framework for the purpose of demonstrating the effectiveness of a unified wet weather approach.

"(2) STORMWATER BEST MANAGEMENT PRACTICES.—The control of pollutants from municipal separate storm sewer systems for the purpose of demonstrating and determining controls for cost-effective, efficient, and effective use of innovative technologies in reducing such pollutants from stormwater discharges.

"(b) ADMINISTRATION.—The Administrator, in coordination with the States, shall provide assistance to States participating in a pilot project under this section the ability to engage in innovative practices, including the ability to unify separate stormwater and sanitary weather control efforts under a single permit.

"(c) FUNDING.—

"(1) IN GENERAL.—There is authorized to be appropriated to the Administrator $10,000,000 for each of fiscal years 2002, $15,000,000 for fiscal year 2003, and $20,000,000 for fiscal year 2004. Such funds shall remain available until expended.

"(2) STORMWATER.—The Administrator shall make available not less than 20 percent of amounts appropriated for a fiscal year pursuant to this subsection to carry out the purposes of subsection (a)(2).

"(3) ADMINISTRATIVE EXPENSES.—The Administrator may retain not to exceed 4 percent of any amounts appropriated for a fiscal year for the purposes of carrying out this section.

"(d) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the pilot projects conducted under this section and their possible application nationwide.

"(e) SEWER OVERFLOW CONTROL GRANTS.—Title II of the Federal Water Pollution Control Act (33 U.S.C. 1342 et seq.) is amended by adding at the end the following:

"(1) SEC. 221. SEWER OVERFLOW CONTROL GRANTS.

"(a) IN GENERAL.—In any fiscal year in which the Administrator has available for obligation not less than $1,350,000,000 for the purposes of section 601,

"(1) The Administrator may make grants to States for the purpose of providing grants to a municipality or municipal entity for planning, design, and construction of treatment works to intercept, transport, control, or treat municipal combined sewer overflows and sanitary sewer overflows; and

"(2) subject to subsection (g), in accordance with the criteria set forth in subsection (b), financial assistance, including grants, loans, and loan guarantees, for the purpose of correcting CSO control problems in a municipality or municipal entity by new construction, improvements, or replacement of facilities, for which a grant made under subsection (a) shall be not more than 55 percent of the cost thereof.

"(b) ADMINISTRATION.—The Administrator, or a State, may retain an amount not to exceed 1 percent for the reasonable and necessary expenses of administering this section.

"(c) FUNDING.—

"(1) FISCAL YEAR 2002.—Subject to subsection (b), the Administrator shall use the amounts appropriated to carry out this section for fiscal year 2002 for making grants to municipalities and municipal entities under subsection (a)(2), in accordance with the criteria set forth in subsection (b).

"(2) FISCAL YEAR 2003.—Subject to subsection (b), the Administrator shall use the amounts appropriated to carry out this section for fiscal year 2003 as follows:

"(A) Not to exceed $250,000,000 for making grants to municipalities and municipal entities under subsection (a)(2), in accordance with the criteria set forth in subsection (b).

"(B) All remaining amounts for making grants to States under subsection (a)(1), in accordance with a formula to be established by the Administrator.

"(3) INFORMATION TO ASSIST STATES.—The Administrator shall transmit to Congress a report summarizing—

"(1) reports to Congress—Not later than 3 years after the date of enactment of this Act and not less than 5 years after the date of enactment of this Act, the Administrator shall transmit to Congress a report summarizing—

"(2) projects with the most cost-effective and that use innovative technologies in reducing such pollutants from stormwater discharges.
(A) the extent of the human health and environmental impacts caused by municipal combined sewer overflows and sanitary sewer overflows, including the location of discharges causing significant adverse impacts on the volume of pollutants discharged, and the constituents discharged;

(B) the resources spent by municipalities to address these impacts; and

(C) information on the use of such techniques used by municipalities to address these impacts.

(2) TECHNOLOGY CLEARINGHOUSE.—After transmitting a report under paragraph (1), the Administrator shall convene a clearinghouse of cost-effective and efficient technologies for addressing human health and environmental impacts caused by combined sewer overflows and sanitary sewer overflows.

SEC. 113. FISH PASSAGE DEVICES AT NEW SAVANNAH BLUFF LOCK AND DAM, SOUTH CAROLINA.

(2) T ECHNOLOGY CLEARINGHOUSE .—After the Administrator submits the report required under paragraph (1), the Administrator shall convene a clearinghouse of cost-effective and efficient technologies for addressing human health and environmental impacts caused by combined sewer overflows and sanitary sewer overflows.

SEC. 113. FISH PASSAGE DEVICES AT NEW SAVANNAH BLUFF LOCK AND DAM, SOUTH CAROLINA.

(3) In subsection (a), by striking “dam, at federal expense of an estimated $5,300,000” and inserting “dam and construct appropriate fish passage devices at the dam, at federal expense”;

(2) In subsection (b), by striking “after repair and rehabilitation”, and inserting “after carrying out subparagraph (A)”,

SEC. 114. (a) EXTINGUISHMENT OF REVER- SIONARY INTERESTS AND USE RESTRICTIONS.—With respect to the land described in the deed described in subsection (b)—

(1) the reversionary interests and the use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area where the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise areas above the standard project flood elevation, without incurring substantial or constituting floodplain, is authorized, except in any area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.

(b) AFFECTED DEED.—The deed referred to in subsection (a) shall be in the form described in the deed recorded October 17, 1967, in book 291, page 148, Deed of Records of Umatilla County, Oregon, executed by the United States.

SEC. 115. MURIETA CREEK, CALIFORNIA. Sec- tion 101(b)(6) of the Water Resources Develop- ment Act of 2000 is amended—

(1) In subparagraph (A), by striking “$4,000,000 plus closing costs customarily paid by the United States.” and inserting “$4,000,000 plus closing costs customarily paid by the United States.”;

(2) in subparagraph (B), by striking “The Secretary may accept as donations parcels of land and interests in land for consideration in the amount of $4,000,000 plus closing costs customarily paid by the United States.” and inserting “The Secretary may accept as donations parcels of land and interests in land for consideration in the amount of $4,000,000 plus closing costs customarily paid by the United States.”.

SEC. 116. PENN MINE, CALAVERAS COUNTY, CALIFORNIA. (a) IN GENERAL.—The Secretary of the Army shall reimburse East Bay Municipal Utility District for the costs of removing or stabilizing the floodplain, is authorized, except in any area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.

(b) AFFECTED DEED.—The deed referred to in subsection (a) shall be in the form described in the deed recorded October 17, 1967, in book 291, page 148, Deed of Records of Umatilla County, Oregon, executed by the United States.

SEC. 115. MURIETA CREEK, CALIFORNIA. Sec- tion 101(b)(6) of the Water Resources Develop- ment Act of 2000 is amended—

(1) In subparagraph (A), by striking “$4,000,000 plus closing costs customarily paid by the United States.” and inserting “$4,000,000 plus closing costs customarily paid by the United States.”;

(2) in subparagraph (B), by striking “The Secretary may accept as donations parcels of land and interests in land for consideration in the amount of $4,000,000 plus closing costs customarily paid by the United States.” and inserting “The Secretary may accept as donations parcels of land and interests in land for consideration in the amount of $4,000,000 plus closing costs customarily paid by the United States.”.

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(b) AFFECTED DEED.—The deed referred to in subsection (a) shall be in the form described in the deed recorded October 17, 1967, in book 291, page 148, Deed of Records of Umatilla County, Oregon, executed by the United States.

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(2) in subparagraph (B), by striking “The Secretary may accept as donations parcels of land and interests in land for consideration in the amount of $4,000,000 plus closing costs customarily paid by the United States.” and inserting “The Secretary may accept as donations parcels of land and interests in land for consideration in the amount of $4,000,000 plus closing costs customarily paid by the United States.”.

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(b) AFFECTED DEED.—The deed referred to in subsection (a) shall be in the form described in the deed recorded October 17, 1967, in book 291, page 148, Deed of Records of Umatilla County, Oregon, executed by the United States.
"(2) AREAS INCLUDED IN BOUNDARY PLAN NUMBERED NS-GI-7100.—The areas described in this paragraph are: and
"(3) CAT ISLAND.—Upon its acquisition by the Secretary, the area described in this paragraph is the parcel consisting of approximately 2,000 acres of land on Cat Island, Mississippi, as generally depicted on a map entitled 'Boundary Map, Gulf Islands National Seashore, Cat Island, Mississippi', numbered 635/60085, and dated November 9, 1999 (referred to in this title as the 'Cat Island Map').

"(4) AVAILABILITY OF MAP.—The Cat Island Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) ACQUISITION AUTHORITY.—Section 2 of Public Law 91-660 (16 U.S.C. 459h-1) is amended—
"(1) in the first sentence of subsection (a), by striking "lands," and inserting "submerged land, land;" and
"(2) by adding at the end the following:
"(e) ACQUISITION AUTHORITY.—
"(1) IN GENERAL.—The Secretary may acquire, from any participant, at the option of the participant, and in accordance with the following:
"(A) all land comprising the parcel described in subsection (b)(3) that is above the mean line of ordinary high tide, lying and being situated in Hancock County, Mississippi.
"(B) an easement over the approximately 150-acre parcel depicted as the 'Bodie Family Tract Map' for the purpose of implementing an agreement with the owners of the parcel concerning the development and use of the parcel; and
"(C)(i) land and interests in land on Cat Island outside the 2,000-acre area depicted on the Cat Island Map and;
"(ii) submerged land that lies within 1 mile seaward of Cat Island (referred to in this title as the 'buffer zone'), except that submerged land owned by the State of Mississippi (or a subdivision of the State) may be acquired only by donation.

"(2) ADMINISTRATION.—
"(A) IN GENERAL.—Land and interests in land acquired under this subsection shall be administered by the Secretary, acting through the Director of the National Park Service.
"(B) BUFFER ZONE.—Nothing in this title or any other provision of law shall require the implementation of an agreement with the owners of the parcel concerning the development and use of the buffer zone.

(c) MODIFICATION OF BOUNDARY.—The boundary of the seashore shall be modified to reflect the acquisition of land under this subsection only after completion of the acquisition.

(d) REGULATION OF FISHING.—Section 3 of Public Law 91-660 (16 U.S.C. 459h-2) is amended—
"(1) by inserting "(a) IN GENERAL.—" before "the Secretary"; and
"(2) by adding at the end the following:
"(b) NO AUTHORITY TO REGULATE MARITIME ACTIVITIES.—Nothing in this title or any other provision of law shall affect any right of the State of Mississippi or give the Secretary any authority, to regulate maritime activities, including offshore fishing activities (including shrimp), in any area that, on the date of enactment of this Act, is outside the designated boundary of the seashore (including the buffer zone)."

(e) AUTHORIZATION OF MANAGEMENT AGREEMENTS.—Section 3 of Public Law 91-660 (16 U.S.C. 459h-4) is amended—
"(1) by inserting "(a) IN GENERAL.—" before "Except"; and
"(2) by adding at the end the following:
"(b) AGREEMENTS.—
"(1) IN GENERAL.—The Secretary may enter into agreements with the State of Mississippi for the purposes of managing resources and providing law enforcement assistance, subject to authorization by State law, and emergency services on or within any land on Cat Island and any water and submerged land within the buffer zone; and
"(2) MODIFICATION OF BOUNDARY.—The 150-acre parcel depicted as the 'Bodie Family Tract on the Cat Island Map concerning the development and use of the land.

(f) NO AUTHORITY TO CARRY OUT CERTAIN REGULATIONS.—Nothing in this section authorizes the Secretary to enforce Federal regulations outside the land area within the designated boundary of the seashore.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 11 of Public Law 91-660 (16 U.S.C. 459h-10) is amended—
"(1) by inserting "(a) IN GENERAL.—" before "There"; and
"(2) by adding at the end the following:
"(b) AUTHORIZATION FOR ACQUISITION OF LAND.—In addition to the funds authorized by subsection (a), there are authorized to be appropriated such sums as are necessary to acquire land and submerged land on and adjacent to Cat Island, Mississippi.

 SECTION 138. PERCENTAGE LIMITATIONS ON FEDERAL THRIFT SAVINGS PLAN CONTRIBUTIONS. (a) AMENDMENTS RELATING TO FERS. 
"(1) IN GENERAL.—Subsection (a) of section 8432 of title 5, United States Code, is amended—
"(A) by striking "(a)" and inserting "(a)(1);" 
"(B) by striking "10 percent" and all that follows through "the maximum percentage of such employee's or Member's basic pay for such pay period allowable under paragraph (2)." and
"(C) by adding at the end the following:
"(2) The maximum percentage allowable under this paragraph shall be determined in accordance with the following table:

| Fiscal Year | Maximum Percentage Allowable
<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>2001</td>
<td>11%</td>
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<tr>
<td>2002</td>
<td>11%</td>
</tr>
<tr>
<td>2003</td>
<td>11%</td>
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<tr>
<td>2004</td>
<td>14%</td>
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<tr>
<td>2005</td>
<td>15%</td>
</tr>
<tr>
<td>2006 or thereafter</td>
<td>100%</td>
</tr>
</tbody>
</table>

(2) JUSTICES AND JUDGES.—Paragraph (2) of section 8440a(b) of title 5, United States Code, is amended to read as follows:
"The amount contributed by a justice or judge for any pay period shall not exceed the maximum percentage of such justice's or judge's basic pay for such pay period allowable under section 8440f.

(3) BANKRUPTCY JUDGES AND MAGISTRATES.—Paragraph (2) of section 8440b(b) of title 5, United States Code, is amended by striking "5 percent" and all that follows through "period." and inserting "the maximum percentage of such bankruptcy judge's or magistrate's basic pay for such pay period allowable under section 8440f.

(4) COURT OF FEDERAL JUDGES.—Paragraph (2) of section 8440c(b) of title 5, United States Code, is amended by striking "5 percent" and all that follows through "period." and inserting "the maximum percentage of such judge's basic pay for such pay period allowable under section 8440f.

(5) JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.—The first sentence of section 8440d(b)(2) of title 5, United States Code, is amended to read as follows:
"The amount contributed by a judge of the United States Court of Appeals for Veterans Claims for any pay period may not exceed the maximum percentage of such judge's basic pay for such pay period allowable under section 8440f.

(6) MEMBERS OF THE UNIFORMED SERVICES.—(A) BASIC PAY.—Subparagraph (A) of section 8440e(d)(1) of title 5, United States Code, is amended by striking "5 percent" and all that follows through "period." and inserting "the maximum percentage of such member's basic pay for such pay period allowable under section 8440f.

(B) COMPENSATION.—Subparagraph (B) of section 8440e(d)(1) of title 5, United States Code, is amended by striking "10 percent" and all that follows through "period." and inserting "the maximum percentage of such member's compensation for such pay period (received under section 7026 of title 5, United States Code) allowable under section 8440f.

(7) MAXIMUM PERCENTAGE ALLOWABLE.—(A) IN GENERAL.—Title 5, United States Code, is amended by inserting after section 8440e the following:

"§ 8440f. Maximum percentage allowable for certain participants. "The maximum percentage allowable under this section shall be determined in accordance with the following table:

| Fiscal Year | Maximum Percentage Allowable
<table>
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<tbody>
<tr>
<td>2001</td>
<td>6%</td>
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<tr>
<td>2002</td>
<td>7%</td>
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<tr>
<td>2003</td>
<td>8%</td>
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<tr>
<td>2004</td>
<td>9%</td>
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<tr>
<td>2005</td>
<td>10%</td>
</tr>
<tr>
<td>2006 or thereafter</td>
<td>100%</td>
</tr>
</tbody>
</table>

(C) EFFECTIVE DATE.—(1) IN GENERAL.—The amendments made by this section shall take effect on the date of enactment of this Act.

(2) COORDINATION WITH ELECTION PERIODS.—The Executive Director shall by regulation determine the first election period in which elections may be made consistent with the amendments made by this section.

(3) DEFINITIONS.—For purposes of this section—
"'election period' means a period of 3 years covered by the term 'election period' as defined in rules prescribed under section 1301 of title 5, United States Code.

(4) EXCLUSION OF ELEMENTS OF UNITED STATES SECRET SERVICE FROM CERTAIN ACTIVITIES.—Section 703(a)(3) of title 5, United States Code, is amended—
"(1) in subparagraph (F), by striking "at" and inserting "; or"; and
"(2) by adding at the end the following:
"(G) the United States Secret Service and the United States Secret Service Uniformed Division.

December 15, 2000
CONGRESSIONAL RECORD — HOUSE
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SEC. 140. (a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 2001 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 3.7 percent.

(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 2001.

SEC. 141. REPEAL OF MANDATORY SEPARATION REQUIREMENT. (a) In General.—Section 8335 of title 5, United States Code, is amended by striking “(c)” and inserting “(c),”.

(b) Class A Television Translators.—Section 602 of the Telecommunications Act of 1996 (47 U.S.C. 602) is amended by striking “(c)” and inserting “(c),”.

(c) Time Limit.—Section 12 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801) is amended by striking “October 1, 2000” and inserting “October 1, 2002”.

(d) Annuity.—Section 401 of the Civil Service Retirement Reform Act of 1990 (5 U.S.C. 8341) is amended—

(1) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(2) by redesignating sections 336 and 337 of the Communications Act of 1934 (47 U.S.C. 336 and 337) as subsections (d) and (e), respectively.

(e) Digital Data Service.—Sections 142 and 143 of the Communications Act of 1934 (47 U.S.C. 142 and 143), as amended, are hereby amended—

(1) by striking “Section 143(1)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(1A)) is hereby amended by inserting after the phrase “twenty-four hours” the following new phrase: “except in the case of Alaska where such time limit may be forty-eight hours in fiscal years 2000 through 2002.”

(2) by redesignating subsection (h) as subsection (i); and

(3) by redesigning paragraphs (g) through (l) as paragraphs (h) through (l), respectively, and inserting after paragraph (l) the following new paragraph:

(h) Within 60 days after receiving a request (made in such form and manner and containing such information as the Commission may require) under this subsection from a low-power television station to which this subsection applies, the Commission shall authorize the low-power television station to provide digital data service subject to the requirements of this subsection as a pilot project to demonstrate the feasibility of using low-power television stations to provide high-speed digital data service, including Internet access to unserved areas.

(i) The low-power television stations to which this subsection applies are as follows:

(A) KHLM-LP, Houston, Texas.

(B) WATM-LP, Tampa, Florida.

(C) WWRJ-LP, Jacksonville, Florida.

(D) WVBG-LP, Albany, New York.

(E) KHHI-LP, Honolulu, Hawaii.

(F) KPHE-LP (K35BD), Phoenix, Arizona.

(G) W24AI-LP, Peru, Indiana.

(H) K65GZ, Bozman, Montana.

(I) WXOB-LP, Richmond, Virginia.


(K) WKDH-LP (W129QD), Salem, Oregon.

(L) WSPY-LP, Plano, Illinois.

(M) W2ABJ, Aurora, Illinois.

(2) The low-power television stations to which this subsection applies are as follows:

(A) KHLM-LP, Houston, Texas.

(B) W2ABJ, Aurora, Illinois.

(3) The low-power television stations to which this subsection applies are as follows:

(A) KHLM-LP, Houston, Texas.

(B) W2ABJ, Aurora, Illinois.

(C) WWRJ-LP, Jacksonville, Florida.

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(I) WXOB-LP, Richmond, Virginia.


(K) WKDH-LP (W129QD), Salem, Oregon.

(L) WSPY-LP, Plano, Illinois.

(M) W2ABJ, Aurora, Illinois.

(3) The low-power television stations to which this subsection applies are as follows:

(A) KHLM-LP, Houston, Texas.

(B) W2ABJ, Aurora, Illinois.

(C) WWRJ-LP, Jacksonville, Florida.

(D) WVBG-LP, Albany, New York.

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(I) WXOB-LP, Richmond, Virginia.


(K) WKDH-LP (W129QD), Salem, Oregon.

(L) WSPY-LP, Plano, Illinois.

(M) W2ABJ, Aurora, Illinois.
shall be homeported in Kodiak, Alaska, and is hereby named "OSCAR DYSON".

(1) The Secretary of Commerce (hereinafter "the Secretary") shall, after notice and opportunity for public comment, waive any requirements under this subsection and sections 679.4(k) and 679.5 of title 50, Code of Federal Regulations; or waive or otherwise make inapplicable the specific regulations of title 50, Code of Federal Regulations; or (2) impose a moratorium on the sale or transfer of such vessel, vessel owner, or permit associated with such vessel or permits that could cause to exceed the price bid for each reduction permit by the total value of all crab landed under such permits in the BSAI crab fisheries by permanently reducing the number of license limitation program crab licenses; (3) The fishing capacity reduction program recommended by the North Pacific Fishery Management Council shall be implemented as appropriate, modifications to such sideboards to the extent necessary to permit AFA catcher vessels that remain in the crab fisheries to share proportionally in any increase in crab harvest opportunities that accrue to all remaining AFA and non-AFA catcher vessels if the fishing capacity reduction program recommended by this section is implemented; (4) establish sub-amounts and repayment fees for each BSAI crab fishery prosecuted under a separate endorsement for repayment of the reduction loan, such that: (i) a reduction loan sub-amount is established for each separate BSAI crab fishery (other than Norton Sound red king crab or Norton Sound blue king crab) by dividing the total value of the crab landed in that fishery under all reduction permits by the total value of all crab landed under such permits in the BSAI crab fisheries (determined using the same average prices and years used under subparagraph (G)(i) of this paragraph), and multiplying the reduction loan amount by the percentage expressed by such ratio; and (ii) fish sellers who participate in the crab fishery under each endorsement repay the reduction loan sub-amount attributable to that fishery; and (K) notwithstanding section 1111(b) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1111(b)(4)), establish the shipping loan fund for the reduction loan of not less than 30 years.

(2)(A) Only persons to whom a non-interim BSAI crab license and an area/species endorsement have been issued in conjunction with whom only a license and an area/species endorsement for Norton Sound red king crab or Norton Sound blue king crab have been issued for vessels that— (i) qualify under the License Limitation Program criteria set forth in section 679.4 of title 50, Code of Federal Regulations; or (ii) have made at least one landing of BSAI crab in either 1996, 1997, or prior to February 7, 1998, may submit a bid in the fishing capacity reduction program established by this section.

(8) After the date of enactment of this section— (i) no vessel 60 feet or greater in length overall may participate in any BSAI crab fishery (other than Norton Sound red king crab or Norton Sound blue king crab) unless such vessel meets the requirements set forth in subparagraphs (A) and (A)(ii) of this paragraph; (ii) no vessel between 33 and 60 feet in length overall may participate in any BSAI crab fishery (other than Norton Sound red king crab or Norton Sound blue king crab) unless such vessel meets the requirements set forth in subparagraphs (A) and (A)(ii) of this paragraph; (iii) an AFA catcher vessel that remains in the crab fisheries included in the Fishery Management Plan for Commercial King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands (hereinafter "BSAI crab fisheries"). In implementing the Secretary shall— (A) reduce the fishing capacity in the BSAI crab fisheries by permanently reducing the number of license limitation program crab licenses; (B) establish sub-amounts and repayment fees for each BSAI crab fishery recommended by the North Pacific Fishery Management Council shall be implemented as appropriate, modifications to such sideboards to the extent necessary to permit AFA catcher vessels that remain in the crab fisheries to share proportionally in any increase in crab harvest opportunities that accrue to all remaining AFA and non-AFA catcher vessels if the fishing capacity reduction program recommended by this section is implemented; (C) implement the shipping loan fund for the reduction loan of not less than 30 years.

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(8) After the date of enactment of this section— (i) no vessel 60 feet or greater in length overall may participate in any BSAI crab fishery (other than Norton Sound red king crab or Norton Sound blue king crab) unless such vessel meets the requirements set forth in subparagraphs (A) and (A)(ii) of this paragraph; (ii) no vessel between 33 and 60 feet in length overall may participate in any BSAI crab fishery (other than Norton Sound red king crab or Norton Sound blue king crab) unless such vessel meets the requirements set forth in subparagraphs (A) and (A)(ii) of this paragraph; (iii) an AFA catcher vessel that remains in the crab fisheries included in the Fishery Management Plan for Commercial King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands (hereinafter "BSAI crab fisheries"). In implementing the Secretary shall— (A) reduce the fishing capacity in the BSAI crab fisheries by permanently reducing the number of license limitation program crab licenses; (B) establish sub-amounts and repayment fees for each BSAI crab fishery recommended by the North Pacific Fishery Management Council shall be implemented as appropriate, modifications to such sideboards to the extent necessary to permit AFA catcher vessels that remain in the crab fisheries to share proportionally in any increase in crab harvest opportunities that accrue to all remaining AFA and non-AFA catcher vessels if the fishing capacity reduction program recommended by this section is implemented; (C) implement the shipping loan fund for the reduction loan of not less than 30 years.

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provisions of this subsection. Sections 600.1001, 600.1002, 600.1003, 600.1005, 600.1010(b), 600.1010(d)(1), 600.1011(d), the last sentence of 600.1011(a), and the last sentence of 600.1014(f) of such rules and regulations shall apply to the subvention under this subsection. The program shall be deemed accepted under section 600.1004, and any time period specified in Subpart L that would have been to expire on or after May 1, 2001, date required by this subsection shall be modified as appropriate to permit compliance with that date. The referendum required under the program under this subsection shall be a post-bidding referendum under section 600.1010 of title 50, Code of Federal Regulations.

(4) A fishing capacity reduction program required under this subsection is authorized to be financed in equal parts through a reduction loan of $50,000,000 under sections 1112 and 1111 of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f and 1279g) and $50,000,000 which is authorized to be appropriated for the purposes of such program.

(8) Of the $1,000,000 appropriated in section 120 of Division A of Public Law 105-277 for the cost of a direct loan in the Bering Sea and Aleutian Islands under section 1111(b) of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f), $500,000 shall be for the cost of guaranteeing the reduction loan required under subparagraph (A) of this paragraph in accordance with the requirements of the Federal Credit Reform Act; and

$500,000 shall be available to the Secretary to pay for the cost of implementing the fishing capacity reduction program required by this subsection.

(C) The funds described in this subsection shall remain available, without fiscal year limitation, in the Treasury of the United States for obligation and use for the fiscal year in which the funds are authorized. Any funds not used for the fishing capacity reduction program required by this subsection, whether due to a rejection by reference to the Secretary, shall be available for obligation or after October 15, 2002, without fiscal year limitation, for assistance to fishermen or fishing communities.

(5) The Secretary of Transportation shall, upon notification and request by the Secretary, for each vessel identified in such notification and request,

(I) permanently revoke any fishery endorsement issued to such vessel under section 12108 of title 46, United States Code; and

(ii) refuse to grant the approval required under subparagraph (A) of this paragraph in accordance with applicable law: Provided, That except as specifically provided in this subsection, such Council may not be affirmed, and the Secretary may not approve, any action that would have the effect of removing a fishing vessel eligible to participate in the BSAI crab fisheries after March 1, 2001.

(6) This subsection may be referred to as the `Pribilof Islands Transition Act.'

(7) The purpose of this subsection is to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska.

(8) Public Law 89-702 (16 U.S.C. 1151 et seq.), popularly known as the subvention under this section as the `Fur Seal Act of 1966, is amended by amending section 206 (16 U.S.C. 1166) to read as follows:

``Section 206. (a)(1) Subject to the availability of appropriations, the Secretary shall provide financial assistance to any city government, village corporation, or tribal council of St. George, Alaska, or St. Paul, Alaska.

(2) Notwithstanding any other provision of law relating to matching funds, funds provided by the Secretary as assistance under this subsection may be matched by matching funds under any Federal program that requires such matching funds.

(3) The Secretary may not use financial assistance provided under this Act:

(A) to settle any debt owed to the United States;

(B) for administrative or overhead expenses; or

(C) for contributions sought or required from any person for costs or fees to clean up any matter that was caused or contributed to by any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

(4) In providing assistance under this section the Secretary shall transfer any funds appropriated to carry out this section to the Secretary of the Interior, who shall obligate such funds through instruments and procedures that are equivalent to the instruments and procedures required to be used by the Bureau of Indian Affairs pursuant to title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq).

(5) For purposes of subsection (c) for which less than all of the funds authorized under subsection (c)(1) are appropriated, such funds shall be distributed under this subsection on a pro rata basis (after the pro rata basis of subsection (c)(1) in the same proportions in which amounts are authorized by that subsection for grants to those entities):

(A) to settle any debt owed to the United States;

(B) for administrative or overhead expenses; or

(C) for contributions sought or required from any person for costs or fees to clean up any matter that was caused or contributed to by any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

(6) Not later than 3 months after the date of enactment of the Pribilof Islands Transition Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the House of Representatives a report that certifies, operating, or maintaining any solid waste management facility on the Pribilof Islands as a consequence of--

(I) having provided assistance to the State of Alaska of $9,000,000 under subsection (a)(3); and

(II) providing funds for, or planning, constructing, operating, any intermediate solid waste management facilities that may be required by the State of Alaska after permanent solid waste management facilities constructed with assistance provided under subsection (b) are complete and operational.

(7) Each entity which receives assistance authorized under subsection (c) shall submit an audited statement listing the expenditure of that assistance to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate, on the last day of fiscal years 2001, 2002, 2003, and 2004.

(8) Amounts authorized under subsection (c) are intended by Congress to be provided in addition to the base funding appropriated to the National Oceanic and Atmospheric Administration in fiscal year 2000.

(9) Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165) is amended by adding a new subsection (c) to read as follows:

``(c) There are authorized to be appropriated to the Secretary for fiscal years 2001, 2002, 2003, and 2004, and--

(1) for assistance under subsection (a) a total not to exceed--

(A) $9,000,000, for grants to the City of St. Paul;

(B) $6,300,000, for grants to the Tanadgusix Corporation; and

(C) $1,500,000, for grants to the St. Paul Tribal Council;

(2) for assistance under subsection (b), for fiscal years 2001, 2002, 2003, and 2004, a total not to exceed--

(A) $6,500,000, for the City of St. Paul; and

(B) $3,500,000, for the City of St. George.

(9) None of the funds authorized by this section may be available for any activity a purpose of which is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments, agencies, or commissions from communicating to members of Congress, through proper channels, requests for legislation or appropriations that they consider necessary for the efficient conduct of public business.

(10) Neither the United States nor any of its agencies, officers, or employees shall have any liability under this Act or any other law associated with or resulting from the designing, locating, contracting for, redeveloping, permitting, certifying, operating, or maintaining any solid waste management facility on the Pribilof Islands as a consequence of--

(I) having provided assistance to the State of Alaska of $9,000,000 under subsection (a)(3); and

(II) providing funds for, or planning, constructing, operating, or maintaining any intermediate solid waste management facilities that may be required by the State of Alaska after permanent solid waste management facilities constructed with assistance provided under subsection (b) are complete and operational.

(11) Each entity which receives assistance authorized under subsection (c) shall submit an audited statement listing the expenditure of that assistance to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate, on the last day of fiscal years 2001, 2002, 2003, and 2004.

(12) Amounts authorized under subsection (c) are intended by Congress to be provided in addition to the base funding appropriated to the National Oceanic and Atmospheric Administration in fiscal year 2000.

(13) Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165) is amended by adding a new subsection (c) to read as follows:

``(c) Not later than 3 months after the date of enactment of the Pribilof Islands Transition Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that includes--

(i) a description of all property specified in the document referred to in subsection (a) that has been conveyed under that subsection;

(ii) a description of all Federal property specified in the document referred to in subsection (a) that is going to be conveyed under that subsection;

(iii) an identification of all Federal property conveyed under subsection (a) that is going to be conveyed under that subsection;

(iv) a description of all property specified in the document referred to in subsection (a) that has been conveyed under that subsection;
(5)(A)(i) The Secretary of Commerce shall not be considered to have any obligation to promote or otherwise provide for the development of any form of an economy not dependent on sealing or the Pribilof Islands, including any obligation under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1161) or section 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165 note).

(ii) This subsection shall not apply to a transfer of any lands on the Pribilof Islands, including any lands designated as a portion of a national marine sanctuary in the Northwestern Hawaiian Islands under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433).

(iii) Notwithstanding any other provision of law, no closure areas around the Northwestern Hawaiian Islands shall become permanent without adequate review and comment.

(iv) The Secretary may not provide any funds under this section to the Governor of the State of Hawaii, may designate any Northwestern Hawaiian Islands coral reef or coral reef ecosystem as a coral reef reserve to be managed by the Secretary of Commerce and the United States to—

(A) convey property under section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165); and

(B) carry out cleanup activities, including assessment, response, remediation, and monitoring, except for postmedial measures such as monitoring and monitoring and operation and maintenance activities related to National Oceanic and Atmospheric Administration administration of the Pribilof Islands, Alaska, under section 3 of Public Law 104–91 (16 U.S.C. 1165 note) and the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996.

(ii) Paragraph (5)(B)(i) shall apply on and after the date on which the Secretary of Commerce certifies that—

(1) the Secretary of Alaska has provided written confirmation that no further corrective action is required at the sites and operable units covered by the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996, with the exception of postmedial measures, such as monitoring and operation and maintenance activities;

(II) the cleanup required under section 3(a) of Public Law 104–91 (16 U.S.C. 1165 note) is complete;

(III) the properties specified in the document referred to in subsection (a) of section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165a) can be unconditionally offered for conveyance under that section; and

(IV) all amounts appropriated under section 206(c) of the Fur Seal Act of 1966, as amended by this title, have been obligated.

(iii) On and after the date on which section 3(b)(5) of Public Law 104–91 (16 U.S.C. 1165 note) is repealed pursuant to subparagraph (C), the Secretary of Commerce may not seek or require financial contribution by or from any local governmental entity of the Pribilof Islands, any other local governmental entity, the owner of land on the Pribilof Islands, for cleanup costs incurred pursuant to section 3(a) of Public Law 104–91 (as in effect before such repeal), except as provided in paragraph (5)(B)(ii).

(ii) Subparagraph (B)(iii) shall not limit the authority of the Secretary of Commerce to seek or require financial contribution from any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

(6) Before the Secretary may provide any funds under this section, the Secretary shall take all necessary steps, including such steps as the Secretary determines are necessary, to ensure that any environmental cleanup remains protective of human health or the environment that do not unreasonably affect the use of the property.

(7) Section 3 of Public Law 104–91 (16 U.S.C. 1165 note) is amended by striking "on such lands" and inserting "on such islands."
House of Representatives Committee on Resources, describing actions taken to implement this subsection, including costs of monitoring, enforcing, and addressing marine debris, and the expenditures and activities necessary to carry out this subsection are reflected in the Budget of the United States Government submitted by the President under section 101 of United States Code.

(7) There are authorized to be appropriated to the Secretary of Commerce to carry out the provisions of this subsection such sums as may be necessary for fiscal years 2001, 2002, 2003, 2004, and 2005, as are reported under paragraph (5) to be reflected in the Budget of the United States Government.

(2) SEC. 111(b)(1) of the Sustainable Fisheries Act (16 U.S.C. 1855 nt) is amended by striking the last sentence and inserting, "There are authorized to be appropriated to carry out this subsection $500,000 for each fiscal year.".

SEC. 145. (a) Section 4(b)(1) of the Department of State Special Agents Retirement Act of 1998 (22 U.S.C. note; Public Law 105-382; 112 Stat. 3409) is amended by inserting "or participant who was serving as of January 1, 1997," after "employed participant."

(b) The amendment made by this section shall take effect on January 1, 2001.

SEC. 146. (a) Congress makes the following findings:

(1) Total steel imports in 2000 will be over 2% times higher than in 1991, continuing the alarming trend of sharply increasing steel imports over the past decade.

(2) Unprecedented levels of steel imports flooded the United States market in 1998 and 1999, causing a crisis in which thousands of steel workers were laid off and 6 steel companies went bankrupt.

(3) The domestic steel industry still has not recovered from the 1990-1999 steel import crisis, and steel imports are again causing serious injury to United States steel producers and workers.

(b) (1) Steel imports through August 2000 are 17 percent higher than over the same period in 1999 and greater even than imports over the same period in 1998, a record year.

(2) The United States Government must maintain a fully funded existing relief against unfair foreign trade.

(3) The United States steel industry is a clean, highly efficient industry having modernized itself and its financial structure, shedding over 330,000 jobs and investing more than $50,000,000,000 over the last 20 years.

(4) Capacity utilization in the United States steel industry has fallen sharply since the beginning of the year and the market capitalization and debt ratings of the major United States steel firms are at precarious levels.

(5) The Department of Commerce recently documented the underlying market-distorting practices and longstanding structural problems that plague the steel industry, and is not a unit of another hospital, that as of the date of the enactment of this subclause, is licensed for 162 acute care beds, and that demonstrates for the 4-year period ending on June 30, 1999, that at least 50 percent of its total discharges have a principal finding of neoplastic disease, as defined in subparagraph (E).

(c) FEDERAL ASSISTANCE. Ð The Federal interest to provide for design and construction assistance or water-related environmental infrastructure and resource protection and development projects in northern Wisconsin, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

SEC. 150. There is hereby appropriated for the 4-year period ending on June 30, 1999, for the purposes of subparagraph (B)(iv) of section 1886(d)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(iv)), $50,000,000.

SEC. 152. TREATMENT OF CERTAIN CANCER HOSPITALS. Ð (a) In General. Ð Section 1886(d)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(iv)) is amended by striking the semicolon in subsection (a) and inserting the following:

"(I) the Alabama counties of Pickens, Greene, Sumter, Chatcowa, Clarke, Washington, Marengo, Hale, Perry, Wilcox, Lowndes, Bullock, Macon, Barbour, Russell, and Dallas;"

SEC. 154. NORTHERN WISCONSIN. Ð (a) DEFINITION OF NORTHERN WISCONSIN. Ð In this section, the term "northern Wisconsin" means the counties of Douglas, Ashland, Bayfield, and Iron, Wisconsin.

(b) ESTABLISHMENT OF PROGRAM. Ð The Secretary of the Army may establish a pilot program to provide environmental assistance to non-Federal interests in northern Wisconsin.

(c) FORM OF ASSISTANCE. Ð Assistance under this section shall be in the form of design and re-construction assistance or water-related environmental infrastructure and resource protection and development projects in northern Wisconsin, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

SEC. 155. CONGRESSIONAL RECORD Ð HOUSE

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The project's costs.

(2) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT. The Federal interest shall receive credit for land, easements, rights-of-way, and reductions toward the non-Federal share of project costs (including all reasonable costs associated with the necessary and functional for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of the total project costs.

(3) SECRETARY. The Secretary shall transmit to Congress a report on the pilot program carried out under this section, including recommendations as to whether the program should be implemented on a national basis.

(3) AUTHORIZATION OF APPROPRIATIONS. There are authorized to be appropriated in each of fiscal years 2001, 2002, and each subsequent fiscal year through 2005, $10,000,000 to carry out the activities of the Foundation.

TITL II—VIETNAM EDUCATION FOUNDATION ACT OF 2000

SECTION 201. SHORT TITLE.

This title may be cited as the "Vietnam Education Foundation Act of 2000".

SEC. 202. PURPOSES.

The purposes of this title are the following:

(1) To establish an international fellowship program under which—

(A) Vietnamese nationals can undertake graduate and postgraduate level studies in the sciences (natural, physical, and environmental), mathematics, medicine, and technology (including information technology); and

(B) United States citizens can teach in the fields specified in subparagraph (A) in appropriate Vietnamese institutions.

(2) To assist the process of reconciliation between the United States and Vietnam and the building of a bilateral relationship serving the interests of both countries.

SEC. 203. VOTING MEMBERS.

In this title:

(a) BOARD. The term "Board" means the Board of Directors of the Foundation.

(b) FOUNDATION. The term "Foundation" means the Vietnam Education Foundation as established in section 204.

(c) INSTITUTION OF HIGHER EDUCATION. The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001a).

(d) UNITED STATES-VIETNAM DEBT AGREEMENT. The term "United States-Vietnam debt agreement" means the Agreement Between the Government of the United States of America and the Government of the Socialist Republic of Vietnam Regarding the Consolidation and Redoubling of Certain Debts Owed to, Guaranteed by, or Insured by the United States, December 31, 1977, and the Agency for International Development, dated April 7, 1997.

SEC. 204. ESTABLISHMENT.

There is established the Vietnam Education Foundation as an independent establishment of the executive branch under section 104 of title 5, United States Code.

SEC. 205. BOARD OF DIRECTORS.

(a) IN GENERAL. The Foundation shall be subject to the supervision and direction of the Board of Directors, which shall consist of 13 members, and shall be appointed by the Secretary of Education, who shall provide assistance to the Board in the performance of its duties.

(b) NOMINATIONS. The Secretary shall transmit to Congress a report on the nominations for the Board of Directors, including the names of nominees and the criteria for selection.

(c) FELLOWSHIP PROGRAM.

(a) AWARD OF FELLOWSHIPS. (1) Two members of the House of Representatives shall be appointed by the Speaker of the House, and two members of the Senate shall be appointed by the Majority Leader and one of whom shall be appointed upon the recommendation of the Majority Leader, and one of whom shall be appointed upon the recommendation of the Minority Leader, and who shall serve as ex officio, nonvoting members.

(2) Two members of the Senate, appointed by the Majority Leader, and one of whom shall be appointed upon the recommendation of the Majority Leader, and who shall serve as ex officio, nonvoting members.

(3) Secretary of State.

(4) Secretary of Education.

(5) A person who has been designated by the Secretary of Education.

(6) Six members to be appointed by the President from among individuals who have academic excellence or experience in the fields of concentration specified in section 202(1)(A) or a general knowledge of Vietnam, not less than three of whom shall be drawn from academic life.

(b) REQUIREMENTS FOR APPOINTMENT. The members of the Board shall—

(1) meet the minimum criteria established by the Foundation, including the following:

(I) VIETNAMESE NATIONALS. Vietnamese candidates for fellowships shall have basic English proficiency and must be prepared to meet the criteria for admission into graduate or postgraduate programs in United States institutions of higher learning.

(II) UNITED STATES CITIZEN TEACHERS. American teaching candidates shall be highly competitive in their fields and be experienced and proficient teachers.

(i) IMPLEMENTATION. The Foundation may provide, directly or by contract, for the conduct of nationwide competition for the purpose of selecting recipients of fellowships awarded under this section.

(ii) AUTHORITY TO AWARD FELLOWSHIPS ON A MATCHING BASIS. The Foundation may require, as a condition of the availability of funds for the award of a fellowship under this title, that an institution of higher education make available funds for such fellowship on a matching basis.

(iii) FELLOWSHIP CONDITIONS. A person awarded a fellowship under this title may receive payment authorized under this title only during such periods as the Foundation finds that the person is maintaining satisfactory proficiency and devoting full time to study or teaching, as appropriate, in gainful employment and shall retain employment for such employment for the 2002, and each subsequent fiscal year through fiscal year 2005, $5,000,000 to carry out the activities of the Foundation.

(f) FUNDING.

(1) FISCAL YEAR 2001. There are authorized to be appropriated to the Foundation $5,000,000 for fiscal year 2001 to carry out the activities of the Foundation.

(2) FISCAL YEAR 2002 AND SUBSEQUENT FISCAL YEARS. Beginning with fiscal year 2002 and each subsequent fiscal year through fiscal year 2018, $5,000,000 of the amounts deposited into the Fund (or accrued interest) each fiscal year shall be available to the Foundation, without fiscal year limitation, under paragraph (2).

(2) DISBURSEMENT OF FUNDS. The Secretary of the Treasury, at least on a quarterly basis, shall transfer to the Foundation amounts allotted to the Foundation under paragraph (1) for the purpose of carrying out the purposes of this title.

(3) TRANSFER OF EXCESS FUNDS TO MISCHELON RECEIPTS. Beginning with fiscal year 2002, and each subsequent fiscal year through fiscal year 2018, the Secretary of the Treasury shall transfer to the Foundation any amounts deposited into the Fund (or accrued interest) each fiscal year shall be available to the Foundation, without fiscal year limitation, under paragraph (2).

(4) ANNUAL REPORT. The Board shall prepare and submit annually to Congress a report for the fiscal year ending in such fiscal year, describing the financial condition of the Fund, including the beginning balance, receipts, refunds, disbursements, and ending balance.

SEC. 207. VIETNAM DEBT REPAYMENT FUND.

(a) ESTABLISHMENT. There is established in the Treasury a separate account which shall be known as the Vietnam Debt Repayment Fund (in this subsection referred to as the "Fund").

(b) DEPOSITS. There shall be deposited as off-setting receipts into the Fund all payments (including interest payments) made by the Socialist Republic of Vietnam under the United States-Vietnam debt agreement.

(c) AVAILABILITY OF THE FUNDS. Funds in the Fund shall remain available until expended.

(d) FUNDING. There is authorized to be appropriated to the Fund $5,000,000 for fiscal year 2001 to carry out the activities of the Foundation.

(e) AVAILABILITY OF FUNDS. Funds appropriated pursuant to subparagraph (A) are authorized to remain available until expended.

(f) FISCAL YEAR 2002 AND SUBSEQUENT FISCAL YEARS. Beginning with fiscal year 2002, and each subsequent fiscal year through fiscal year 2018, $5,000,000 of the amounts deposited into the Fund (or accrued interest) each fiscal year shall be available to the Foundation, without fiscal year limitation, under paragraph (2).

(2) DISBURSEMENT OF FUNDS. The Secretary of the Treasury, at least on a quarterly basis, shall transfer to the Foundation any amounts allotted to the Foundation under paragraph (1) for the purpose of carrying out the purposes of this title.

(3) TRANSFER OF EXCESS FUNDS TO MISCHELON RECEIPTS. Beginning with fiscal year 2002, and each subsequent fiscal year through fiscal year 2018, the Secretary of the Treasury shall transfer any amounts deposited into the Fund (or accrued interest) each fiscal year shall be available to the Foundation, without fiscal year limitation, under paragraph (2).

(4) ANNUAL REPORT. The Board shall prepare and submit annually to Congress a report for the fiscal year ending in such fiscal year, describing the financial condition of the Fund, including the beginning balance, receipts, refunds, disbursements, transfers to the general fund, and the ending balance.

SEC. 208. FOUNDATION PERSONNEL MATTERS.

(a) APPOINTMENT BY BOARD. There shall be an Executive Secretary of the Foundation who
shall be appointed by the Board without regard to the provisions of title 5, United States Code, or any regulation thereunder, governing appointment in the competitive service. The Executive Director of the Chief Executive Officer of the Foundation and shall carry out the functions of the Foundation subject to the supervision and direction of the Board. The Executive Director shall carry out such obligations consistent with the provisions of this title as the Board shall prescribe. The decision to employ or terminate an Executive Director shall be made by an affirmative vote of at least 6 of the 9 voting members of the Board.

(b) PROFESSIONAL STAFF.—The Executive Director shall hire Foundation staff on the basis of professional qualifications and without regard to political affiliation.

(c) EXPERTS AND CONSULTANTS.—The Executive Director may procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code to carry out the purposes of the Foundation.

(d) COMPENSATION.—The Board may fix the compensation of the Executive Director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the Executive Director and other personnel may not exceed the rate of pay for the Executive Director under level V of the Executive Schedule under section 5316 of title 5.

SEC. 209. ADMINISTRATIVE PROVISIONS.

(a) IN GENERAL.—In order to carry out this title, the Foundation may prescribe regulations, subject to the approval of the Secretary of the Interior, as it considers necessary governing the manner in which its functions shall be carried out;

(b) PROFESSIONAL STAFF.—The Executive Director shall carry out such other functions as are necessary to the extent authorized by section 3109 of title 5, United States Code to carry out the purposes of the Foundation.

(c) COMPENSATION.—The Board may fix the compensation of the Executive Director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the Executive Director and other personnel may not exceed the rate of pay for the Executive Director under level V of the Executive Schedule under section 5316 of title 5.

(d) COMPENSATION.—The Board may fix the compensation of the Executive Director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the Executive Director and other personnel may not exceed the rate of pay for the Executive Director under level V of the Executive Schedule under section 5316 of title 5.


Subsection (a) of section 6 of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585; 102 Stat. 2973) is amended to read as follows:

(a) RESERVOIR; MUNICIPAL AND INDUSTRIAL WATER ALLOCATIONS.

(1) Dolores Project. — The term "Dolores Project" has the meaning given that term in section 3(2) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585; 102 Stat. 2973).
the State of Colorado for its present and future needs; and
``(VII) with an average annual depletion of an amount not to exceed 760 acre-feet of water, to the Navajo Nation, for the purpose of meeting the present and future needs of the Navajo Nation.

(16) TRIBAL DEVELOPMENT.-
``(a) IN GENERAL.—In lieu of the investment plan required under paragraph (3)(B) of section 9 of the Act of August 4, 1939 (43 U.S.C. 620 et seq.), the nontribal municipal and industrial water capital repayment obligations for the facilities described in paragraph (1)(A)(ii) and (iii) of section 203(A) shall be nontaxable to the United States.

``(b) ECONOMIC DEVELOPMENT PLAN.—The Secretary shall prepare an economic development plan for each Tribe, if the Secretary determines that such plan is necessary to ensure the economic development of the Tribe.

``(c) COMPLIANCE.—The Secretary shall require the Tribe to submit an economic development plan to the Secretary upon completion of the construction of the project.

``(d) APPROVAL.—The Secretary shall approve the economic development plan if the Secretary determines that such plan is necessary to ensure the economic development of the Tribe.

``(e) REVOCATION.—The Secretary may revoke the approval of the economic development plan if the Secretary determines that such plan is not consistent with the economic development needs of the Tribe.
“(ii) Notwithstanding any other provision of law and in order to ensure that the Federal Government fulfills the objectives of the Record of Decision referred to in section 301(b)(8)(F) of the Colorado Ute Settlement Act Amendments of 2000 by requiring that the funds referred to in clause (i) are expended directly by employees of the Federal Government, the Secretary acting through the Bureau of Reclamation shall expend not less than 1/3 of the funds referred to in clause (i) for municipal or rural water development and not less than 1/3 of the funds referred to in subsection (b) shall be set aside for resource acquisition and enhancement.

“(C) MODIFICATION. Subject to the provisions of this Act and the approval of the Secretary, each Tribe may modify a plan approved under subparagraph (B).

“(D) LIABILITY. The United States shall not be directly or indirectly liable for any claim or cause of action arising from the approval of a plan under this paragraph, or from the use and expenditure by the Tribe of the principal or interest of the Funds.

“(f) LIMITATION ON DISBURSEMENT OF TRIBAL RESOURCE FUNDS.—Any funds appropriated under this section shall be placed into the Tribal Resource Fund, or of the income accruing to such funds, or the revenue from any water projects shall be distributed to any member of either Tribe on a per capita basis.

“(g) LIMITATION ON SETTLEMENT AWARD. The Tribes shall not be entitled to any settlement award if the Secretary determines that substantial portions of the settlement have been completed. In the event that the funds are not disbursed under the terms of this section by December 31, 2012, such funds shall be deposited in the general fund of the Treasury.

“SEC. 17. COLORADO UTE SETTLEMENT FUND.

“(a) ESTABLISHMENT OF FUND. There is hereby established in the Treasury of the United States a fund to be known as the ‘Colorado Ute Settlement Fund’.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Colorado Ute Settlement Fund such funds as are necessary to complete the construction of the facilities described in sections 6(a)(1)(A) and 15(b) within 7 years of the date of enactment of this section. Such funds are authorized to be appropriated for each of the first 5 fiscal years beginning with the fiscal year following the date of enactment of this section.

“SEC. 18. FINAL SETTLEMENT.

“(a) IN GENERAL. The construction of the facilities described in section 6(a)(1)(A), the allocation of the proceeds of activities authorized by or under those facilities to the Tribes as described in that section, and the provision of funds to the Tribes in accordance with section 16 and the issuance of an amendment to the original final consent decree as contemplated in subsection (c) shall constitute final settlement of the tribal claims to water rights on the Animas and La Plata Rivers in the State of Colorado.

“(b) STATUTORY CONSTRUCTION. Nothing in this section shall be construed to affect the right of the Tribes to water rights on the streams and rivers described in the Agreement, or to affect the rights and interests of the Tribes in the Animas and La Plata Rivers, to receive the amounts of water dedicated to tribal use under the Agreement, or to acquire water rights under the laws of the State of Colorado.

“(c) ACTION BY THE ATTORNEY GENERAL. The Attorney General shall file with the District Court of the State of Colorado, such instruments as may be necessary to request the court to amend the final consent decree to provide for the amendments made to the water rights of the Tribes in the State of Colorado by the Colorado Ute Indian Water Rights Settlement Act Amendments of 2000. The amended final consent decree shall specify terms and conditions to provide for an extension of the current final consent deadline for the Tribes to commence litigation of their reserved rights claims on the Animas and La Plata Rivers.

“SEC. 19. STATUTORY CONSTRUCTION; TREATMENT OF CERTAIN FUNDS.

“(a) IN GENERAL. Nothing in the amendments made by the Colorado Ute Settlement Act Amendments of 2000 shall be construed to affect the applicability of any provision of this Act.

“(b) TREATMENT OF UNCOMMITTED PORTION OF COST-SHARING OBLIGATION. The uncommitted portion of the cost-sharing obligation of the State of Colorado referred to in section 6(a)(3) shall be made available, upon the request of the Tribe, to the State of Colorado on or before the date on which payment is made of the amount specified in that section.”.

“TITLE IV

“SECTION 401. DESIGNATION OF AMERICAN MUSEUM OF SCIENCE AND ENERGY.

“(a) IN GENERAL. The Museum—

“(1) is designated as the ‘American Museum of Science and Energy’; and

“(2) shall be the successor to the museum of science and energy of the United States.

“(b) REFERENCES.—Any reference in a law, map, chart, document, paper, or other record of the United States to the Museum is deemed to be a reference to the ‘American Museum of Science and Energy’; and

“(1) PRESENT NAME.—The name ‘American Museum of Science and Energy’ is declared the name of the museum operated by the Secretary of Energy and located at 300 South Tulane Avenue in Oak Ridge, Tennessee.

“(2) USE. The Museum shall have the sole right throughout the United States and its possessions to have and use the name ‘American Museum of Science and Energy’.

“(c) EFFECT ON OTHER RIGHTS.—This subsection shall not be construed to conflict or interfere with established or vested rights.

“SECTION 402. AUTHORITY.

“To carry out the activities of the Museum, the Secretary may—

“(1) accept and dispose of any gift, devise, or bequest of services or property, real or personal, that is—

“(A) designated in a written document by the person making the gift, devise, or bequest as intended for the Museum; and

“(B) determined by the Secretary to be suitable for use by the Museum;

“(2) operate a retail outlet on the premises of the Museum; and

“(3) enter into contracts for services or activities related to the Museum.

“(a) I N GENERAL. Nothing in this Act shall be construed to authorize any provision of this Act as the `region', though rich in natural and human resources, lags behind the rest of the United States in economic growth and prosperity.

“(b) STATUS OF VOLUNTEERS. Volunteer activities described in section (a) shall not be considered Federal employment.

“(c) COMPENSATION.—A volunteer under subsection (a) shall serve without pay, but may receive nominal awards and reimbursement for incidental expenses, including expenses for a uniform or transportation in furtherance of Museum activities.

“SEC. 404. DEFINITIONS.

“For purposes of this Act:

“(1) MUSEUM.—The term ‘Museum’ means the museum operated by the Secretary of Energy and located at 300 South Tulane Avenue in Oak Ridge, Tennessee.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Energy or a designated representative of the Secretary.

“TITLE V—LOWER MISSISSIPPI RIVER REGION

“SEC. 501. SHORT TITLE.

“This title may be cited as the ‘Delta Regional Authority Act of 2000’.

“SEC. 502. FINDINGS AND PURPOSES.

“(a) FINDINGS.—Congress finds that—

“(1) the lower Mississippi River region (referred to in this title as the ‘region’) is a region suffering from a disproportionately high concentration of poverty and unemployment compared to other areas of the United States.

“(2) the region has the potential to achieve its full potential for economic development;

“(3) development of the region requires an adequate transportation and physical infrastructure, a skilled and trained workforce, and the involvement of federal, state, and local governments and nonprofit organizations.

“(4) the economic progress of the region requires adequate transportation and physical infrastructure, skilled and trained workforce, and the involvement of federal, state, and local governments and nonprofit organizations.

“(5) to establish a formal framework for joint planning and development of the region);

“(6) to provide assistance to the region in obtaining federal, state, and local government and nonprofit participation and commitment.

“(7) to provide assistance to the region in obtaining federal, state, and local government and nonprofit participation and commitment.

“(8) to assist the region in obtaining the funds and other support necessary to achieve its full potential for economic development.

“(9) to provide assistance to the region in obtaining federal, state, and local government and nonprofit participation and commitment.

“(b) PURPOSES.—The purposes of this title are—

“(1) to foster the economic development of the region;

“(2) to ensure that the communities and people in the region have the opportunity for economic development;

“(3) to ensure that the economy of the region reaches economic parity with that of the rest of the United States.

“(4) to establish a formal framework for joint planning and development of the region; and

“(5) to provide assistance to the region in obtaining federal, state, and local government and nonprofit participation and commitment.

“(6) to provide assistance to the region in obtaining federal, state, and local government and nonprofit participation and commitment.

“(7) to provide assistance to the region in obtaining federal, state, and local government and nonprofit participation and commitment.

“(8) to provide assistance to the region in obtaining federal, state, and local government and nonprofit participation and commitment.

“(9) to provide assistance to the region in obtaining federal, state, and local government and nonprofit participation and commitment.
(4) to foster coordination among all levels of government, the private sector, and nonprofit groups in crafting common regional strategies that will lead to broader economic growth; and
(5) to encourage the participation of interested citizens, public officials, agencies, and others in developing and implementing local and regional plans for broad-based economic and community development.

(7) to focus special attention on areas of the region that suffer from the greatest economic distress.

SEC. 303. DELTA REGIONAL AUTHORITY.

The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end the following:

"Subtitle F—Delta Regional Authority"

"SEC. 382A. DEFINITIONS.

"(1) AUTHORITY.—The term ‘Authority’ means the Delta Regional Authority established by section 382B.

"(2) REGION.—The term ‘region’ means the Lower Mississippi River basin (as defined in section 4 of the Delta Development Act (42 U.S.C. 3121 note; Public Law 100–460)).

"(3) SUBGRANT PROGRAM.—The term ‘subgrant program’ means a subgrant program to provide assistance in—

(A) acquiring, leasing, or maintaining land; or

(B) constructing or equipping a highway, road, bridge, or facility; or

(C) carrying out other economic development activities.

"SEC. 382B. DELTA REGIONAL AUTHORITY.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established the Delta Regional Authority.

"(2) COMPOSITION.—The Authority shall be composed of—

(A) a Federal member, to be appointed by the President, with the advice and consent of the Senate; and

(B) the Governor (or a designee of the Governor) of each State in the region that elects to participate in the Authority.

(3) COCHAIRPERSONS.—The Authority shall be headed by—

(A) a Federal cochairperson, who shall serve—

(i) as the Federal cochairperson; and

(ii) as a liaison between the Federal Government and the Authority; and

(B) a State cochairperson, who—

(i) shall be a Governor of a participating State in the region; and

(ii) shall be elected by the State members for a term of not less than 1 year.

(4) ALTERNATE FEDERAL COCHAIRPERSON.—The President shall appoint an alternate Federal cochairperson.

(5) QUORUM.—A State alternate shall not be counted in the establishment of a quorum of the Authority in any instance in which a quorum of the State members is required to be present.

(6) DELEGATION OF POWER.—No power or responsibility of the Authority specified in paragraphs (2) and (3) of subsection (c), and no voting right of any Authority member, shall be delegated to any participant.

(7) VOTING.—

(A) who is not a Authority member; or

(B) who is not entitled to vote in Authority meetings.

(2) QUORUM.—A quorum of State members shall be required to be present for the Authority to make any policy decision, including—

(A) a modification or revision of a Authority policy decision; and

(B) approval of a State or regional development plan; and

(C) any allocation of funds among the States.

(3) PROJECT AND GRANT PROPOSALS.—The approval of project and grant proposals shall be—

(A) by a majority of Authority members; and

(B) conducted in accordance with section 382.

(4) VOTING BY ALTERNATE MEMBERS.—An alternate member shall vote in the case of the absence, death, disability, removal, or resignation of the Federal or State representative for which the alternate was appointed.

(5) DUTIES.—The Authority shall—

(A) develop, on a continuing basis, comprehensive and coordinated plans and programs to establish priorities and approve grants for the economic development of the region, giving due consideration to other Federal, State, and local planning and development activities in the region;

(B) not later than 220 days after the date of enactment of this subtitle, establish priorities in a development plan for the region (including 5-year regional plans) for the economic development of the region that suffer from the greatest economic distress.

(6) to assess the needs and assets of the region based on available research, demonstrations, inventories, assessments, and evaluations of the regions prepared by Federal, State, and local agencies, universities, local development districts, and other nonprofit groups;

(7) to formulate and recommend to the Governors and legislatures of States that participate in the Authority the form of interstate cooperation;

(8) to work with State and local agencies in developing appropriate model legislation;

(9) to cooperate with and assist State governments and local development districts in the region in developing appropriate model legislation;

(10) to encourage private investment in industrial, commercial, and other economic development projects in the region; and

(11) to request the head of any State department or agency to detail to the Authority such personnel as the Authority recommends.

(12) to request the head of any Federal department or agency to detail to the Authority such personnel as the Authority considers appropriate;

(13) to make any determination necessary to carry out this subtitle, in accordance with applicable Federal laws (including regulations).

(14) ADMINISTRATIVE EXPENSES.—

(A) The Administrator of the Federal cochairperson, including expenses of the Authority (except for the expenses of the Federal cochairperson, including expenses of the alternate and staff of the Federal cochairperson, which shall be paid solely by the Federal Government) shall be paid—

(i) by the Federal Government, in an amount equal to 50 percent of the administrative expenses and

(ii) by the States in the region participating in the Authority, in an amount equal to 50 percent of the administrative expenses.

(2) STATE SHARE.—

(A) IN GENERAL.—The share of administrative expenses of the Authority to be paid by each State shall be determined by the Authority.

(B) NO FEDERAL PARTICIPATION.—The Federal cochairperson shall not participate or vote in any decision under subparagraph (A).

(3) DELINQUENT STATES.—If a State is delinquent in payment of the State’s share of administrative expenses of the Authority under this subsection—

(i) no assistance under this subtitle shall be furnished to the State (including assistance to a political subdivision or a resident of the State); and

(ii) no member of the Authority from the State shall participate or vote in any action by the Authority.

(4) COMPENSATION.—

(A) FEDERAL COCHAIRPERSON.—The Federal cochairperson shall be compensated by the Federal Government at level III of the Executive Schedule in chapter II of chapter 53 of title V, United States Code.

(B) ALTERNATE FEDERAL COCHAIRPERSON.—The alternate Federal cochairperson shall be compensated by the Federal Government at level V of the Executive Schedule described in paragraph (1); and

(C) STATE MEMBERS AND ALTERNATES.—

(A) IN GENERAL.—A State shall compensate each member and alternate representing the State on the Authority at the rate established by law of the State.

(B) NO ADDITIONAL COMPENSATION.—No State member or alternate member shall receive any salary, or any contribution to or supple of any kind or source other than the State for services provided by the member or alternate to the Authority.

(2) QUORUM.—A quorum of State members shall be required to be present for the Authority to make any policy decision, including—

(A) a modification or revision of a Authority policy decision; and

(B) approval of a State or regional development plan; and

(C) any allocation of funds among the States.

(3) PROJECT AND GRANT PROPOSALS.—The approval of project and grant proposals shall be—

(A) by a majority of Authority members; and

(B) conducted in accordance with section 382.

(4) VOTING BY ALTERNATE MEMBERS.—An alternate member shall vote in the case of the absence, death, disability, removal, or resignation of the Federal or State representative for which the alternate was appointed.

(5) DUTIES.—The Authority shall—

(A) develop, on a continuing basis, comprehensive and coordinated plans and programs to establish priorities and approve grants for the economic development of the region, giving due consideration to other Federal, State, and local planning and development activities in the region;

(B) not later than 220 days after the date of enactment of this subtitle, establish priorities in a development plan for the region (including 5-year regional plans) for the economic development of the region that suffer from the greatest economic distress.

(C) to assess the needs and assets of the region based on available research, demonstrations, inventories, assessments, and evaluations of the regions prepared by Federal, State, and local agencies, universities, local development districts, and other nonprofit groups;

(D) to formulate and recommend to the Governors and legislatures of States that participate in the Authority the form of interstate cooperation;

(E) to work with State and local agencies in developing appropriate model legislation;

(F) to cooperate with and assist State governments and local development districts in the region in developing appropriate model legislation;

(G) to encourage private investment in industrial, commercial, and other economic development projects in the region; and

(H) to request the head of any State department or agency to detail to the Authority such personnel as the Authority recommends.

(I) to request the head of any Federal department or agency to detail to the Authority such personnel as the Authority considers appropriate;

(J) to make any determination necessary to carry out this subtitle, in accordance with applicable Federal laws (including regulations).

(2) STATE SHARE.—

(A) IN GENERAL.—The share of administrative expenses of the Authority to be paid by each State shall be determined by the Authority.

(B) NO FEDERAL PARTICIPATION.—The Federal cochairperson shall not participate or vote in any decision under subparagraph (A).

(3) DELINQUENT STATES.—If a State is delinquent in payment of the State’s share of administrative expenses of the Authority under this subsection—

(i) no assistance under this subtitle shall be furnished to the State (including assistance to a political subdivision or a resident of the State); and

(ii) no member of the Authority from the State shall participate or vote in any action by the Authority.

(4) COMPENSATION.—

(A) FEDERAL COCHAIRPERSON.—The Federal cochairperson shall be compensated by the Federal Government at level III of the Executive Schedule in chapter II of chapter 53 of title V, United States Code.

(B) ALTERNATE FEDERAL COCHAIRPERSON.—The alternate Federal cochairperson shall be compensated by the Federal Government at level V of the Executive Schedule described in paragraph (1); and

(C) STATE MEMBERS AND ALTERNATES.—

(A) IN GENERAL.—A State shall compensate each member and alternate representing the State on the Authority at the rate established by law of the State.

(B) NO ADDITIONAL COMPENSATION.—No State member or alternate member shall receive any salary, or any contribution to or supple of any kind or source other than the State for services provided by the member or alternate to the Authority.
``(4) Detailed Employees.—
``(A) IN GENERAL.—No person detailed to serve the Authority under subsection (e)(6) shall receive any salary or any contribution to or supplementation of salary for services provided to the Authority from—

(i) any source other than the State, local, or intergovernmental department or agency from which the person was detailed; or

(ii) the Authority.
``(B) VIOLATION.—Any person that violates this paragraph shall be fined not more than $5,000, imprisoned not more than 1 year, or both.
``(C) APPLICABLE LAW.—The Federal cochairperson, the alternate Federal cochairperson, and any Federal officer or employee detailed to duty on the Authority under subsection (e)(5) shall not be subject to subparagraph (A), but shall remain subject to sections 202 through 209 of title 18, United States Code.

``(5) ADDITIONAL PERSONNEL.—
``(A) COMPENSATION.—
``(i) IN GENERAL.—The Authority may appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Authority to carry out the duties of the Authority.

(ii) EXCEPTION.—Compensation under clause (i) shall not exceed the maximum rate for the Senior Executive Service under section 5302 of title 5, United States Code, including any applicable adjustment of the ceiling on pay that may be authorized under section 5304(h)(2)(C) of that title.

``(B) EXECUTIVE DIRECTOR.—The executive director shall be responsible for—

(i) the carrying out of the administrative duties of the Authority;

(ii) direction of the Authority staff; and

(iii) such other duties as the Authority may assign.

``(C) NO FEDERAL EMPLOYEE STATUS.—No member, alternate, officer, or employee of the Authority (except the Federal cochairperson of the Authority, the alternate and staff for the Federal cochairperson, and any Federal employee detailed to the Authority under subsection (e)(5)) shall be considered to be a Federal employee for any purpose.

``(D) CONFLICTS OF INTEREST.—
``(i) Direction of the Authority staff; and

(ii) such other duties as the Authority may assign.

``(2) PRIORITY OF FUNDING.—To build the foundations for long-term economic development in each area, the Authority shall use its own resources and the resources of the States in the region, Federal funds available under this subpart shall be focused on the activities in the following order or priority:

(A) Basic infrastructure in distressed counties and isolated areas of distress.

(B) Transportation infrastructure for the purpose of facilitating economic development in the region.

(C) Business development, with emphasis on entrepreneurship.

``(I) Job training or employment-related education, with emphasis on using existing public educational institutions located in the region.

``(II) FEDERAL SHARE IN GRANT PROGRAMS.—Notwithstanding any provision of law limiting the Federal share in any grant program, funds appropriated to carry out this section may be used to increase a Federal share in a grant program, as the Authority determines appropriate.
``(III) FINDING.—Congress finds that certain States and local communities of the region, including local development districts, may be unable to take maximum advantage of Federal grant programs for which the States and communities are eligible because—

(A) they lack the economic resources to meet the required matching share; or

(B) there are insufficient funds available under the applicable Federal law authorizing the program to meet pressing needs of the region.

``(4) FEDERAL GRANT PROGRAM FUNDING.—In accordance with subsection (c), the Federal cochairperson may use amounts made available to carry out this subtitle, without regard to any limitations on assistance for or authorizations for appropriation under any other Act, to fund all or any portion of the basic Federal contribution to a project or activity under a Federal grant program to the extent that is in an amount that is above the fixed maximum portion of the cost of the project otherwise authorized by applicable law, but not to exceed 90 percent of the cost of the project (except as provided in section 382F(b)).
``(5) CERTIFICATION.—
``(A) IN GENERAL.—The case of any program or project for which all or any portion of the basic Federal contribution to the project under a Federal grant program is proposed to be made under this section, no Federal contribution shall be made until the Federal official administering the Federal law authorizing the contribution certifies that the program or project—

(i) meets the applicable requirements of the applicable Federal grant law; and

(ii) could be approved for Federal contribution under the law if funds were available under the law for the program.

``(B) CERTIFICATION BY AUTHORITY.—

(A) IN GENERAL.—The certifications and determinations required to the Authority for approval of projects under this subpart in accordance with section 382—

(i) shall be controlling; and

(ii) shall be accepted by the Federal agencies.

``(C) ACCEPTANCE BY FEDERAL COCHAIRPERSON.—Any finding, report, certification, or document required to be submitted to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of any Federal grant program shall be accepted by the Federal cochairperson with respect to a supplemental grant for any project under the program.

``(3) SEC. 382F. LOCAL DEVELOPMENT DISTRICTS; CERTIFICATION AND ADMINISTRATIVE EXPENSES.

``(I) DEFINITION OF LOCAL DEVELOPMENT DISTRICT.—In this section, the term ‘local development district’ means an entity that—

(A) is—

(i) a planning district in existence on the date of enactment of this subtitle that is recognized by the Economic Development Administration of the Department of Commerce; or

(ii) an entity described in subparagraph (A) that is recognized by the Economic Development Administration of the Department of Commerce; or

(B) is served by or is within the geographical area served by a planning district described in subparagraph (A) that is recognized by the Economic Development Administration of the Department of Commerce; or

(C) is within the geographical area served by a planning district described in subparagraph (A) that is recognized by the Economic Development Administration of the Department of Commerce; or

``(II) CERTIFICATION AND ADMINISTRATIVE EXPENSES.—

(A) FINDING.—Congress finds that certain States and local communities of the region, including local development districts, may be unable to take maximum advantage of Federal grant programs for which the States and communities are eligible because—

(i) they lack the economic resources to meet the required matching share; or

(ii) there are insufficient funds available under the applicable Federal law authorizing the program to meet pressing needs of the region.

``(B) FEDERAL GRANT PROGRAM FUNDING.—In accordance with subsection (c), the Federal cochairperson may use amounts made available to carry out this subtitle, without regard to any limitations on assistance for or authorizations for appropriation under any other Act, to fund all or any portion of the basic Federal contribution to a project or activity under a Federal grant program to the extent that is in an amount that is above the fixed maximum portion of the cost of the project otherwise authorized by applicable law, but not to exceed 90 percent of the cost of the project (except as provided in section 382F(b)).

``(I) IN GENERAL.—The case of any program or project for which all or any portion of the basic Federal contribution to the project under a Federal grant program is proposed to be made under this section, no Federal contribution shall be made until the Federal official administering the Federal law authorizing the contribution certifies that the program or project—

(i) meets the applicable requirements of the applicable Federal grant law; and

(ii) could be approved for Federal contribution under the law if funds were available under the law for the program.

``(II) CERTIFICATION BY AUTHORITY.—

(A) IN GENERAL.—The certifications and determinations required to the Authority for approval of projects under this subpart in accordance with section 382—

(i) shall be controlling; and

(ii) shall be accepted by the Federal agencies.

``(B) ACCEPTANCE BY FEDERAL COCHAIRPERSON.—Any finding, report, certification, or document required to be submitted to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of any Federal grant program shall be accepted by the Federal cochairperson with respect to a supplemental grant for any project under the program.
(2) has not, as certified by the Federal cochairperson—

(1) if the Authority determines that the project could be used as a model of distressed areas in the region outside a nondistressed county.

(3) ISOLATED AREAS OF DISTRESS.—For a designation of an isolated area of distress for assistance to be effective, the designation shall be supported—

(iii) if no recent Federal data are available, by the most recent data available through the government of the State in which the isolated area of distress is located.

(4) Approval of Development Plans and Projects.

(a) State Development Plan.—In accordance with policies established by the Authority, each State member shall submit a development plan for the area of the region represented by the State member.

(b) Content of Plan.—A State development plan submitted under subsection (a) shall reflect the goals, objectives, and priorities identified in the regional development plan developed under section 382B(d).

(c) Consultation With Interested Local Parties.—In carrying out the development planning process (including the selection of programs and projects for assistance), a State may—

(1) consult with—

(A) local development districts; and

(B) local units of government; and

(2) take into consideration the goals, objectives, priorities, and recommendations of the entities described in paragraph (1).

(d) Public Participation.—The Authority shall develop guidelines for providing public participation described in paragraph (1), including public hearings.

(1) In General.—The Authority shall allocate at least 75 percent of the appropriations made available under section 382M for programs and projects designed to serve the needs of distressed counties and isolated areas of distress in the region.

(2) Funding Limitations.—The funding limitations under section 382M(b) shall not apply to a project providing transportation or basic public services to residents of 1 or more distressed counties or isolated areas of distress in the region.

(3) Nondistressed Counties.—

(1) In General.—Except as provided in this subsection, no funds shall be provided under this subtitle for a project located in a county designated as a nondistressed county under subsection (a)(2).

(2) Distressed Counties.—The Authority may waive the application of the funding prohibition under subsection (a)(1) to—

(i) a multiconty project that includes participation by a nondistressed county; or

(ii) any other type of project, if the Authority determines that the project could be used as a model of distressed areas in the region outside a nondistressed county.

(4) Evaluation By State Member.—An application for a grant or any other assistance for a project under this subtitle shall be made through and evaluated for approval by the State member of the Authority representing the applica-
President and to Congress a report describing the activities carried out under this subtitle.

**SEC. 382M. AUTHORIZATION OF APPROPRIATIONS.**

(a) In General.—There is authorized to be appropriated to the Authority to carry out this subtitle $30,000,000 for each of fiscal years 2001 through 2002, to remain available until expended.

(b) Administrative Expenses.—Not more than 5 percent of the amount appropriated under subsection (a) for a fiscal year shall be used for administrative expenses of the Authority.

**SEC. 382N. TERMINATION OF AUTHORITY.**

This subtitle and the authority provided under this subtitle expire on October 1, 2002.

**SEC. 304. ARCHIVES OF THE DELTA DEVELOPMENT COMMISSION.**

(a) In General.—Section 4(2)(D) of the Delta Development Act (42 U.S.C. 3121 note; 102 Stat. 2246) is amended by inserting `"Natchezches,"' after `"Winn,"'.

(b) Conforming Amendment.—The matter under the heading `"SALARIES AND EXPENSES"' in title II of Public Law 100–460 (102 Stat. 2246) is amended in the fourth proviso by striking `"carry out" and all that follows through `"thereinafter by"' and inserting `"carry out S. 2836, the Delta Development Act, as introduced in the Senate on September 27, 1988, and that bill is."'

**TITLE VI—DAKOTA WATER RESOURCES ACT OF 2000**

**SECTION 601. SHORT TITLE.**

This title may be cited as the `"Dakota Water Resources Act of 2000."'

**SECTION 602. PURPOSES AND AUTHORIZATION.**

Section 1 of Public Law 89–108 (79 Stat. 433; 100 Stat. 418) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking `"of"' and inserting `"within"'; and

(B) in paragraph (5), by striking `"more timely"' and inserting `"appropriate"'; and

(C) in paragraph (7), by striking `"federally-assisted water resource development project providing irrigation for 130,940 acres of land"' and inserting `"multipurpose federally assisted water resource project providing irrigation for 130,940 acres of land and inserting `"municipal and rural, and industrial water systems, fish, wildlife, and other natural resource conservation and development, recreation, flood control, ground water recharge, and augmented stream flows".'

(2) in subsection (b)—

(A) by inserting `, jointly with the State of North Dakota," after "construct;");

(B) by striking `"the irrigation of 130,940 acres"' and inserting `"irrigation"';

(C) by striking `"fish and wildlife conservation"' and inserting `"fish, wildlife, and other natural resource conservation"';

(D) by inserting `"augmented stream flows, ground water recharge," after "flood control,"' and

(E) by inserting `"as modified by the Dakota Water Resources Act of 2000"' before the period at the end;

(3) in subsection (d), by striking `"terminating"' and adding `"and follows and inserting "terminating;"' and

(4) by striking subsections (f) and (g) and inserting the following:

"(f) Cost Estimations.—(1) Estimate.—The Secretary shall estimate—

(A) the actual construction costs of the facilities (including mitigation facilities) in existence as of the date of enactment of the Dakota Water Resources Act of 2000 and

(B) the annual operation, maintenance, and replacement costs related to the use and adopted capacity of the features in existence as of that date.

"(2) Repayment Contract.—An appropriate repayment contract shall be negotiated that provides for the making of a payment for each payment period in an amount that is commensurate with the capacity of the project that is in actual use during the payment period.

"(3) Operation and Maintenance Costs.—Except as otherwise provided in this Act or Reclamation Law—

"(A) The Secretary shall be responsible for the costs of operation and maintenance of the project. The Secretary shall maintain experience on the date of enactment of the Dakota Water Resources Act of 2000 attributable to the capacity of the facilities (including mitigation facilities) that remain unutilized; and

"(B) The State of North Dakota shall be responsible for costs of operation and maintenance of the proportionate share of existing unit facilities that are used and shall be responsible for the full costs of operation and maintenance of any facility constructed after the date of enactment of the Dakota Water Resources Act of 2000 and

"(C) The State of North Dakota shall be responsible for the costs of providing energy to authorized unit facilities.

"(g) Agreement Between the Secretary and the State.—The Secretary shall enter into 1 or more agreements with the State of North Dakota to carry out this Act, including operation and maintenance of the completed unit facilities and the design and construction of authorized new unit facilities by the State.

"(h) Boundary Waters Treaty of 1909.—

"(1) Delivery of Water into the Hudson Bay Basin.—Prior to construction of any water systems authorized under this Act to deliver Missouri River water into the Hudson Bay Basin, the Secretary, in consultation with the Secretary of State and the Administrator of the Environmental Protection Agency, must determine that adequate treatment can be provided to any wetlands in the United States and Great Britain relating to Boundary Waters Between the United States and Canada, signed at Washington, January 11, 1909 (26 Stat. 2448; TS 548) (commonly known as the Boundary Waters Treaty of 1909).

"(2) Costs.—All costs of construction, operation, maintenance, and replacement of water treatment facilities authorized by this Act and attributable to meeting the requirements of the treaty referred to in paragraph (1) shall be nonreimbursable.

**SECTION 603. FISH AND WILDLIFE.**

Section 2 of Public Law 89–108 (79 Stat. 433; 100 Stat. 419) is amended—

(1) by striking subsections (b), (c), and (d) and inserting the following:

"(b) Fish and Wildlife Costs.—All fish and wildlife enhancement costs incurred in connection with waterfowl refuges, waterfowl production areas, and wildlife conservation areas proposed for Federal or State administration shall be nonreimbursable.

"(c) Recreation Areas.—(1) Costs.—All costs to federal public bodies continue to agree to administer land and water areas approved for recreation and agree to bear not less than 50 percent of the separable costs of the unit allocated to recreation and attributable to those areas and all the costs of operation, maintenance, and replacement incurred in connection therewith, the remainder of the separable capital costs so allocated and attributed shall be nonreimbursable.

"(2) Approval.—The recreation areas shall be approved by the Secretary in consultation and coordination with the State of North Dakota.

"(d) Non-Federal Share.—The non-Federal share of the separable capital costs of the unit allocated to recreation shall be borne by non-Federal participants and the extent to which the Secretary may determine to be appropriate:

"(A) the Turtle Lake service area (13,700 acres);

"(B) the MClusky Canal service area (10,000 acres); and

"(C) if the investment costs are fully reimbursed without aid to irrigation from the Pick-
Sloan Missouri Basin Program, the New Rockford Canal service area (1,200 acres).

"(2) Development not authorized.—None of the irrigation authorized by this section may be developed in the Hudson Bay/Devils Lake Basin.

"(3) No excess development.—The Secretary shall not develop irrigation in the service areas described in paragraph (1) in excess of the acreage specified in that paragraph, except that the Secretary shall develop up to 28,000 acres of irrigation in other areas of North Dakota (such as the Eielson, B-Y, Mini-Dak, Neffson Valley, Horsehead Flats, and Oliver-Mercer areas) that are not located in the Hudson Bay/Devils Lake drainage basin or James River drainage basin.

"(4) irrigation facilities.—Irrigation development authorized by this section shall be considered authorized units of the Pick-Sloan Missouri Basin Program and eligible to receive project pumping power.

"(5) Principal supply works.—The Secretary shall maintain the Snake Creek Pumping Plant, New Rockford Canal, and McCclusky Canal features of the principal supply works. Subject to the provisions of section 8 of this Act, the Secretary shall select a preferred alternative to implement the Dakota Water Resources Act of 2000.

SEC. 607. MUNICIPAL, RURAL, AND INDUSTRIAL NEEDS AND OPTIONS.

Section 7 of Public Law 89-108 (100 Stat. 422) is amended—

(1) in subsection (a)(3)—

(A) in the first sentence—

(i) by striking "The non-Federal share" and inserting "Unless otherwise provided in this Act, the non-Federal share";

(ii) by striking "water system" and inserting "water systems";

(iii) by inserting after the second sentence the following: "The State may use the Federal and non-Federal funds to provide grants or loans for municipal, rural, and industrial water systems. The State shall use the proceeds of repaid loans for municipal, rural, and industrial water systems. Proceeds from loan repayments and any interest thereon shall be treated as Federal funds; and"

(iv) by striking the last sentence and inserting the following: "The Southwest Pipeline Project, the Northwest Area Water Supply Project, the Red River Valley Water Supply Project, and other municipal, industrial, and rural water systems in the State of North Dakota shall be eligible for funding under the terms of this section. Funding provided under this section for the Red River Valley Water Supply Project shall be in addition to funding for the project under section 10a(1)(B). The amount of non-Federal contributions made after May 12, 1986, that exceeds the 25 percent requirement shall be credited to the State for future use in municipal, rural, and industrial projects under this section; and"

(2) by striking subsections (b), (c), (d), and (e) and inserting the following:

"(b) Water conservation program.—The State of North Dakota may use funds provided under subsections (a) and (b)(1)(A) of section 10 to develop and implement a water conservation program. The Secretary and the State shall jointly establish water conservation goals to meet the purposes of the State program and to improve the availability of water supplies to meet the purposes of this Act. If the State achieves the established water conservation goals, funds shall be added for future projects under subsection (a)(3) shall be reduced to 24.5 percent.

"(c) Nonreimbursability of costs.—With respect to the Southwest Pipeline Project, the Northwest Area Water Supply Project, the Red River Valley Water Supply Project, and other municipal, industrial, and rural water systems in North Dakota, the costs of the features constructed on the Missouri River by the Secretary after the date of enactment of that Act referred to in this subparagraph are nonreimbursable costs. The Secretary determines to be necessary to meet the economic, public health, and environmental needs of the Fort Berthold, Standing Rock, Turtle Mountain, and the Trenton Indian Service Area, and Fort Totten Indian Reservations and adjacent areas.

SEC. 608. SPECIFIC FEATURES.

"(a) Sykeston Canal.—Sykeston Canal is hereby deauthorized.

"(b) In general.—Public Law 89-108 (100 Stat. 423) is amended by striking section 8 and inserting the following:

"SEC. 8. SPECIFIC FEATURES.

"(a) Red River Valley Water Supply Project.—"
of the study shall be provided by the Secretary to such states and federal agencies. Such states and agencies shall be given not less than 120 days to review and comment on the study method, findings or any features that facilitate an alternative that may have an impact on such states or on resources subject to such federal agencies’ jurisdiction. The Secretary shall receive all comments into consideration any changes and produce a final report and transmit the final report to Congress.

“(4) LIMITATION.—No design or construction of any feature or features that facilitate an out-of-basin transfer from the Missouri River drainage basin shall be authorized unless section 3(a) of the Dakota Water Resources Act of 2000, the Sec- retary and State of North Dakota cannot prepare and publish a draft final environmental impact statement concerning all feasible options to meet the comprehensive water quality and quantity needs of the Red River Valley and the options for meeting those needs, including the delivery of Missouri River water to the Red River Valley.

“(B) REPORT ON STATUS.—If the Secretary and State of North Dakota cannot prepare and complete the draft environmental impact statement within 1 year after the date of enactment of the Dakota Water Resources Act of 2000, the Secretary shall jointly prepare and complete a draft environmental impact statement concerning all feasible options to meet the comprehensive water quality and quantity needs of the Red River Valley and the options for meeting those needs, including the delivery of Missouri River water to the Red River Valley.

“(A) DEADLINE.—Pursuant to an agreement between the Secretary and State of North Da- kot a as authorized under section 3(a), not later than 1 year after the date of the date of enactment of the Dakota Water Resources Act of 2000, the Sec- retary and State of North Dakota shall jointly prepare and complete a draft environmental impact statement concerning all feasible options to meet the comprehensive water quality and quantity needs of the Red River Valley and the options for meeting those needs, including the delivery of Missouri River water to the Red River Valley.

“(2) REPORT ON STATUS.—If the Secretary and State of North Dakota cannot prepare and complete the draft environmental impact statement within 1 year after the date of enactment of the Dakota Water Resources Act of 2000, the Secretary, in consultation and coordination with the State of North Dakota, shall report to Congress on the status of this activity, including an estimate of the date of completion.

“(C) COMPLIANCE.—The action of the Secretary under this section shall comply with all applicable requirements of Federal, State, and local law.

“(2) FAILURE TO AGREE.—If an agreement is not reached within the time limit specified in subsection (a), the Secretary shall dispose of the Oakes Test Area facilities under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

“SEC. 608. AUTHORIZATION OF APPROPRIATIONS.

“(1) INITIAL AMOUNT.—There is appropriated $61,000,000 to the Standing Rock Indian Reservation.

“(2) ADDITIONAL AMOUNT.—In addition to the amount under subparagraph (A), there is authorized to be appropriated $20,000,000.

“(C) AVOIDANCE OF COSTS.—Such sums may be used to avoid or mitigate the costs of the Federal Government that would otherwise incur in the case of a failure to agree under subsection (a).

“(ii) ALLOCATION.—Such sums shall be allocated as follows:

“(B) MUNICIPAL, RURAL, AND INDUSTRIAL DELIVERY FEATURES.—

“(i) by striking ‘‘(b)’’ and inserting the following:

“(ii) additional amount .—In addition to the amount under paragraph (A), there is authorized to be appropriated $20,000,000.

“(C) ADDITIONAL AMOUNT.—In addition to the amount under paragraph (A), there is authorized to be appropriated $20,000,000.

“(D) MUNICIPAL, RURAL, AND INDUSTRIAL DELIVERY FEATURES.—

“(A) INITIAL AMOUNT.—There is appropriated $6,500,000 to carry out recreational projects; and

“(B) additional amount $25,000,000 to carry out projects; and

“(ii) by striking ‘‘Such sums’’ and inserting the following:

“(C) ADDITIONAL AMOUNT.—In addition to the amount under paragraph (A), there is authorized to be appropriated $20,000,000.

“(II) ALLOCATION.—Such sums may be used to avoid or mitigate the costs of the Federal Government that would otherwise incur in the case of a failure to agree under subsection (a).

“(C) AVOIDANCE OF COSTS.—Such sums shall be allocated as follows:

“(B) MUNICIPAL, RURAL, AND INDUSTRIAL DELIVERY FEATURES.—

“(i) by striking ‘‘(b)’’ and inserting the following:

“(ii) additional amount .—In addition to the amount under paragraph (A), there is authorized to be appropriated $20,000,000.

“(C) ADDITIONAL AMOUNT.—In addition to the amount under paragraph (A), there is authorized to be appropriated $20,000,000.

“(D) MUNICIPAL, RURAL, AND INDUSTRIAL DELIVERY FEATURES.—

“(A) INITIAL AMOUNT.—There is appropriated $6,500,000 to carry out recreational projects; and

“(B) additional amount $25,000,000 to carry out projects; and

“(ii) by striking ‘‘Such sums’’ and inserting the following:

“(C) ADDITIONAL AMOUNT.—In addition to the amount under paragraph (A), there is authorized to be appropriated $20,000,000.

“(II) ALLOCATION.—Such sums may be used to avoid or mitigate the costs of the Federal Government that would otherwise incur in the case of a failure to agree under subsection (a).

“(C) AVOIDANCE OF COSTS.—Such sums shall be allocated as follows:

“(B) MUNICIPAL, RURAL, AND INDUSTRIAL DELIVERY FEATURES.—

“(i) by striking ‘‘(b)’’ and inserting the following:

“(ii) additional amount .—In addition to the amount under paragraph (A), there is authorized to be appropriated $20,000,000.

“(C) ADDITIONAL AMOUNT.—In addition to the amount under paragraph (A), there is authorized to be appropriated $20,000,000.

“(D) MUNICIPAL, RURAL, AND INDUSTRIAL DELIVERY FEATURES.—

“(A) INITIAL AMOUNT.—There is appropriated $6,500,000 to carry out recreational projects; and

“(B) additional amount $25,000,000 to carry out projects; and

“(ii) by striking ‘‘Such sums’’ and inserting the following:

“(C) ADDITIONAL AMOUNT.—In addition to the amount under paragraph (A), there is authorized to be appropriated $20,000,000.

“(II) ALLOCATION.—Such sums may be used to avoid or mitigate the costs of the Federal Government that would otherwise incur in the case of a failure to agree under subsection (a).

“(C) AVOIDANCE OF COSTS.—Such sums shall be allocated as follows:

“(B) MUNICIPAL, RURAL, AND INDUSTRIAL DELIVERY FEATURES.—

“(i) by striking ‘‘(b)’’ and inserting the following:

“(ii) additional amount .—In addition to the amount under paragraph (A), there is authorized to be appropriated $20,000,000.

“(C) ADDITIONAL AMOUNT.—In addition to the amount under paragraph (A), there is authorized to be appropriated $20,000,000.

“(D) MUNICIPAL, RURAL, AND INDUSTRIAL DELIVERY FEATURES.—

“(A) INITIAL AMOUNT.—There is appropriated $6,500,000 to carry out recreational projects; and

“(B) additional amount $25,000,000 to carry out projects; and

“(ii) by striking ‘‘Such sums’’ and inserting the following:

“(C) ADDITIONAL AMOUNT.—In addition to the amount under paragraph (A), there is authorized to be appropriated $20,000,000.

“(II) ALLOCATION.—Such sums may be used to avoid or mitigate the costs of the Federal Government that would otherwise incur in the case of a failure to agree under subsection (a).

“(C) AVOIDANCE OF COSTS.—Such sums shall be allocated as follows:

“(B) MUNICIPAL, RURAL, AND INDUSTRIAL DELIVERY FEATURES.—

“(i) by striking ‘‘(b)’’ and inserting the following:

“(ii) additional amount .—In addition to the amount under paragraph (A), there is authorized to be appropriated $20,000,000.

“(C) ADDITIONAL AMOUNT.—In addition to the amount under paragraph (A), there is authorized to be appropriated $20,000,000.

“(D) MUNICIPAL, RURAL, AND INDUSTRIAL DELIVERY FEATURES.—

“(A) INITIAL AMOUNT.—There is appropriated $6,500,000 to carry out recreational projects; and

“(B) additional amount $25,000,000 to carry out projects; and

“(ii) by striking ‘‘Such sums’’ and inserting the following:

“(C) ADDITIONAL AMOUNT.—In addition to the amount under paragraph (A), there is authorized to be appropriated $20,000,000.

“(II) ALLOCATION.—Such sums may be used to avoid or mitigate the costs of the Federal Government that would otherwise incur in the case of a failure to agree under subsection (a).

“(C) AVOIDANCE OF COSTS.—Such sums shall be allocated as follows:

“(B) MUNICIPAL, RURAL, AND INDUSTRIAL DELIVERY FEATURES.—

“(i) by striking ‘‘(b)’’ and inserting the following:

“(ii) additional amount .—In addition to the amount under paragraph (A), there is authorized to be appropriated $20,000,000.

“(C) ADDITIONAL AMOUNT.—In addition to the amount under paragraph (A), there is authorized to be appropriated $20,000,000.

“(D) MUNICIPAL, RURAL, AND INDUSTRIAL DELIVERY FEATURES.—

“(A) INITIAL AMOUNT.—There is appropriated $6,500,000 to carry out recreational projects; and

“(B) additional amount $25,000,000 to carry out projects; and

“(ii) by striking ‘‘Such sums’’ and inserting the following:

“(C) ADDITIONAL AMOUNT.—In addition to the amount under paragraph (A), there is authorized to be appropriated $20,000,000.

“(II) ALLOCATION.—Such sums may be used to avoid or mitigate the costs of the Federal Government that would otherwise incur in the case of a failure to agree under subsection (a).

“(C) AVOIDANCE OF COSTS.—Such sums shall be allocated as follows:

“(B) MUNICIPAL, RURAL, AND INDUSTRIAL DELIVERY FEATURES.—

“(i) by striking ‘‘(b)’’ and inserting the following:

“(ii) additional amount .—In addition to the amount under paragraph (A), there is authorized to be appropriated $20,000,000.

“(C) ADDITIONAL AMOUNT.—In addition to the amount under paragraph (A), there is authorized to be appropriated $20,000,000.

“(D) MUNICIPAL, RURAL, AND INDUSTRIAL DELIVERY FEATURES.—

“(A) INITIAL AMOUNT.—There is appropriated $6,500,000 to carry out recreational projects; and

“(B) additional amount $25,000,000 to carry out projects; and

“(ii) by striking ‘‘Such sums’’ and inserting the following:

“(C) ADDITIONAL AMOUNT.—In addition to the amount under paragraph (A), there is authorized to be appropriated $20,000,000.
operation and maintenance of the mitigation and enhancement land associated with the unit;’’; and
(4) by striking subsection (e) and inserting the following:
‘‘(e) INDEXING.—The $200,000,000 amount under subsection (b)(1)(B), the $200,000,000 amount under subsection (a)(3)(B), and the funds authorized under subsection (b)(2) shall be indexed as necessary to allow for ordinary fluctuations of construction costs incurred after the date of enactment of the Dakota Water Resources Act of 2000 and as indicated by engineering cost indices applicable for the type of construction involved. All other authorized cost ceilings shall remain unchanged.’’.

SEC. 611. NATURAL RESOURCES TRUST.

Section 11 of Public Law 89-108 (100 Stat. 424) is amended—
(1) by striking subsection (a) and inserting the following:
‘‘(a) CONTRIBUTION.—
‘‘(1) INITIAL AUTHORIZATION.—
‘‘(A) IN GENERAL.—From the sums appropriated under section 10 for the Garrison Diversion Unit, the Secretary shall make an annual Federal contribution to a Natural Resources Trust established by non-Federal interests in accordance with subsection (b) and operated in accordance with subsection (c).

(b) AMOUNT.—The total amount of Federal contributions under subparagraph (A) shall not exceed $12,000,000.

(2) ADDITIONAL AUTHORIZATION.—
(A) IN GENERAL.—In addition to the amount authorized by paragraph (1), the Secretary shall make annual Federal contributions to the Natural Resources Trust until the amount authorized by section 10(c)(2)(B) is reached, in the manner stated in subparagraph (B).

(B) ANNUAL AMOUNT.—The amount of the contribution under subparagraph (A) for each fiscal year shall be the amount that is equal to 5 percent of the total amount appropriated for the fiscal year under subsections (a)(1)(B) and (b)(1)(B) of section 10.’’.

(2) in subsection (b), by striking ‘‘Wetlands Trust’’ and inserting ‘‘Natural Resources Trust’’; and
(3) in subsection (c),
(A) by striking ‘‘Wetland Trust’’ and inserting ‘‘Natural Resources Trust’’;
(B) by striking ‘‘are met’’ and inserting ‘‘is met’’;
(C) in paragraph (1), by inserting ‘‘grassland and riparian areas’’ after ‘‘habitats’’; and
(D) in paragraph (2), by adding at the end the following:
‘‘(C) The power to fund incentives for conservation practices by landowners.’’.

T I T L E V I I

SECTION 701. FINDINGS.

Congress finds that—
(1) there is a continuing need for reconciliation between Indian and non-Indian communities;
(2) the need is exacerbated by the promotion of the understanding of the history and culture of Indigenous peoples;
(3) the establishment of a Native American Mediation Training Center to train tribal personnel in conflict resolution and alternative dispute resolution.

(4) in general.—The Secretary of Housing and Urban Development shall enter into a grant agreement with the Secretary of the Interior for the construction of the Reconciliation Place.

(5) the establishment of the Native American Mediation Training Center, the Attorney General of the United States shall use available funds to provide technical and financial assistance to the Siouxs.

(6) to carry out this section, there are authorized to be appropriated to the Department of Justice such sums as are necessary.


SEC. 801. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This title may be cited as the ‘‘Erie Canalway National Heritage Corridor Act.’’

(b) DEFINITIONS.—For the purposes of this title, the following definitions shall apply:
(1) ERIE CANALWAY.—The term ‘‘Erie Canalway’’ means the 524 miles of navigable canal that comprises the New York State Canal System, including the Erie, Cayuga and Seneca, Oswego, and Champlain Canals and the historic alignments of these canals, including the cities of Albany and Buffalo.

(2) CANALWAY PLAN.—The term ‘‘Canalway Plan’’ means the comprehensive preservation and management plan for the Corridor required under section 806.

(3) COMMISSION.—The term ‘‘Commission’’ means the Erie Canalway National Heritage Corridor Commission established under section 803.

(4) GOVERNOR.—The term ‘‘Governor’’ means the Governor of the State of New York.

(5) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of the Interior.

SEC. 802. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—
(1) the year 2000 marks the 175th Anniversary of New York State’s creation and stewardship of the Erie Canalway for commercial transportation and recreational purposes, establishing the network which made New York the ‘‘Empire State’’ and the Nation’s premier commercial and financial center;
(2) the canals and adjacent areas that comprise the Erie Canalway are a nationally significant resource of historic and recreational value, which merit Federal recognition and assistance;
(3) the Erie Canalway was instrumental in the establishment of strong political, cultural, and economic ties between New England, upstate New York and the old Northwest and facilitated the movement of ideas and people ensuring that social reforms like the abolition of slavery and the women’s rights movement spread across upstate New York to the rest of the country;
(4) the construction of the Erie Canalway was considered a supreme engineering feat, culminating in turning New York City into a major port and New York State into the preeminent center for...
commerce, industry, and finance in North America and provided a permanent commercial link between the Port of New York and the cities of eastern Canada, a cornerstone of the peaceful relationship between those countries; (7) the Erie Canalway proved the depth and force of American ingenuity, solidified a national identity, and found an enduring place in American legend, song, and art; (8) there is national interest in the preservation and interpretation of the Erie Canalway’s important historical, natural, cultural, and scenic resources; and (9) partnerships among Federal, State, and local governments and their regional entities, non-profit organizations, and the private sector offer unique opportunities for the preservation and interpretation of the Erie Canalway.

(b) PURPOSES.—The purposes of this title are—

(1) to designate the Erie Canalway National Heritage Corridor; (2) to provide for and assist in the identification, preservation, promotion, maintenance and interpretation of the historical, natural, cultural, scenic, and recreational resources of the Erie Canalway in ways that reflect its national significance for the benefit of current and future generations; (3) to promote and provide access to the Erie Canalway’s historical, natural, cultural, scenic and recreational resources; (4) to provide a frame work to assist the State of New York, its units of local government, and the communities within the Erie Canalway in the development of integrated cultural, historical, recreational, economic, and community development programs in order to enhance and interpret the unique and nationally significant resources of the Canalway; and (5) to authorize Federal financial and technical assistance to the Commission to serve these purposes for the benefit of the people of the State of New York, its units of local government, and the communities within the Canalway.

SEC. 803. THE ERIE CANALWAY NATIONAL HERITAGE CORRIDOR.

(a) ESTABLISHMENT.—To carry out the purposes of this title there is established the Erie Canalway National Heritage Corridor in the State of New York.

(b) BOUNDARIES.—The boundaries of the Corridor shall be composed of 27 members as follows:

(1) to work with Federal, State, and local authorities to develop and implement the Canalway Plan; and (2) to foster the integration of canal-related historical, cultural, recreational, scenic, economic and community development initiatives within the Corridor.

(b) MEMBERSHIP.—The Commission shall be composed of 27 members as follows:

(1) The Secretary of the Interior, ex-officio or the Secretary’s designee.

(2) 7 members, appointed by the Secretary after consultation of recommendations submitted by the Governor and other appropriate officials, with knowledge and experience of the following agencies or those agencies’ successors: The New York State Secretary of State, the New York State Department of Environment Conservation, the New York State Office of Parks, Recreation and Historic Preservation, the New York State Department of Agriculture and Markets, the New York State Department of Transportation, and the New York State Canal Corporation and the Empire State Development Corporation. (3) The remaining 19 members who reside within the Corridor shall be appointed by the Governor and other appropriate offices of the National Park Service, the office of the Commissioner, and the office of the Commissioner of the New York State Canal Corporation, while away from their homes or regular places of business to perform services for the Commission, shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are employed intermittently in Government service.

(c) ELECTION OF OFFICERS.—The Commission shall elect a chairman and a vice chairman of the Commission on an annual basis. The vice chairman shall serve as the chairman in the absence of the chairman. (d) QUORUM AND VOTING.—14 members of the Commission shall constitute a quorum but a lesser number may hold hearings. Any member of the Commission may vote by means of a signed proxy exercised by another member of the Commission, however, any member voting by proxy shall not be considered present for purposes of establishing a quorum. For the transaction of any business, exercisement of any power of the Commission, the Commission shall have the power to act by a majority vote of the members present at any meeting at which a quorum is in attendance.

(e) MEETINGS.—The Commission shall meet at least quarterly at the call of the chairman or 1/4 of its members. Notice of all meetings and agendas for the meetings shall be published in local newspapers throughout the Corridor. Meetings of the Commission shall be subject to section 552b of title 5, United States Code (relating to open meetings).

(f) POWERS OF THE COMMISSION.—To the extent that Federal funds are appropriated, the Commission shall have the power to—

(1) to procure temporary and intermittent services and administrative facilities at rates determined to be reasonable by the Commission to carry out the responsibilities of the Commission; (2) to request and accept the services of personnel detailed from the State of New York or any political subdivision of such services; (3) to request and accept the services of any Federal agency personnel, and to reimburse the Federal agency for such services; (4) to appoint and fix the compensation of staff to carry out its duties; (5) to enter into cooperative agreements with the State of New York, with any political subdivision of the State, or any person for the purposes of carrying out the duties of the Commission; (6) to make grants to assist in the preparation and implementation of the Canalway Plan; (7) to seek, accept, and dispose of gifts, bequests, past, or donations of money, personal property, or services, received from any source. For purposes of section 170(c) of the Internal Revenue Code of 1986, any gift to the Commission shall be deemed to be a gift to the United States; (8) to assist others in developing educational, informational, and interpretive programs and facilities and other services that may promote the implementation of the Canalway Plan; (9) to hold hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may consider appropriate, the Commission may not issue sub- poenas or exercise any subpoena authority; (10) to use the United States mails in the same manner as other departments or agencies of the United States; (11) to request and receive from the Administrator of General Services, on a reimbursable basis, such administrative support services as the Commission may request; and (12) to establish such advisory groups as the Commission deems necessary.

(i) ACQUISITION OF PROPERTY.—Except as provided for leasing administrative facilities under subsection 804(h)(1), the Commission may not acquire any real property or interest in real property.

(j) TERMINATION.—The Commission shall terminate on the day occurring 10 years after the date of the enactment of this title.

SEC. 805. DUTIES OF THE COMMISSION.

(a) PREPARATION OF CANALWAY PLAN.—Not later than 180 days after the Commission receives Federal funding for this purpose, the Commission shall prepare and submit a comprehensive preservation and management Canalway Plan for the Corridor to the Governor for review and approval. In addition to the requirements outlined for the Canalway Plan under section 802, the Canalway Plan shall incorporate and integrate existing federal, state, and local plans to the extent appropriate regarding historic preservation, conservation, education and interpretation, community development, and tourism-related economic development for the Corridor that are consistent with the purpose of this title. The Commission shall solicit public comment on the development of the Canalway Plan.

(b) IMPLEMENTATION OF CANALWAY PLAN.—After the Commission receives Federal funding for this purpose, and after review and approval of the Canalway Plan by the Secretary and the Governor, the Commission shall—

(1) undertake action to implement the Canalway Plan so as to assist the State of New York in enhancing and interpreting the historical, cultural, educational, natural, scenic, and recreational potential of the Corridor identified in the Canalway Plan; and (2) support public and private efforts in conservation and preservation of the Canalway’s cultural, historical, and natural recreation re- vitalization consistent with the goals of the Canalway Plan.
(c) PRIORITY ACTIONS.—Priority actions which may be carried out by the Commission under subsection 805(b), include the following:

(1) assisting in the appropriate preservation treatment of the remaining elements of the original Erie Canal;

(2) assisting the State, and local governments, and nonprofit organizations in designing, establishing, visiting centers, and other interpretive exhibits in the Corridor;

(3) assisting in the public awareness and appreciation for the historic, cultural, natural, scenic, and recreational resources and sites in the Corridor;

(4) assisting the State of New York, local government, nonprofit organizations in the preservation and restoration of any historic building, site, or district in the Corridor;

(5) encouraging, by appropriate means, enhanced economic development in the Corridor consistent with the goals of the Canalway Plan and the purposes of this title; and

(6) ensuring that clear, consistent signs identifying access points and sites of interest are put in place in the Corridor.

(d) ANNUAL REPORTS AND AUDITS.—For any year in which Federal funds have been received under this title, the Commission shall submit an annual report and shall make available an audit of all relevant records to the Governor and the Secretary identifying its expenses and any income or contributions that the Secretary of the Treasury authorized to be appropriated to the Secretary for planning and technical assistance were made during the year for which the report was made, and contributions by other parties toward achieving Corridor purposes.

SEC. 806. CANALWAY PLAN.

(a) CANALWAY PLAN REQUIREMENTS.—The Canalway Plan shall—

(1) be a compilation of existing plans for the Corridor, including the Canal Recreationway Plan and Canal Revitalization Program, and incorporate them to the extent feasible to ensure consistency with local, regional, and state planning efforts;

(2) provide a thematic inventory, survey, and evaluation of historic properties that should be conserved, restored, developed, or maintained because of their natural, cultural, or historic significance within the Corridor in accordance with the regulations for the National Register of Historic Places;

(3) identify public and private-sector preservation goals and strategies for the Corridor;

(4) include a comprehensive interpretive plan that supports the implementation of interpretive and educational programs within the Corridor that may include—

(A) research related to the construction and history of the canals and the cultural heritage of the canal workers, their families, those that traveled along the canals, the associated farming activities, the landscape, and the communities;

(B) documentation and methods to support the perpetuation of music, art, poetry, literature and folkways associated with the canals; and

(C) educational and interpretive programs related to the Erie Canalway developed in cooperation with State and local governments, educational institutions, and nonprofit institutions;

(5) include a strategy to further the recreational development of the Corridor that will enable users to uniquely experience the canal system and recreation, consistent with the purposes of the Corridor;

(6) develop criteria and priorities for financial preservation assistance;

(7) identify strong collaborative relationships between the National Parks Service, the New York State Canal Corporation, other Federal and State agencies, and nongovernmental, nonprofit organizations;

(8) recommend specific areas for development of interpretive, educational, and technical assistance centers associated with the Corridor; and

(9) contain a program for implementation of the Canalway Plan by all necessary parties.

(b) APPROVAL OF THE CANALWAY PLAN.—The Secretary shall approve or disapprove the Canalway Plan not later than 90 days after receiving the Canalway Plan.

(c) CRITERIA.—The Secretary may not approve the plan unless the Secretary finds that the plan, if implemented, would adequately protect the significant historical, cultural, natural, and recreational resources of the Corridor and consistent with such protection provide adequate and appropriate outdoor recreational opportunities and economic activities within the Corridor. In determining whether or not to approve the Canalway Plan, the Secretary shall consider whether—

(1) the Commission has afforded adequate opportunity, including public hearings, for public and governmental comment on the preparation of the Canalway Plan; and

(2) the Secretary has received adequate assurances from the Governor and appropriate state officials that the recommended implementation of the program identified in the plan will be initiated within a reasonable time after the date of approval of the Canalway Plan and such program will ensure implementation of State and local aspects of the Canalway Plan.

(d) DISAPPROVAL OF CANALWAY PLAN.—If the Secretary or the Governor do not approve the Canalway Plan, the Governor shall advise the Commission in writing within 90 days the reasons therefore and shall indicate any recommendations for revisions. Following completion of any necessary revisions of the Canalway Plan, the Secretary and the Governor shall have 90 days to either approve or disapprove of the revised Canalway Plan.

(e) AMENDMENTS TO CANALWAY PLAN.—The Secretary and the Governor shall review substantial amendments to the Canalway Plan. Funds appropriated for the Corridor not more than 15 percent of the total cost of any activity carried out with such funds. The non-Federal share of such support may be in the form of cash, services, or in-kind contributions, fairly valued.

(f) ZONING OR LAND.—Nothing in this title shall be construed to modify, enlarge, or diminish any authority of the Federal, State, or local governments to regulate any use of land as provided for by law or regulation.

(g) FISH AND WILDLIFE.—The designation of the Corridor shall not dimin or interfere with fishing and wildlife, including the regulation of fishing and hunting within the Corridor.

SEC. 810. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—

(1) CORRIDOR.—There is authorized to be appropriated for the Corridor not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Corridor under this title.

(2) MATCHING REQUIREMENT.—Federal funding provided under this paragraph may not exceed 50 percent of the total cost of any activity carried out with such funds. The non-Federal share of such support may be in the form of cash, services, or in-kind contributions, fairly valued.

(b) OTHER FUNDING.—In addition to the sums authorized in subsection (a), there are authorized to be appropriated to the Secretary of the Interior such sums as are necessary for the Secretary for planning and technical assistance.

TITLE IX—LAW ENFORCEMENT PAY EQUITY

SEC. 901. SHORT TITLE

This title may be cited as the ‘‘LAW Enforcement Pay Equity Act of 2000.’’

SEC. 902. ESTABLISHMENT OF UNIFORM SALARY SCHEDULE FOR FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT OFFICERS

(a) IN GENERAL.—Section 501(c)(1) of the District of Columbia Police and Firemen’s Salary Act of 1958 (sec. 416(c)(1), DC Code) is amended as follows:

‘‘(c)(1) The annual rates of basic compensation for officers and members of the United States
(b) FREEZE OF CURRENT RATE FOR LOCALITY-BASED COMPARABILITY ADJUSTMENTS.—Notwithstanding any other provision of law, including this title or any provision of law amended by this title, no officer or member of the United States Secret Service Uniformed Division or the United States Park Police may be paid locality pay under section 5304 or section 5304a of title 5, United States Code, at a percentage rate for the applicable locality in excess of the rate in effect for pay periods during calendar year 2000.

(c) CONFORMING AMENDMENTS.—

(1) APPLICATION OF PROVISIONS TO PARK POLICE.—Section 501(c) of such Act (sec. 4-416(c), DC Code) is amended—

(A) in paragraph (2), by striking "Treasury" and inserting the following: "Secretary, and the annual rates of basic compensation of officers and members of the United States Park Police shall be adjusted by the Secretary of the Interior;";

(B) in paragraph (5), by inserting after "Uniformed Division" the following: "or officers and members of the United States Park Police;"

(C) in paragraph 6(a), by inserting after "Uniformed Division" the following: "or the United States Park Police;" and

(D) in paragraph 7(a), by inserting after "Uniformed Division" the following: "or the United States Park Police;"

(2) TERMINATION OF CURRENT ADJUSTMENT AUTHORITY.—Section 501(b) of such Act (sec. 4-416(b), DC Code) is amended by adding at the end the following new paragraph:

"(4) This subsection shall not apply with respect to any pay period for which the salary schedule under subsection (c) applies to the United States Park Police.";

SEC. 903. REVISION OF CAPS ON MAXIMUM COMPENSATION.

(a) ANNUAL SALARY UNDER SCHEDULE.—Section 501(c)(2) of the District of Columbia Police and Firemen’s Salary Act of 1958 (sec. 4-416(c)(2), DC Code) is amended by striking the period at the end and inserting the following: "except that in no case may the annual rate of basic compensation for any such officer or member exceed the rate of basic pay payable for level IV of the Executive Schedule contained in subchapter II of chapter 53 of title 5, United States Code;"

(b) REPEAL OF CAP ON COMBINED BASIC PAY AND LONGEVITY PAY.—Section 501(c) of such Act (sec. 4-416(c), DC Code) is amended by striking paragraph (4).

(c) LIMITATION ON PAY PERIOD EARNINGS FOR COMP TIME.—Section 1(h) of the Act entitled "An Act to provide a five-day week for officers and members of the Metropolitan Police force, the United States Park Police force, and the White House Police force, and for other purposes", approved August 15, 1950 (sec. 4-1104(h), DC Code), is amended—

(1) in paragraphs (3) and (2), by striking "Metropolitan Police force; or of the Fire Department of the District of Columbia; or of the United States Park Police" each place it appears and inserting "Metropolitan Police force; or of the Fire Department of the District of Columbia; and"

(2) in paragraph (3), by inserting after "United States Secret Service Uniformed Division" each place it appears the following: "or of the United States Park Police".

SEC. 904. DETERMINATION OF SERVICE STEP ADJUSTMENTS.

(a) METHOD FOR DETERMINATION OF ADJUSTMENTS.—Section 303(a) of the District of Columbia Police and Firemen’s Salary Act of 1958 (sec. 4-412(a), DC Code) is amended—

(1) in the matter preceding paragraph (1), by "Each" and inserting "Except as provided in paragraph (5), each"; and

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

"(5) Each officer and member of the United States Secret Service Uniformed Division and the United States Park Police with current performance rating of ‘satisfactory’ or better, shall have a service step adjustment in the following manner:

"(A) Each officer and member in service step 1, 2, or 3 shall be advanced in compensation successively to the next higher service step at the beginning of the 1st pay period immediately subsequent to the completion of 52 calendar weeks of active service in the officer’s or member’s service step.

"(B) Each officer and member in service step 4, 5, 6, 7, 8, or 9 shall be advanced in compensation successively to the next higher service step at the beginning of the 1st pay period immediately subsequent to the completion of 104 calendar weeks of active service in the officer’s or member’s service step.

"(C) Each officer and member in service step 10 shall be advanced in compensation successively to the next higher service step at the beginning of the 1st pay period immediately subsequent to the completion of 156 calendar weeks of active service in the officer’s or member’s service step.

"(D) Each officer and member in service steps 11 or 12, or 13 shall be advanced in compensation successively to the next higher service step..."
at the beginning of the 1st pay period immediately subsequent to the completion of 208 calendar weeks of active service in the officer’s or member’s service step.

(b) Use of Creditable Service To Determine Step Placement.—Section 304 of such Act (sec. 4-413, DC Code) is amended—

(1) in subsection (a), by striking "(b)" and inserting "(a)";

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

"(c) Each officer and member of the United States Secret Service Uniformed Division or the United States Park Police who is promoted or transferred to a higher salary shall receive basic compensation in accordance with the officer’s or member’s total creditable service.

"For purposes of this subsection, an officer’s or member’s creditable service is any police service in accordance with the Officer’s or member’s total creditable service.

"(2) For purposes of this subsection, an officer’s or member’s creditable service is any police service in accordance with the Officer’s or member’s total creditable service.

"(1) in paragraph (1), by striking "V" and inserting "X"; and

(2) no special rates of pay or special pay adjustments shall be applicable to members of the United States Park Police pursuant to section 405 of the Federal Law Enforcement Pay Reform Act of 1990 (5 U.S.C. 5303 note) is amended to read as follows:

"(b) This subsection applies with respect to any—

"(1) special agent within the Diplomatic Security Service;

"(2) probation officer (referred to in section 3672 of title 18, United States Code);

"(3) pretrial services officer (referred to in section 3153 of title 18, United States Code);".

"(2) Section 405(c) of such Act (5 U.S.C. 5303 note) is amended to read as follows:

"(1) with respect to any individual under subsection (b)(1), the Secretary of State;

"(2) with respect to any individual under subsection (b)(2) or (b)(3), the Director of the Administrative Office of the United States Courts.".

"SEC. 908. SERVICE LONGEVITY PAYMENTS FOR METROPOLITAN POLICE DEPARTMENT.—

(a) Inclusion of Service Longevity Payments in Amount of Federal Benefit Payments Made to Metropolitan Police Department Officers and Members.—Section 11012 of the District of Columbia Retirement Protection Act of 1997 (Public Law 105-53; 111 Stat. 717; D.C. Code, sec. 1-761.2) is amended by adding at the end the following new subsection:

"(6) Treatment of Increases in Certain Police Service Longevity Payments.—For purposes of subsection (a), in determining the amount of a Federal benefit payment made to an officer or member of the Metropolitan Police Department, the benefit payment to which the officer or member is entitled under the District Retirement Program shall include any amounts which would have been included in the benefit payment made under such Federal benefit payments made by the Police Recruiting and Retention Enhancement Amendment Act of 1999 had taken effect prior to the freeze date.

"(b) Conforming Amendment.—Section 11003(5) of such Act (Public Law 105-33; 111 Stat. 717; D.C. Code, sec. 1-761.25) is amended by inserting after "except as" the following: "provided under section 1102(1) and as";

"(2) effective date.—The amendments made by this section shall apply with respect to Federal benefit payments made after the date of the enactment of this Act.

"SEC. 909. EFFECTIVE DATE. Except as provided in section 908(c), this title and the amendments made by this title shall become effective on the 1st day of the 1st pay period beginning 6 months after the date of enactment.
(2) in paragraph (4), by striking "reimbursable" and inserting "non-reimbursable.

SEC. 1002. For purposes of Part 2, Subpart B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (42 U.S.C. 3171 note), notwithstanding any other provision of law or regulation, for purposes of measuring the extent of compliance with the housing goals for the years 2001, 2002, and 2003, the Committee on Housing and Urban Development shall assign, in the case of the Federal Home Loan Mortgage Corporation, 1.35 units of credit toward achievement of the goal for each unit of multifamily housing (excluding units located in properties having between five and fifty units) qualifying as affordable under such housing goal.

SEC. 1003. Notwithstanding any other provision of law, neither the City of Toledo, Ohio, nor the Secretary of Housing and Urban Development (HUD) is required to enforce any requirements associated with Housing Development Grant number 00HSDH046402 provided to the City of Toledo, Ohio, that prohibit or restrict the conversion of the rental units in the Beacon Place project to condominium ownership: Provided, that the City of Toledo and the Secretary of HUD are authorized to take any actions necessary to prohibit or restrict to be removed from the appropriate land records and otherwise terminated: Provided further, that the conversion proposal for Beacon Place does not reduce the number of affordable housing units in Toledo: Provided further, that any and all proceeds from such conversion are used to rehabilitate the properties known as the Cubbon Properties.

SEC. 1004. The Comptroller General of the United States shall conduct a study on the following topics—

(a)(1) The adequacy of the capital structure of the Federal Home Loan Bank (FHLB) System as it relates to the risks posed by: (A) the traditional advances business of the FHLB System; (B) the expanded collateral provisions and permissible uses of advances under the Gramm-Leach-Bliley Act of 1999; and (C) the M.P.F. and other programs providing for the direct acquisition of mortgages. The analysis should examine the credit risk, interest rate risk, and operations risk associated with these activities.

(b) The risks associated with further growth in the direct acquisition of mortgages by the Federal Home Loan Bank System; and


(b) 2000. Notwithstanding the enactment of this Act, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives a report on the study required under subsection (a).

TITLE XI—DEPARTMENT OF THE TREASURY

ADMINISTRATIVE PROVISION

SEC. 1102. HONORING THE NAVAJO CODE TALKERS.

(a) Congress finds that—

(1) On December 7, 1941, the Japanese Empire attacked Pearl Harbor, and war was declared by Congress the following day;

(2) The military code, developed by the United States for transmitting messages, had been deciphered by the enemy, and a search by United States Intelligence was made to develop new means to counter the enemy;

(3) The United States government called upon the Navajo Nation to support the military effort by recruiting and enlisting twenty-nine Navajo men to serve as Marine Corps Radio Operators; and

(4) Recruits enlisted later increased to more than three hundred and fifty;

(5) At the time, the Navajos were often treated as second-class citizens, and they were a people who were encouraged from using their own native language;

(6) The Navajo Marine Corps Radio Operators, who became known as the ‘Navajo Code Talkers’ or ‘Coyote Code Talkers’, developed a code using their native language to communicate messages in the Pacific;

(7) To the enemy’s frustration, the code developed by these Native Americans proved to be unbreakable, and was used extensively throughout the Pacific theater;

(8) The Navajo language, discouraged in the past, was instrumental in developing the most significant and successful military code of the time;

(9) At Iwo Jima alone, the Navajo Code Talkers passed over 800 error-free messages in a 48-hour period;

(10) Use of the Navajo Code was so successful, that—

(A) military commanders credited it in saving the lives of countless American soldiers and in the success of the engagements of the United States in the Gallopagos, Tarawa, Saipan, Iwo Jima, and Okinawa;

(B) some Code Talkers were guarded by fellow marines, whose role was to kill them in case of imminent capture by the enemy; and

(C) the Navajo code was kept secret for 23 years after the end of World War II;

(11) following the conclusion of World War II, the Department of Defense maintained the secrecy of the Navajo code until it was declassified in 1968; and

(12) only then did a realization of the sacrifice and valor of these brave Native Americans emerge from history.

(b)(1) To express recognition by the United States and its citizens in honoring the Navajo Code Talkers, who distinguished themselves in performing a unique, highly successful communication operation that greatly assisted in saving countless lives and hastening the end of World War II in the Pacific, the President is authorized—

(A) to award to each of the original twenty-nine Navajo Code Talkers, or a surviving family member, on behalf of the Congress, a gold medal of appropriate design, honoring the Navajo Code Talkers; and

(B) to award to each person who qualified as a Navajo Code Talker (MOS 642), or a surviving family member, on behalf of the Congress, a silver medal of appropriate design, honoring the Navajo Code Talkers.

(2) For purposes of the awards authorized by paragraph (1), the Secretary of the Treasury (in this section referred to as the ‘Secretary’), shall strike and sell gold and silver medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(C) The Secretary may strike and sell duplicates in bronze of the medals struck pursuant to this section, under such regulations as the Secretary may prescribe, and a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the medals.

(d) The medals struck pursuant to this section are national medals for purposes of chapter 51, title 31, United States Code.

(e)(1) There is authorized to be charged against the United States Mint Public Enterprise Fund, for the cost of such medals and any necessary expenses to pay for the costs of the medals authorized by this section.

(2) Amounts received from the sale of duplicate medals under this section shall be deposited in the United States Mint Public Enterprise Fund.

TITLE XII—ENVIRONMENTAL PROTECTION AGENCY

ADMINISTRATIVE PROVISION

SEC. 1201. ABOVEGROUND STORAGE TANK GRANT PROGRAM.

(a) DEFINITIONS.—In this provision:

(A) the term "aboveground storage tank" means any tank or combination of tanks (including any connected pipes) that—

(A) is used to contain an accumulation of regulated substances; and

(B) has a volume of such tanks (including the volume of any connected pipe) located wholly above the surface of the ground.

(b) The term "Adminis-
Commission, as the case may be, shall submit a report describing each project completed with grant funds and any projects planned for the following year, to—
(1) the Administrator; (2) the Committee on Resources of the House of Representatives; (3) the Committee on Environment and Public Works of the Senate; (4) the Committee on Appropriations of the House of Representatives; and (5) the Committee on Appropriations of the Senate.

Title XIII—National Aeronautics and Space Administration

ADMINISTRATIVE PROVISION

Sec. 1301. Of the proceeds in any fiscal year from the sale of timber on Federal property at the John C. Stennis Space Center, the proceeds may be used for the acquisition and development or for the maintenance or development of any land or interest therein necessary for educational or research purposes.

TITLE XIV—CERTAIN ALASKAN CRUISE SHIP OPERATIONS

SECTION 1401. DEFINITIONS

The purpose of this Title is to—
(a) Ensure that cruise vessels operating in the waters of the Alexander Archipelago and the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve or with the Kachemak Bay National Estuarine Research Reserve.

Sec. 1404. LIMITATIONS ON DISCHARGE OF TREATED SEWAGE OR GRAYWATER

(a) No person shall discharge sewage or graywater from a cruise vessel into the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve unless:

(1) the cruise vessel is underway and proceeding at a speed of more than six knots;

(2) the cruise vessel is not less than one nautical mile from the nearest shore, except in areas designated by the Secretary, in consultation with the State of Alaska, as appropriate;

(3) the discharge complies with all applicable cruise vessel effluent standards established pursuant to this Title and any other applicable law; and

(4) the cruise vessel is not in an area where the discharge of treated sewage or graywater is prohibited.

(b) The Administrator, in consultation with the Secretary, may promulgate regulations allowing the discharge of treated sewage or graywater, otherwise prohibited under paragraphs (a)(1) and (a)(2) of this section, where the discharge meets effluent standards determined by the Administrator as appropriate for discharges into the marine environment. In promulgating such regulations, the Administrator shall take into account the best available scientific information and environmental effects of the regulated discharges. The effluent discharge standards promulgated under this section shall, at a minimum, be consistent with all relevant State and Federal water quality standards in force at the time of the enactment of this Title.

(c) Until such time as the Administrator promulgates regulations under paragraph (b) of this section, treated sewage and graywater may be discharged from vessels subject to this Title in compliance with the effluent standards promulgated under paragraphs (a)(1) and (a)(2) of this section, provided that—

(1) the discharge satisfies the minimum level of effluent quality specified in 40 CFR 132.102, as in effect on the date of enactment of this section;

(2) the geometric mean of the samples from the discharge during any 30-day period does not exceed 20 fecal coliform/100 ml and not more than 10 percent of the samples exceed 40 fecal coliform/100 ml;

(3) concentrations of total residual chlorine may not exceed 10.0 mg/l and,

(4) prior to a discharge occurring, the owner, operator, master, or other person in charge of a cruise vessel, can demonstrate test results from at least five samples taken from the vessel representative of the effluent discharged after treatments used to reduce 

(5) on the discharge of treated sewage or graywater from cruise vessels operating in the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve.

Sec. 1405. SAFETY EXCEPTION

Sections 1403 and 1404 of this Title shall not apply to discharges made for the purpose of ensuring the safety of persons in the waters of the United States or within the Kachemak Bay National Estuarine Research Reserve. Pursuant to section 1405 of this Title, or any regulations promulgated pursuant to this section, the discharge of treated sewage or graywater, otherwise prohibited under paragraphs (a)(1) and (a)(2) of this section, may not be prohibited if—

(a) the discharge is made for the purpose of ensuring the safety of persons on or in the waters of the United States or within the Kachemak Bay National Estuarine Research Reserve.

Sec. 1406. INSPECTION AND SAMPLING REGIME

(a) No person shall discharge any treated sewage or graywater effluent from a cruise vessel into the waters of the United States or within the Kachemak Bay National Estuarine Research Reserve without the consent of the Administrator, as the case may be, and after due notice to the operator of the cruise vessel and to other persons in charge of the cruise vessel.

(b) The Administrator, in consultation with the Secretary, may promulgate regulations establishing detailed sampling or testing requirements for water quality samples or tests, and to produce any records of such sampling or testing at the request of the Secretary or Administrator.

Sec. 1407. CRUISE VESSEL EFFLUENT STANDARDS

Pursuant to this Title and the authority of the Federal Water Pollution Control Act, as amended, the Administrator may promulgate effluent standards for treated sewage and graywater from cruise vessels operating in the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve. Regulations implementing such standards shall take into account the best available scientific information, and any environmental effects of the regulated discharges and the availability of new technologies for wastewater treatment. Until such time as the Administrator promulgates such standards, the effluent standards for treated sewage and graywater discharges shall not have a fecal coliform bacterial count of greater than 200 per 100 milliliters nor suspended solids greater than 150 milligrams per liter.

Sec. 1408. REPORTS

(a) Any owner, operator, or master, or other person in charge of a cruise vessel who has knowledge of a discharge that is in violation of this Title or section 1407, or any regulations promulgated pursuant to this Title, shall immediately report that discharge to the Secretary or Administrator.

(b) The Secretary may prescribe the form of reports required under this section.

Sec. 1409. ENFORCEMENT

(a) AUTHORITY OF THE ADMINISTRATOR.

(1) VIOLATIONS.—Any person who violates section 1404, 1406, or 1408 of this Title, or any regulations promulgated pursuant to this Title, may be assessed a class I or class II civil penalty by the Secretary or Administrator.

(2) CLASSES OF PENALTIES.—(A) CLASS I. The amount of a class I civil penalty under this section may not exceed $10,000 per violation, except that the maximum penalty may not exceed $20,000,000 for year 2001 and (B) CLASS II. The amount of a class II civil penalty under this section may not exceed $100,000 per violation, except that the maximum penalty may not exceed $2,000,000.
amount of any class I civil penalty under this section shall not exceed $25,000. Before assessing a civil penalty under this clause, the Secretary or Administrator, as the case may be, shall give to the person charged such penalty a reasonable opportunity to be heard. Thereafter, if the Secretary or Administrator determines that the person charged has not complied with any section of this Title, or any regulations promulgated pursuant to this Title, the person charged shall be subject to the penalty prescribed for such violation under this section.

(1) NEGLIGENCE VIOLATIONS.—Any person who negligently violates section 1403, 1404, 1408 or 1413 of this Title, or any regulations promulgated pursuant to this Title commits a Class A misdemeanor.

(2) KNOWING VIOLATIONS.—Any person who knowingly violates section 1403, 1404, 1408 or 1413 of this Title, or any regulations promulgated pursuant to this Title commits a Class D felony.

(3) FALSE STATEMENTS.—Any person who knowingly makes any false statement, representation, or certification in any record, report, or document filed or required to be maintained under this Title, or the regulations issued thereunder, or who falsifies, tampers with, or knowingly renders inaccurate any testing or other evidence required to be maintained under this Title, or the regulations issued thereunder, commits a Class C felony.

(4) VIOLATION OF JUDICIAL ORDER.—If any person, corporate or otherwise, violates any judgment or order of the United States District Court for the District of Columbia or the United States Court of Appeals for the District of Columbia Circuit, or any other court of the United States, the United States Attorney for the District of Columbia, or the Attorney General of the United States, may file a petition in such courts for an order of contempt, or to enforce any such judgment or order.

(5) VIOLATION OF JUDICIAL ORDER.—If any person, corporate or otherwise, violates any judgment or order of the United States District Court for the District of Columbia or the United States Court of Appeals for the District of Columbia Circuit, or any other court of the United States, the United States Attorney for the District of Columbia, or the Attorney General of the United States, may file a petition in such courts for an order of contempt, or to enforce any such judgment or order.

(6) VIOLATION OF JUDICIAL ORDER.—If any person, corporate or otherwise, violates any judgment or order of the United States District Court for the District of Columbia or the United States Court of Appeals for the District of Columbia Circuit, or any other court of the United States, the United States Attorney for the District of Columbia, or the Attorney General of the United States, may file a petition in such courts for an order of contempt, or to enforce any such judgment or order.

(7) VIOLATION OF JUDICIAL ORDER.—If any person, corporate or otherwise, violates any judgment or order of the United States District Court for the District of Columbia or the United States Court of Appeals for the District of Columbia Circuit, or any other court of the United States, the United States Attorney for the District of Columbia, or the Attorney General of the United States, may file a petition in such courts for an order of contempt, or to enforce any such judgment or order.

(8) VIOLATION OF JUDICIAL ORDER.—If any person, corporate or otherwise, violates any judgment or order of the United States District Court for the District of Columbia or the United States Court of Appeals for the District of Columbia Circuit, or any other court of the United States, the United States Attorney for the District of Columbia, or the Attorney General of the United States, may file a petition in such courts for an order of contempt, or to enforce any such judgment or order.

(9) VIOLATION OF JUDICIAL ORDER.—If any person, corporate or otherwise, violates any judgment or order of the United States District Court for the District of Columbia or the United States Court of Appeals for the District of Columbia Circuit, or any other court of the United States, the United States Attorney for the District of Columbia, or the Attorney General of the United States, may file a petition in such courts for an order of contempt, or to enforce any such judgment or order.

(10) VIOLATION OF JUDICIAL ORDER.—If any person, corporate or otherwise, violates any judgment or order of the United States District Court for the District of Columbia or the United States Court of Appeals for the District of Columbia Circuit, or any other court of the United States, the United States Attorney for the District of Columbia, or the Attorney General of the United States, may file a petition in such courts for an order of contempt, or to enforce any such judgment or order.

(11) VIOLATION OF JUDICIAL ORDER.—If any person, corporate or otherwise, violates any judgment or order of the United States District Court for the District of Columbia or the United States Court of Appeals for the District of Columbia Circuit, or any other court of the United States, the United States Attorney for the District of Columbia, or the Attorney General of the United States, may file a petition in such courts for an order of contempt, or to enforce any such judgment or order.

(12) VIOLATION OF JUDICIAL ORDER.—If any person, corporate or otherwise, violates any judgment or order of the United States District Court for the District of Columbia or the United States Court of Appeals for the District of Columbia Circuit, or any other court of the United States, the United States Attorney for the District of Columbia, or the Attorney General of the United States, may file a petition in such courts for an order of contempt, or to enforce any such judgment or order.

(13) VIOLATION OF JUDICIAL ORDER.—If any person, corporate or otherwise, violates any judgment or order of the United States District Court for the District of Columbia or the United States Court of Appeals for the District of Columbia Circuit, or any other court of the United States, the United States Attorney for the District of Columbia, or the Attorney General of the United States, may file a petition in such courts for an order of contempt, or to enforce any such judgment or order.

(14) VIOLATION OF JUDICIAL ORDER.—If any person, corporate or otherwise, violates any judgment or order of the United States District Court for the District of Columbia or the United States Court of Appeals for the District of Columbia Circuit, or any other court of the United States, the United States Attorney for the District of Columbia, or the Attorney General of the United States, may file a petition in such courts for an order of contempt, or to enforce any such judgment or order.

(15) VIOLATION OF JUDICIAL ORDER.—If any person, corporate or otherwise, violates any judgment or order of the United States District Court for the District of Columbia or the United States Court of Appeals for the District of Columbia Circuit, or any other court of the United States, the United States Attorney for the District of Columbia, or the Attorney General of the United States, may file a petition in such courts for an order of contempt, or to enforce any such judgment or order.

(16) VIOLATION OF JUDICIAL ORDER.—If any person, corporate or otherwise, violates any judgment or order of the United States District Court for the District of Columbia or the United States Court of Appeals for the District of Columbia Circuit, or any other court of the United States, the United States Attorney for the District of Columbia, or the Attorney General of the United States, may file a petition in such courts for an order of contempt, or to enforce any such judgment or order.

(17) VIOLATION OF JUDICIAL ORDER.—If any person, corporate or otherwise, violates any judgment or order of the United States District Court for the District of Columbia or the United States Court of Appeals for the District of Columbia Circuit, or any other court of the United States, the United States Attorney for the District of Columbia, or the Attorney General of the United States, may file a petition in such courts for an order of contempt, or to enforce any such judgment or order.
nature of the violation, and shall specify a time for compliance not to exceed thirty days in the case of a violation of an interim compliance schedule or operation and maintenance requirement and shall explain the reasons for imposing a particular penalty or any other sanction. The Administrator shall be available to the Administrator to restrain such violation and to require compliance.

(h) CIVIL ACTIONS.—The Administrator is authorized to commence a civil action for appropriate relief in a permanent or temporary injunction, for any violation for which he is authorized to issue a compliance order under this subsection. Any action under subsection (b) shall be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance.

Notice of the commencement of such action shall be given immediately to the State of Alaska.

SEC. 1410. DESIGNATION OF CRUISE VESSEL NO-DISCHARGE ZONES.

If the State of Alaska determines that the protection and enhancement of the quality of some or all of the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve are uniquely dependent on environmental protection, the State of Alaska may petition the Administrator to prohibit the discharge of graywater in the waters of cruise vessels operating in such waters. The establishment of such a prohibition shall be achieved in the same manner as the petitioning process and prohibition of the discharge of sewage pursuant to Section 312(f) of the Federal Water Pollution Control Act, as amended, and the regulations promulgated thereunder.

SEC. 1411. SAVINGS CLAUSE.

(a) Nothing in this Title shall be construed as restricting, affecting or making any other law or the authority of any department, instrumentality or agency of the United States.

(b) Nothing in this Title shall in any way affect or restrict, the authority of the State of Alaska or any political subdivision thereof—

(1) to impose additional liability or additional requirements; or

(2) to impose, or determine the amount of, a fine or criminal or civil penalty for any violation of law; relating to the discharge of sewage (whether treated or untreated) or graywater in the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve.

SEC. 1412. REGULATIONS.

The Secretary and the Administrator each may prescribe any regulations necessary to carry out the provisions of this Title.

SEC. 1413. INFORMATION GATHERING AUTHORITY.

The authority of Sections 308(a) and (b) of the Federal Water Pollution Control Act, as amended, shall be available to the Administrator to carry out the provisions of this Title. The Administrator and the Secretary shall minimize, to the extent practicable, duplication of or inconsistency with the inspection, sampling, testing, record-keeping and reporting requirements established by the Secretary under section 1406 of this Title.

SEC. 1414. DEFINITIONS.

In this Title—

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the United States Environmental Protection Agency.

(2) CRUISE VESSEL.—The term "cruise vessel" means a passenger vessel as defined in section 2101(22) of Title 46, United States Code. The term "cruise vessel" does not include a vessel of the United States operated by the Federal Government or a vessel owned and operated by the government of a State.

(3) DISCHARGE.—The term "discharge" means any release however caused from a cruise vessel, and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying.

(4) GRAYWATER.—The term "graywater" means only galley, dishwasher, bath, and laundry waste water. The term does not include other wastes or waste streams.

(5) NAVIGABLE WATERS.—The term "navigable waters" has the same meaning as in section 502 of the Federal Water Pollution Control Act, as amended.

(6) PERSON.—The term "person" means an individual, corporation, partnership, limited liability company, association, State, municipality, commission or political subdivision of a State, or any Federally recognized Tribe.

(7) SECRETARY.—The term "Secretary" means the Secretary of the department in which the United States Coast Guard is operating.

(8) SEWAGE.—The term "sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes.

(9) TREATED SEWAGE.—The term "treated sewage" means sewage meeting all applicable effluent limitation standards and processing requirements of the Federal Water Pollution Control Act, as amended and of this Title, and regulations promulgated under either.

(10) UNTREATED SEWAGE.—The term "untreated sewage" means sewage that is not treated sewage.

(11) WATERS OF THE ALEXANDER ARCHIPELAGO.—The term "waters of the Alexander Archipelago" includes the sovereign waters of the United States within or near Southeast Alaska, beginning at a point in 58° 11′ 41″ N, 136° 39′ 25″ W [near Cape Spencer Light], the此后 line three nautical miles seaward of the baseline from which the breadth of the territorial sea is measured in the Pacific Ocean and the Dixon Entrance, except where this line intersects geodetics connecting the following five pairs of points:

(a) 58° 05′ 17″ N, 136° 39′ 40″ W and 58° 11′ 41″ N, 136° 39′ 25″ W [Cross Sound]

(b) 56° 09′ 40″ N, 134° 40′ 00″ W and 55° 49′ 15″ N, 134° 17′ 40″ W [Chatham Strait]

(c) 55° 49′ 15″ N, 134° 17′ 40″ W and 55° 50′ 30″ N, 134° 17′ 40″ W [Summit Strait]

(d) 54° 41′ 30″ N, 131° 02′ 00″ W and 54° 51′ 30″ N, 131° 20′ 45″ W [Clarence Strait]

(e) 54° 51′ 30″ N, 131° 02′ 00″ W and 54° 46′ 15″ N, 130° 52′ 00″ W [Revillagigedo Channel]

The portion of each such geodetic situated beyond three nautical miles from the baseline from which the breadth of the territorial sea is measured forms the outer limit of the waters of the Alexander Archipelago in those five locations.

TITLE XV—LIFE ACT AMENDMENTS

SEC. 1501. SHORT TITLE.

This title may be cited as the "LIFE Act Amendments of 1998."
other appropriate document signifying authorization of employment.

(b) Eligible Spouses and Children.—For purposes of this section, the term "eligible spouse" means an alien who is a spouse of an alien described in section 1101(b) of the Immigration and Nationality Act if the spouse or child—(1) entered the United States before December 1, 1988; and (2) resided in the United States on such date.

(c) Defenses for Relief for Eligible Spouses and Children Outside the United States.—If an alien has obtained lawful permanent resident status under section 1104 of the Legal Immigration Family Equity Act and the alien has an eligible spouse or child who is no longer physically present in the United States, the Attorney General shall establish a process under which such an eligible spouse or child may be paroled into the United States in order to obtain the benefits of subsection (a) unless the Attorney General finds that the spouse or child would be inadmissible or deportable on any other ground, other than a ground for which the alien would not be subject to removal under subsection (a)(1). An alien so paroled shall not be treated as an alien paroled under subsections (a) and (b) for purposes of section 201(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(4)).

(4) Designation of Definitions.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section.

Sec. 1505. Miscellaneous Amendments to Various Adjustment and Relief Acts.

(a) Nicaraguan Adjustment and Central American Relief Act.—(1) IN GENERAL.—Section 202(a) of the Nicaraguan Adjustment and Central American Relief Act is amended—(A) by redesigning paragraph (2) as paragraph (3); and (B) by inserting after paragraph (1) the following new paragraph:

"(2) Rules in Applying Certain Provisions.—In the case of an alien described in subsection (a)(1) of this section (but not applying for adjustment of status under this section)—(A) the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply; and (B) the Attorney General may grant the alien all the benefits of subsections (A) and (C) of section 221(a)(9) of such Act.

In granting waivers under subparagraph (B), the Attorney General shall use standards used in granting similar waivers under paragraphs (A) and (C) of section 221(b)(9) of such Act. All such motions shall be filed within 180 days of the date of the enactment of this Act."

(b) Haitian Refugee Immigration Fairness Act of 1998.—(1) Inapplicability of Certain Provisions.—Section 902(a) of the Haitian Refugee Immigration Fairness Act of 1998 is amended—(A) by redesigning paragraph (2) as paragraph (3); and (B) by inserting after paragraph (1) the following new paragraph:

"(2) Inapplicability of Certain Provisions.—In the case of an alien described in subsection (b) or (d) who is applying for adjustment of status under this section—(A) the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply; and (B) the Attorney General may grant the alien all the benefits of subsections (A) and (C) of section 221(a)(9) of such Act.

In granting waivers under subparagraph (B), the Attorney General shall use standards used in granting similar waivers under paragraphs (A) and (C) of such Act. All such motions shall be filed within 180 days of the date of the enactment of this Act."

(c) Construction.—Nothing in this Act shall preclude an alien from filing a motion to reopen pursuant to section 240(b)(1)(C)(ii) of the Immigration and Nationality Act, or section 242(b)(1)(B) of such Act (as in effect before the title III-A effective date).

Sec. 1506. Effective Date.

This section shall take effect as if included in the enactment of the Legal Immigration Family Equity Act.

Title XVI—Improving Literacy Through Family Literacy Projects

Sec. 1601. Short Title.

This title may be cited as the "Literacy Involves Families Together Act."

Sec. 1602. Eligible Programs and Appropriations.

Section 1002(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302(b)) is amended by striking "$118,000,000 for fiscal year 1995" and inserting "$250,000,000 for fiscal year 1995."

Sec. 1603. Improving Basic Programs Operated by Local Educational Agencies.

Section 1111(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)) is amended—(1) in paragraph (5), by striking "and" at the end; (2) in paragraph (6), by striking the period at the end and inserting "; and"; and (3) by adding at the end the following:

"(7) The State educational agency will encourage local educational agencies and individual schools participating in a program assisted under this section to offer programs of literacy services (including funds under this part) to adult students who do not have a high school diploma or its recognized equivalent or who have low levels of literacy."

Sec. 1604. Even Start Family Literacy Programs.

(a) Part Heading.—The part heading for part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq.) is amended—(1) by redesigning paragraphs (1) and (2) as paragraphs (5) and (6); (2) by amending paragraph (1) to read as follows: "PART B—WILLIAM F. GOODLING EVEN START FAMILY LITERACY PROGRAMS."

(b) Statement of Purpose.—Section 1201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361) is amended—(1) by redesigning paragraphs (1) and (2) as paragraphs (3) and (4); and (2) by adding at the end the following:

"(4) by adding at the end the following:

"(a) Use Instructional Programs Based on Scientifically Based Reading Research (as defined in section 2522) and the Prevention of Reading Difficulties for Children and Adults, to the extent such research is available."

(c) Program Authorized.—(1) In General.—The part heading for part C of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(a)) is amended—(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting "and" after "high quality" after "build on"; and (B) in paragraph (2), by striking "1202(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq.) is amended—(1) by adding at the end of section 2522, (2) by redesigning paragraph (1) as paragraph (2) and (3) by striking the date of the enactment of the Legal Immigration Family Equity Act if the spouse or child—"; and

"(C) by adding at the end the following:

"(3) Coordination of Programs for American Indian and Alaska Native Children and Adults.—The Secretary shall ensure that policies and procedures for programs under paragraph (1)(C) are coordinated with family literacy programs operated by
the Bureau of Indian Affairs in order to avoid duplication and to encourage the dissemination of information on high quality family literacy programs serving American Indians.

(2) FEDERAL ACTIVITIES.—

Section 1202(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(b)) is amended to read as follows:

(1) in subsection (a), by striking 'family-centered education' and inserting 'family literacy services'; and

(2) by adding at the end the following:

'(c) USE OF FUNDS FOR FAMILY LITERACY SERVICES.—

'(1) in general.—From funds reserved under section 1203(a), a State may use a portion of such funds to provide technical assistance to help local programs of family literacy services and to encourage the dissemination of such programs serving American Indians.'
number or percentage of parents who are receiving assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); (B) in subsection (b), by striking "Federal," and inserting "non-Federal;" (C) in paragraph (1)(H), by inserting "family literacy services,\" before "local educational agencies;" and (D) in paragraph (3), in the matter preceding subparagraph (A), by striking "one or more of the following:;\" and inserting "the individual with expertise in family literacy programs,\" and may include other individuals, such as one or more of the following:;\" and (ii) by striking paragraph (3) and inserting the following: (A) striking paragraph (3) and inserting the following: CONTINUING ELIGIBILITY.—In awarding subgrants to continue a program under this part after this first year, the State educational agency shall review the progress of each eligible entity in meeting the objectives of the program referred to in section 1207(c)(1)(A) and shall evaluate the program based on the indicators of program quality developed by the State under section 1210.\"; and (B) by amending paragraph (5)(B) to read as follows: (B) The Federal share of any subgrant renewed under subparagraph (A) shall be limited in accordance with section 1204(b).\", (m) RESEARCH.—Section 1211 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6369a) is amended— (1) in subsection (b), by striking "subsection (a)\" and inserting "subsection (a) and (b)\"; (2) redesignating subsection (b) as subsection (c); and (3) by inserting after subsection (a) the following: (b) SCIENTIFICALLY BASED RESEARCH ON FAMILY LITERACY.—(1) IN GENERAL.—From amounts reserved under section 1204(b)(2), the National Institute for Literacy, in consultation with the Secretary, shall carry out research that—(A) is scientifically based reading research as described in section 2522; and (B) determines—(i) the most effective ways of improving the literacy skills of adults with reading difficulties; and (ii) how family literacy services can best provide parents with the knowledge and skills they need to support their children’s literacy development. (2) USE OF EXPERT ENTITY.—The National Institute for Literacy, in consultation with the Secretary, shall carry out the research under paragraph (1) through an entity, including a Federal agency, that has expertise in carrying out longitudinal studies of the development of literacy skills in children and has developed effective interventions to help children with reading difficulties. (n) INDICATORS OF PROGRAM QUALITY.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall notify each State that receives funds under part B of title I of the Elementary and Secondary Education Act of 1965 that to be eligible to receive fiscal year 2001 funds under part B, such State shall submit to the Secretary, not later than June 30, 2001, its indicators of program quality as described in section 1210 of the Elementary and Secondary Education Act of 1965. A State that fails to comply with this subsection shall be ineligible to receive funds under such part in subsequent years unless such State submits to the Secretary, not later than June 30 of the year in which funds are requested, its indicators of program quality as described in section 1210 of the Elementary and Secondary Education Act of 1965. SEC. 1605. EDUCATION OF MIGRATORY CHILDREN.—Section 1206(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6394(b)) is amended— (1) in paragraph (5), by striking "and\" at the end; (2) in paragraph (6), by striking the period at the end and inserting "; and\"; and (3) by adding at the end the following: \"(7) A description of how the State will encourage programs and projects assisted under this part to provide literacy services if the program or project provides substantial numbers of migratory children who have parents who do not have a high school diploma or its recognized equivalent or who have low levels of literacy.\", SEC. 1606. DEFINITIONS.—(a) IN GENERAL.—Section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801) is amended— (1) by redesigning paragraphs (7) through (14) as paragraphs (8) through (15), respectively; and (2) by inserting after paragraph (6) the following: (7) the term ‘family literacy services’ has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801). SEC. 1701. SHORT TITLE. This title may be cited as the ‘Children’s Internet Protection Act’. SEC. 1702. DISCLAIMERS. (a) DISCLAIMER REGARDING CONTENT.—Nothing in this title or the amendments made by this title shall be construed to prohibit a local educational agency, school, or school library from blocking access on the Internet to computers owned or operated by that agency, school, or library to any content other than content that may be injurious to title or the amendments made by this title. (b) DISCLAIMER REGARDING PRIVACY.—Nothing in this title or the amendments made by this title shall be construed to require the tracking of Internet use by any identifiable minor or adult user. SEC. 1703. STUDY OF TECHNOLOGY PROTECTION MEASURES. (a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the National Telecommunications and Information Administration shall initiate a notice and comment proceedings for purposes of—(1) evaluating whether or not currently available technology protection measures, including commercial Internet blocking and filtering software, adequately addresses the needs of educational institutions; (2) making recommendations on how to foster the development of measures that meet such needs; and (3) evaluating the development and effectiveness of local Internet safety policies that are currently in operation in local educational units. (b) DEFINITIONS.—In this section: (1) TECHNOLOGY PROTECTION MEASURE.—The term ‘technology protection measure’ means a specific technology that blocks or filters Internet access to visual depictions that are—(A) obscene, as that term is defined in section 1410 of title 18, United States Code; (B) child pornography, as that term is defined in section 2256 of title 18, United States Code; or (C) harmful to minors. (2) HARMFUL TO MINORS.—The term ‘harmful to minors’ means any picture, image, graphic file, or other visual depiction that—(A) taken as a whole, and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; (B) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and (C) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors. (3) SEXUAL ACT; SEXUAL CONTACT.—The terms ‘sexual act’ and ‘sexual contact’ have the meanings given such terms in section 2256 of title 18, United States Code.
TITLE III

SEC. 3601. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS FOR SCHOOLS.

(a) INTERNET SAFETY.—

(1) IN GENERAL.—No funds made available under this Act to a local educational agency for an elementary or secondary school that does not have in place an Internet safety policy for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

(I) obscene;

(II) child pornography; or

(III) harmful to minors; and

(2) PROCEDURE.—(A) In general.—A local educational agency with responsibility for a school covered by paragraph (1) shall certify to the Secretary that it has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

(I) obscene; or

(II) child pornography; and

(B) In general.—(i) Schools with Internet safety policies and technology protection measures in place.—A local educational agency with responsibility for a school covered by paragraph (1) that has in place an Internet safety policy meeting the requirements of paragraph (1) shall certify its compliance with paragraph (1) during each annual program application cycle under this Act.

(ii) Schools without Internet safety policies and technology protection measures in place.—A local educational agency with responsibility for a school covered by paragraph (1) that does not have in place an Internet safety policy meeting the requirements of paragraph (1) shall certify the compliance with that paragraph (1) during each separate program funding year thereafter.

(iii) Procedures.—(I) In general.—(A) Computer.—The term ‘computer’ includes any hardware, software, or other technology that can connect to a network which has access to the Internet.

(B) Access to Internet.—A computer shall be considered to have access to the Internet if it is connected to a network which has access to the Internet.

(C) Acquisition or operation.—A local educational agency with responsibility for a school shall be considered to have acquired funds under this title for the acquisition or operation of any computer if such funds are used in any manner, directly or indirectly—

(I) to purchase, lease, or otherwise acquire or obtain the use of such computer; or

(II) to obtain services, supplies, software, or other actions or materials to support, or in connection with, the operation of such computer.

(D) Minors.—The term ‘minor’ means an individual who has not attained the age of 17.

(E) Child pornography.—The term ‘child pornography’ has the meaning given such term in section 2256 of title 18, United States Code.

(II) Child pornography that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

(I) obscene;

(II) child pornography; or

(III) harmful to minors; and

(iii) Enforcing the operation of such technology protection measure during any use of such computers by minors; and

(iv) Hands-on supervision by a responsible authority under paragraph (1) of the school to enable access for bona fide research or other lawful purposes.

(F) Noncompliance.—(I) USE OF GENERAL EDUCATION PROVISIONS ACT REMEDIES.—Whenever the Secretary has reason to believe that any recipient of funds under this title is failing to comply substantially with the requirements of this subsection, the Secretary may—

(I) withhold further payments to the recipient under this title;

(II) issue a complaint to compel compliance of the recipient through a cease and desist order; or

(III) enter into a compliance agreement with a recipient to bring it into compliance with such requirements, in a manner as the Secretary is authorized to take such actions under sections 455, 456, and 457, respectively, of the General Education Provisions Act (20 U.S.C. 1228d).

(II) DEFINITIONS.—(A) In general.—The terms ‘lending library’ and ‘library system’ mean a public or academic library or library system, respectively, that is an eligible recipient for funds under section 1721 of this Children’s Internet Protection Act, may be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, for such library unless—

(i) such library has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

(I) obscene;

(II) child pornography; or

(III) harmful to minors; and

(ii) is enforcing the operation of such technology protection measure during any use of such computers by minors; and

(iii) has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

(I) obscene;

(II) child pornography; or

(III) harmful to minors; and

(iv) is enforcing the operation of such technology protection measure during any use of such computers by minors; and

(B) Access to other materials.—Nothing in this subsection shall be construed to prohibit
a library from limiting Internet access to or otherwise protecting against materials other than those referred to in subclauses (i), (ii), and (iii) of paragraph (1)(A)(i).

3. RECOVERY CERTAIN USE.—An administrator, supervisor, or other authority may disable a technology protection measure under paragraph (1) to enable access for bona fide research purposes to any provision of this subsection, and for each subsequent program funding year thereafter.

4. T I M I N G AND A P P L I C A B I L I T Y OF I M P L E M E N T A T I O N.—(A) IN GENERAL.—A library covered by paragraph (1) shall certify the compliance of such library with the requirements of paragraph (1) as part of the application process for the next program funding year under this Act following the effectiveness of this subsection, and for each subsequent program funding year thereafter.

6. S E P A R A B I L I T Y .—If any provision of this subsection is held invalid, the remainder of this subsection shall be unimpaired.

7. D E F I N I T I O N S .—In this section:

(A) C H I L D P O R N O R O G R A M .—The term `child pornography' has the meaning given such term in section 2256 of title 18, United States Code.

(B) H A R M F U L T O M I N O R S .—The term `harmful to minors' means any picture, image, graphic image file, or other visual depiction that:

(i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

(ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual activity or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

(iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors,

(C) M I N O R .—The term `minor' means an individual who has not attained the age of 17.

(D) O B S C E N E .—The term `obscene' has the meaning given such term in section 1460 of title 18, United States Code.

(E) S E X U A L A C T .—Sexual contact, actual or simulated.

(F) S E X U A L C O N T A C T .—The term `sexual contact' has the meanings given such terms in section 2246 of title 18, United States Code.

6. E F F E C T I V E D A T E .—The amendment made by this section shall take effect 120 days after the date of the enactment of this Act.

Title B—Universal Service Discounts

SEC. 1721. REQUIREMENT FOR SCHOOLS AND LIBRARIES TO ENFORCE INTERNET SAFETY POLICIES WITH TECHNOLOGY PROTECTION MEASURES IN PLACE.

(a) SCHOOLS.—Section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) is amended—

(1) by redesignating paragraph (5) as paragraph (7); and

(2) by inserting after paragraph (4) the following new paragraph (5):

(5) REQUIREMENTS FOR CERTAIN SCHOOLS WITH COMPUTERS HAVING INTERNET ACCESS AS CONDITION OF UNIVERSAL SERVICE DISCOUNTS.

(A) INTERNET SAFETY.—(i) IN GENERAL.—Except as provided in clause (ii), an elementary or secondary school having computers with Internet access may not receive services at discount rates under paragraph (3)(B) unless the school, school board, local educational agency, or other authority with responsibility for administration of the school—

(I) submits to the Commission the certification described in subparagraphs (B) and (C); and

(II) submits a certification that an Internet safety policy has been adopted and implemented for the school under subsection (b)(2)(A).

(ii) A P P L I C A B I L I T Y .—The prohibition in clause (i) shall not apply with respect to any school that receives services at discount rates under paragraph (1)(B) only for purposes other than the provision of Internet access, Internet service, or Internet banking.

(b) LIBRARIES.—(i) IN GENERAL.—A library that applies for funds under this Act, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy and technology protection measures meeting the requirements of paragraph (1)(A).

(iii) DISABLING DURING ADULT USE.—An administrator, supervisor, or other person authorized by the certifying authority under subparagraph (A)(ii) may disable the technology protection measure concerned, during use by an adult, to enable access for bona fide research or other lawful purpose.

(c) T I M I N G OF IMPLEMENTATION.—(i) IN GENERAL.—Subject to clause (ii) in the case of any school covered by this paragraph as of the effective date of this paragraph under section 1721(h) of the Children's Internet Protection Act, the certification under subparagraphs (B) and (C) shall be made—

(I) with respect to the first program funding year under this subsection following such effective date, not later than 120 days after the beginning of such program funding year; and

(II) with respect to any subsequent program funding year, as part of the application process for such program funding year.

(ii) PROCESS.—(I) SCHOOLS WITH INTERNET SAFETY POLICY AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A school covered by clause (i) that has in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C) shall certify its compliance with such paragraphs by the end of the annual program application cycle under this subsection, except that with respect to the first program funding year following the effective date of the Children's Internet Protection Act, the certifications shall be made not later than 120 days after the beginning of such first program funding year.
PLACE.—A school covered by clause (i) that does not have in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C) may apply for funds under paragraph (1)(B) unless the library—

"(i) submits to the Commission the certifications described in subparagraphs (B) and (C); and
"(ii) certifies that it is in compliance with subparagraphs think policy.

(II) CERTIFICATION WITH RESPECT TO ADULTS.—A certification under this subparagraph is a certification that the library—

"(i) enforces a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers that includes the operation of a technology protection measure during any use of such computers by minors."

"(C) CERTIFICATION WITH RESPECT TO LIBRARIES.—A library subject to subparagraphs (B) and (C) shall certify its compliance with such requirements in such second program year and all subsequent program years under this subsection, until such time as such library comes into compliance with this paragraph.

"(F) NONCOMPLIANCE.—
"(I) FAILURE TO SUBMIT CERTIFICATION.—Any school that knowingly fails to comply with the application guidelines regarding the annual submission of certification required by this paragraph shall not be eligible for services at discount rates or in lieu of services at such rates under this subsection.

"(II) FAILURE TO COMPLY WITH CERTIFICATION.—Any school that knowingly fails to comply with the application guidelines regarding the annual submission of certification required by this paragraph shall not be eligible for services at discount rates or in lieu of services at such rates under this subsection.

"(III) REMEDY OF NONCOMPLIANCE.—
"(I) FUNDING YEAR.—A school that has failed to submit a certification under clause (i) may remedy the failure by submitting the certification to which the failure relates. Upon submission of such certification, the school shall be eligible for services at discount rates under this subsection.

"(II) FUNDING CYCLE.—A school that has failed to comply with a certification as described in clause (ii) may remedy the failure by submitting the certification to which the failure relates. Upon submission of such certification, the school shall be eligible for services at discount rates under this subsection.

(b) LIBRARIES.—Such section 254(h) is further amended by inserting after paragraph (5), as amended by section 1721(h) of the Children’s Internet Protection Act, the certification under subparagraphs (B) and (C) shall be made—

"(i) with respect to the first program funding year under this subsection following such effective date, not later than 120 days after the beginning of such program funding year; and
"(ii) with respect to any subsequent program funding year, as part of the application process for such program funding year.

"(C) DEFINITIONS.—Paragraph (7) of such section, as redesignated by subsection (a)(2) of this section, is amended by adding at the end the following:"

"(D) MINOR.—The term ‘minor’ means any individual who has not attained the age of 17 years.

"(E) OBSCENE.—The term ‘obscene’ has the meaning given such term in section 1460 of title 18, United States Code.

"(F) CHILD PORNOGRAPHY.—The term ‘child pornography’ has the meaning given such term in section 2256 of title 18, United States Code.

"(G) OTHER.—Any library that knowingly fails to ensure the use of its computers in accordance with certification under subparagraphs (B) and (C) shall be made—

"(i) with respect to the first program funding year under this subsection following such effective date, not later than 120 days after the beginning of such program funding year; and
"(ii) with respect to any subsequent program funding year, as part of the application process for such program funding year.

"(H) LIBRARIES WITH INTERNET SAFETY POLICY AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A library covered by clause (i) that does not have in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C) shall be ineligible for services at discount rates under this subsection for such second year and all subsequent program years under this subsection, until such time as such library comes into compliance with this paragraph.

"(III) REMEDY OF NONCOMPLIANCE.—
"(I) FUNDING YEAR.—A school that has failed to submit a certification under clause (i) may remedy the failure by submitting the certification to which the failure relates. Upon submission of such certification, the school shall be eligible for services at discount rates under this subsection.

"(II) FUNDING CYCLE.—A school that has failed to comply with a certification as described in clause (ii) may remedy the failure by submitting the certification to which the failure relates. Upon submission of such certification, the school shall be eligible for services at discount rates under this subsection.
"(G) HARMFUL TO MINORS.—The term 'harmful to minors' means any picture, image, graphic image file, or other visual depiction that—
(i) is in a form that is patently offensive with respect to the community to which it is addressed;
(ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, a sexual or erotic activity or actual or simulated sexual act or sexual contact, or actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals;
(iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

(H) SEXUAL ACT; SEXUAL CONTACT.—The terms 'sexual act' and 'sexual contact' have the meanings given such terms in section 2246 of this title.

(I) TECHNOLOGY PROTECTION MEASURE.—The term 'technology protection measure' means a specific technology that blocks or filters Internet access to the material covered by a certification under paragraph (5) or (6) to which such certification relates.

(d) CONFORMING AMENDMENT.—Paragraph (4) of such section is amended by striking "paragraph (7)(A)" and inserting "paragraph (7)(A)".

(e) SEPARABILITY.—If any provision of paragraph (5) or (6) of section 254(h) of the Communications Act of 1934, as amended by this section, or the application thereof to any person or circumstance is held invalid, the remainder of such paragraph and the application of such paragraph to other persons or circumstances shall not be affected thereby.

(f) REGULATIONS.—
(1) REQUIREMENTS.—The Federal Communications Commission shall prescribe regulations for purposes of implementing the provisions of paragraphs (5) and (6) of section 254(h) of the Communications Act of 1934, as amended by this section.

(2) DEADLINE.—Notwithstanding any other provision of law, the Commission shall prescribe regulations under paragraph (1) so as to ensure that such regulations take effect 120 days after the date of the enactment of this Act.

(g) AVAILABILITY OF CERTAIN FUNDS FOR ACQUISITION OF TECHNOLOGY PROTECTION MEASURES. 

(1) IN GENERAL.—Notwithstanding any other provision of law, funds available under section 13143 of the Department of Agriculture Appropriations Act, as amended by this section, or section 231 of the Library Services and Technology Act, as may be used for the purchase or acquisition of technology protection measures necessary to meet the requirements of this title and the amendments made by this title. No other sources of funds for the purchase or acquisition of such measures are authorized by this title, or the amendments made by this title.

(2) TECHNOLOGY PROTECTION MEASURE DEFINED.—In this section, the term "technology protection measures" has the meaning given that term in section 1703.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect 120 days after the date of enactment of this Act.

Subtitle C—Neighborhood Children's Internet Protection

SEC. 1731. SHORT TITLE. 

This subtitle may be cited as the "Neighborhood Children's Internet Protection Act of 2000."

SEC. 1732. INTERNET SAFETY POLICY REQUIRED. 

Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end the following: 

"(j) INTERNET SAFETY POLICY REQUIREMENT FOR SCHOOLS AND LIBRARIES.—

(1) IN GENERAL.—In carrying out its responsibilities under subsection (h), each school or library board of education, as applicable, shall—

(A) adopt and implement an Internet safety policy that addresses—

(i) access by minors to inappropriate material on the Internet and World Wide Web;

(ii) the safety and security of minors when using electronic mail, chat rooms, and other forms of electronic communication;

(iii) unauthorized access, including so-called 'hacking', and other unlawful activities by minors online;

(iv) authorized disclosure, use, and dissemination of personal identification information regarding minors; and

(v) means to restrict minors' access to materials harmful to minors; and

(2) PROVIDE REASONABLE PUBLIC NOTICE AND MEASURES TO ENSURE PROPER ENFORCEMENT.—In connection with the implementation of paragraph (1), the Commission shall—

(A) review the determination made by the certifying school, school board, local educational agency, library, or other authority responsible for making the determination that no agency or instrumentality of the United States Government may—

(i) establish criteria for making such determination; and

(ii) provide reasonable public notice and hold at least one public hearing or meeting to address the proposed Internet safety policy or the Internet safety policy prescribed under paragraph (1); and

(B) if the Commission determines that such criteria or Internet safety policy or the Internet safety policy prescribed under paragraph (1) is not adequate, provide reasonable public notice and hold at least one public hearing or meeting to address the proposed Internet safety policy or the Internet safety policy prescribed under paragraph (1); and

(C) consider the criteria employed by the certifying school, school board, local educational agency, library, or other authority responsible for making the determination that no agency or instrumentality of the United States Government may—

(i) adopt and implement an Internet safety policy and

(ii) provide reasonable public notice and hold at least one public hearing or meeting to address the proposed Internet safety policy or the Internet safety policy prescribed under paragraph (1); and

(D) adopt and implement an Internet safety policy that addresses—

(i) access by minors to inappropriate material on the Internet and World Wide Web;

(ii) the safety and security of minors when using electronic mail, chat rooms, and other forms of electronic communication;

(iii) unauthorized access, including so-called 'hacking', and other unlawful activities by minors online;

(iv) authorized disclosure, use, and dissemination of personal identification information regarding minors; and

(v) means to restrict minors' access to materials harmful to minors; and

(3) ADEQUATE COMPLIANCE WITH TECHNOLOGY PROTECTION MEASURE REQUIREMENTS.—In carrying out its responsibilities under subsection (h), each school or library board of education, as applicable, shall—

(A) adopt and implement an Internet safety policy; and

(B) review the determination made by the certifying school, school board, local educational agency, library, or other authority responsible for making the determination that no agency or instrumentality of the United States Government may—

(i) establish criteria for making such determination; and

(ii) provide reasonable public notice and hold at least one public hearing or meeting to address the proposed Internet safety policy or the Internet safety policy prescribed under paragraph (1); and

(C) consider the criteria employed by the certifying school, school board, local educational agency, library, or other authority responsible for making the determination that no agency or instrumentality of the United States Government may—

(i) adopt and implement an Internet safety policy and

(ii) provide reasonable public notice and hold at least one public hearing or meeting to address the proposed Internet safety policy or the Internet safety policy prescribed under paragraph (1); and

(D) adopt and implement an Internet safety policy that addresses—

(i) access by minors to inappropriate material on the Internet and World Wide Web;

(ii) the safety and security of minors when using electronic mail, chat rooms, and other forms of electronic communication;

(iii) unauthorized access, including so-called 'hacking', and other unlawful activities by minors online;

(iv) authorized disclosure, use, and dissemination of personal identification information regarding minors; and

(v) means to restrict minors' access to materials harmful to minors; and

(4) EFFECTIVE DATE.—This section shall apply with respect to libraries or other public access provider on or after the date that is 120 days after the date of the enactment of the Children's Internet Protection Act.

SEC. 1733. IMPLEMENTING REGULATIONS. 

Not later than 120 days after the date of enactment of this Act, the Federal Communications Commission shall prescribe regulations for purposes of section 254(h) of the Communications Act of 1934, as added by section 1732 of this Act.

Subtitle D—Expanded Review

SEC. 1741. EXPANDED REVIEW. 

(a) THREE-JUDGE DISTRICT COURT HEARING.—Notwithstanding any other provision of law, any civil action challenging the constitutionality, on its face, of this title or any amendment made by this title, or any provision thereof, shall be heard by a district court of 3 judges convened pursuant to section 2284 of title 28, United States Code.

(b) APPELLATE REVIEW.—Notwithstanding any other provision of law, an interlocutory or final judgment, decree, or order of the court of a district under subsection (a) holding this title or an amendment made by this title, or any provision thereof, unconstitutional shall be reviewed directly by the Supreme Court. Any such appeal shall be filed not more than 20 days after entry of such judgment, decree, or order.

This Act may be cited as the 'Miscellaneous Appropriations Act, 2001'.

MISCELLANEOUS APPROPRIATIONS 

Following is explanatory language on H.R. 5666, as introduced on December 19, 2000. The conference report on H.R. 4577 agrees with the matter included in H.R. 5666 and enacted in this conference report by reference and the following description of the conference report.

CHAPTER 1 

GENERAL PROVISIONS—This Chapter 

The conference agreement includes language which provides that not more than $300,000 shall be available for grants to private sector rural electrification and telecommunications loans; clarifies that a housing demonstration program is to be carried out which, among other things, is designed to establish that the Initiative for Future Agriculture and Food Systems shall be used to make grants only to colleges, universities, or research institutions, or rural institutions, or universities; makes a technical correction to the Rural Community Advancement Program to specify that funds may be used in counties which have received an emergency designation after January 1, 2000, provides certain transfers under the livestock assistance program which clarifies eligibility for losses; clarifies that Emergency Conservation Program funds previously appropriated for the Cerro Grande fire can be made available for drought benefits; clarifies a provision regarding payments to producers that suffered losses because of the insolvent nature of an agricultural cooperative in the State of California; provides that BVD, FMD, and Cigar Binder Type 54-55 tobacco will be treated identically for loan forfeiture purposes; and establishes an effective date for a program of the Agriculture Protection Act of 2000 regarding limitations on Burley tobacco quota adjustments. The effective date of these provisions is the date of the enactment of the Agriculture Resource Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001.

The conference agreement includes a section regarding the operation of the ongoing bovine tuberculosis eradication program. The intent of the conference is that funding for this program, which is financed through the Commodity Credit Corporation, shall provide a total of not less than $50,000,000.

The conferees expect that, in developing any consumer guidance regarding mercury exposure from seafood consumption, the Department of Health and Human Services will rely upon the results of more than one relevant study. The Secretary is directed to submit a report to the Committees on Appropriations by February 28, 2001, on any actions regarding a consumer advisory on this subject.

The conferees urge USDA's Animal and Plant Health Inspection Service (APHIS) to uphold approved sanitary and phytosanitary measures in relation to shipping and cargo containers leaving Cuba. The conferees also urge APHIS to work in cooperation with the Departments of Agriculture and the Department of Health and Human Services to establish a bilateral cooperative agreement with Cuba to prevent the introduction of pests or diseases that may be of concern to the United States. The conferees urge APHIS to exercise vigilance in the introduction of pests or diseases that may be of concern to the United States. The conferees urge APHIS to provide consumer guidance regarding the risk of exposure to imported materials returning to the United States as a result of trade with Cuba. The conference agreement includes a section that provides $26,000,000 for the Environment Quality Incentives Program, which is financed through the Commodity Credit Corporation, shall provide a total of not less than $26,000,000.

The conference agreement includes a section that makes the City of Wilson, NC, eligible for certain U.S. Department of Agriculture rural housing programs.

The conference agreement includes a section that makes the City of Wilson, NC, eligible for certain U.S. Department of Agriculture rural development programs.

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The conference agreement provides an additional $200,000 for the Green Inspection, Packers and Stockyards Administration to establish a hog contract library.

The conference agreement includes language making available funds of the Emergency Watershed Program to accelerate completion of the Hamakua Ditch project in Hawaii.

CHAPTER 2
DEPARTMENT OF JUSTICE
FEDERAL PRISON SYSTEM
SALARIES AND EXPENSES

The conference agreement includes $500,000 for the National Institute of Corrections (NIC) for a comprehensive assessment of medical care and incidents of inmate mortality in the Wisconsin State Prison System.

OFFICE OF JUSTICE PROGRAMS
JUSTICE ASSISTANCE

The conference agreement includes $300,000 to expand the collection of data on prisoner death, drug enforcement custody.

COMMUNITY ORIENTED POLICING SERVICES

The conference agreement includes $3,080,000 under this heading, of which $1,880,000 is for a grant to the Pasadena, California, Police Department for equipment; $200,000 is for a grant to the City of Signal Hill, California, for equipment and technology for an emergency operations center; and of which $1,300,000 is for a grant to the State of Alabama Department of Forensic Sciences for equipment.

JUVENILE JUSTICE PROGRAMS

The conference agreement includes $1,000,000 for a grant to Mobile County, Alabama, for a juvenile court network program.

GENERAL PROVISIONS

Sec. 201. The conference agreement includes a provision making technical changes to Chapter 2 of title II of division B of Public Law 106-246.

Sec. 202. The conference agreement includes a provision appropriating $10,000,000 to the State of Texas and $2,000,000 to the State of Alabama, to reimburse counties and municipal governments only for Federal costs associated with the handling and processing of illegal immigration and drug and alien smuggling cases.

Sec. 203. The conference agreement includes $9,000,000 to establishment of the Strom Thurmond Boy & Girls Club National Training Center.

Sec. 204. The conference agreement includes $500,000 for the New Hampshire Department of Safety to investigate and support the prosecution of violations of federal trucking laws.

Sec. 205. The conference agreement includes $4,000,000 for the State of South Dakota to establish a regional radio system.

DEPARTMENT OF COMMERCE
ECONOMIC AND STATISTICAL ANALYSIS
SALARIES AND EXPENSES

The conference agreement includes $200,000 for the establishment of satellite accounts for the travel and tourism industry.

NATIONAL CLIMATIC AND ATMOSPHERIC ADMINISTRATION
OPERATIONS, RESEARCH, AND FACILITIES

The conference agreement includes $750,000 for a study by the National Academy of Sciences pursuant to H.R. 2000, as passed by the House of Representatives on September 12, 2000.

In addition, the conference encourages the National Oceanic and Atmospheric Administration (NOAA) and the Federal Maritime Administration (FMA) to work collaboratively with the Great Lakes Science Center in Cleveland, Ohio in support of its Great Lakes Tour simulator and related education programming.

The conference also directs the National Oceanic and Atmospheric Administration (NOAA) to develop a plan to establish a program for migrating the 8 mm NEXRAD Level II data archives onto a modern retrievable media, and to the Senate Committee on Appropriations by February 1, 2001.

Sec. 206. The conference agreement includes a technical change to funding provided to the National Marine Fisheries Management Service regarding Stellar sea lion related funding.

Sec. 207. The conference agreement includes $7,500,000 for assistance to certain Alaskan communities.

Sec. 208. The conference agreement includes $3,000,000 for assistance to certain Hawaiian fisheries.

Sec. 209. The conference agreement includes $500,000 for the American Museum.

Sec. 211. The conference agreement includes $5,000,000 to increase coverage and hours of Radio Free Europe/Radio Liberty (RFE/RL) and Voice of America (VOA) broadcasts to Russia and surrounding areas affected by the recent restrictions on media instituted by the Putin regime. In addition, the conference includes $5,000,000 for Radio Free Asia and the Voice of America to increase both the quantity and quality of their broadcasts to China, in accordance with authorization contained in the China PNTR enactment legislation, Section 701(b)(2) of H.R. 4444.

Before using any of the transfer authority provided in this section and within sixty Days of enactment of this act, the Broadcasting Board of Governors shall provide to the Committees on Appropriations a spending plan for the total amount provided. This plan should show how new RL and VOA Russian and related broadcasts in specific areas most impacted by the recent media restrictions. Additionally, the spending plan should be a projection concerning shortwave and medium wave technology needs in this newly closed environment. Amounts proposed for transfer to the Broadcasting Capital improvements account should be based solely on increased broadcasting to Russia and surrounding areas and to China.

RELATED AGENCIES

COMMISSION ON ONLINE CHILD PROTECTION

The conference agreement includes $750,000 for the Commission on Online Child Protection.

SMALL BUSINESS ADMINISTRATION
SALARIES AND EXPENSES

The conference agreement includes $1,000,000 for a grant to establish an electronic commerce technology distribution center in Scranton, Pennsylvania.

The conference agreement includes $1,000,000 for the National Museum of Jazz.

GENERAL PROVISION—THIS CHAPTER

Sec. 213. The conference agreement includes a provision striking sections 406, 635 and 636, and making technical changes to H.R. 5548.

DEPARTMENT OF DEFENSE
INDIRECT AIRCRAFT CARRIERS

The conference urges the Air Mobility Command (AMC) to ensure that military aircraft is moved in the most time efficient manner possible. In furtherance of that goal, the conference believes that the Civil Reserve Air Fleet (CRAF) program should admit and encourage indirect airfreight carriers which have demonstrated ability to provide efficient, cost effective service.

DISTRIBUTIVE TRAINING TECHNOLOGY PROGRAM

Public Law 106-259 provided $29,100,000 in “Other Procurement, Army” and $65,700,000 in “Other Procurement, Defense-Wide” for the National Guard Distance Learning Program. It is the conferences’ intention that the funds appropriated for this program shall also be available for coursework development and commercial off-the-shelf (COTS) management system software and hardware.

BIOLOGICAL WARFARE DEFENSE

The conference directs that of the funds appropriated in the Department of Defense Appropriations Act, 2001 for medical research programs, the Assistant Secretary of Defense (Health Affairs) conduct a study on whether environmental factors, such as air pollutants and electromagnetic radiation, contribute to higher than usual rate of incidence of breast cancer in large populations.

BALLISTIC MISSILE DEFENSE ORGANIZATION

In the Department of Defense Appropriations Act, 2001 (Public Law 106-259), the Congress provided additional funds for National Missile Defense risk reduction activities. The Defense Department is reviewing carefully potential enhancements to the NMD test program, including the addition of flight testing. The conference recommends the Assistant Secretary of Defense (Support) to ensure that the funds appropriated are allocated to sensor enhancements and flight test activities outlined in the Arctic Missile Signature Measurement Program (AMSP).

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement includes a general provision (section 301) allowing obligation of a portion of the fiscal year 2001 procurement funds for the F-22 aircraft, under specified circumstances.

The conference agreement includes a general provision (section 302) which transfers primary jurisdiction over Shemya Island, Alaska, to the conference agreement includes a general provision (section 303) requiring the Ballistic Missile Defense Organization to purchase no less than 40 PAC-3 missiles, the budgeted quantity, with fiscal year 2001 appropriated funds.

The conference agreement includes a general provision (section 304) which amends section 833 of the Defense Appropriations Act, 2001 (Public Law 106-259), regarding the amount of transfer authority available to the Secretary of the Navy for ship cost changes.
the Secretary of a military department with authority to transfer funds in support of Fisher Houses and Fisher Suites.

The conference agreement includes a general provision (section 307) requiring the Secretary of the Navy to provide funds under the Navy authority to use funds provided in the Department of Defense Appropriations Act, 2001, for the purpose of acquiring certain real property by the Department of Defense for, "Operation and Maintenance, Navy", for the repair of the U.S. S. Cole, which was severely damaged in a terrorist attack in the port of Aden, Yemen, on October 12, 2000. These funds are in addition to any amounts appropriated in the Department of Defense Appropriations Act, 2001 (Public Law 106-259), and are designated as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

In addition to the repair, the Navy may expend necessary amounts from these funds for the necessary stabilization of the vessel and its transportation to the United States.

The conference agreement includes a general provision (section 308) providing $150,000 to the Secretary of the Department of Defense, for "Operation and Maintenance, Air Force", to develop rapid diagnostic and fingerprinting techniques along with molecular monitoring systems for the detection of bioterrorism.

The conference agreement includes a general provision (section 322), making technical adjustments associated with funding provided in the Department of Defense Appropriations Act, 2001, for the CERP initiative.

The conference agreement includes a general provision (section 323) which establishes procedures under which the Departments of Defense and Interior shall provide the Congress with a comprehensive plan and program for the disposal of the U.S. Army's National Training Center at Fort Irwin, California. These procedures, including significant modifications and implementation of a proposed expansion plan and meeting the requirements of the Endangered Species and National Environmental Policy Acts, are joint recommendations of the Secretaries of Defense and Interior to the Congress.

The Secretaries have informed the Congress that, given the urgency of the national security considerations involved and the significant amount of research and analysis which has already been conducted, their Departments propose a joint program that requires no substantial and procedural reviews required to implement this expansion. The conferences commend the Secretaries of Defense and Interior for the considerable progress made in recent months amongst the various executive branch agencies involved in this process, and for committing their Departments to meet the specific objectives contained in the general provision.

CHAPTER 4
DISTRIBUTION OF COLUMBIA FEDERAL FUNDS
FEDERAL PAYMENT OF THE DISTRICT OF COLUMBIA COURTS FOR FIRE DAMAGE

The conference agreement appropriates $400,000 in Federal funds to the District of Columbia courts to cover the costs of a fire that broke out on November 22, 2000, in the H. Carl Moultrie I Courthouse. The appropriation includes $350,000 for capital repairs and $50,000 for miscellaneous operating expenses in connection with the fire damage. The conference agreement also includes language that allows the courts to reallocate not more than $1,000,000 of funds already appropriated for fiscal year 2001 in the event that the repair costs exceed the appropriated funds.

The fire caused extensive damage to the Superior Court's Family Division Quality Control Office and less severe damage to six adjacent judges' chambers, electrical damage to the court's cell block area, and damage to electrical and communications wiring.

GENERAL PROVISIONS—THIS CHAPTER
Sec. 401. The conference agreement inserts a new section concerning water and sewer payments by Federal agencies to the District of Columbia and requires the inspector general of the Department of Agriculture to make a study of the Administrative Office of the Courts. The conference agreement includes an additional $2,750,000 for Construction, General. Of the funds provided, $100,000 is for a reconnaissance study of shore protection needs at North Topsail Beach, North Carolina; $100,000 is for a reconnaissance study for a new wastewater facility in the Assunpink County, New Jersey; $100,000 is for a reconnaissance study of a flood protection project in the Cape Creek watershed, New York; and $600,000 is for a cost-shared feasibility study of the restoration of the lower St. Anthony's Falls natural rapids in Minnesota.

CONSTRUCTION, GENERAL

The conference agreement includes an additional $900,000 for Construction, General. Of the funds provided, $500,000 is for a reconnaissance study of potential floodplain management activities in the watershed of Pond Creek, Kentucky; $100,000 shall be available for the design of recreation projects.

CHAPTER 5
ENERGY AND WATER DEVELOPMENT
DEPARTMENT OF DEFENSE—CIVIL
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS—CIVIL
GENERAL INVESTIGATIONS

The conference agreement includes an additional $300,000,000 for Civil General Investigations. Of the funds provided, $100,000,000 is for a reconnaissance study of shore protection needs at North Topsail Beach, North Carolina; $300,000 is for a reconnaissance study for a new wastewater facility in the Assunpink County, New Jersey; $100,000 is for a reconnaissance study of a flood protection project in the Cape Creek watershed, New York; and $600,000 is for a cost-shared feasibility study of the restoration of the lower St. Anthony's Falls natural rapids in Minnesota.

The conference agreement includes an additional $2,750,000 for Construction, General. Of the funds provided, $75,000 shall be available for planning and design of a project to protect a low-income public housing development on the waterways in the City of Richmond, Virginia; $100,000 shall be available for the design of recreation projects.
and access features at the Louisville Waterfront Park in Kentucky; $75,000 shall be available for research on the eradication of Eurasian water milfoil in Houghton Lake, Michigan; and $200,000 shall be available for a limited Reevaluation Report for the Central Boca Raton segment of the Palm Beach County, Florida, shore protection project. The conference report states that the utter lack of sand on some stretches of beach in Boca Raton is negatively impacting the local economy that is dependent on tourism. Therefore, the conferees recommend that the Corps of Engineers proceed as expeditiously as possible to renourish the beach in Boca Raton.

In addition, $2,000,000 of the funds provided shall be available to initiate design and construction of the Hawaii Water Management Project, including Waihahole Ditch on Oahu, Kau Ditch on Maui, Pioneer Mill Ditch on Hawaii, and the complex system on the west side of Kauai. In addition, language that includes a provision that the Secretary of the Army may use up to $5,000,000 of previously appropriated funds to carry out the abandoned and inactive Noncoal Mine Restoration program authorized by section 560 of Public Law 106-53.

The conference agreement includes an additional $3,500,000 for Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.

DEPARTMENT OF THE INTERIOR
BUreaU OF REClAmATION
WATER AND RELATED RESOURCES
The conference agreement includes an additional $2,000,000 for Water and Related Resources for construction of the Mid-Dakota Rural Water System project in South Dakota.

DEPARTMENT OF ENERGY
ENERGY PROGRAMS
ENERGY SUPPLY
The conference agreement includes an additional $800,000 for Energy Supply for the Prime L.C. Young Center South Dakota, for final engineering and project development of the integrated ethanol complex, including an ethanol unit, waste treatment system, and enclosed cattle feedlot.

SCIENCE
The conference agreement includes an additional $1,000,000 for Science for high temperature superconducting research and development at Boston College.

CHAPTER 6
GENERAL PROVISIONS—THIS CHAPTER
Sec. 601. The conference agreement mandates that not less than $1,350,000 from funds appropriated under this heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, shall be available only for the Protection Project to continue its study of international trafficking, prostitution, slavery, debt bondage and other abuses of women and children.

Sec. 602. Embassy Compensation Authority.—A conference agreement contains language that authorizes the use of funds appropriated to the account “Economic Support Fund” in Public Law 106-429 for payment to the People’s Republic of China for property loss and damage arising out of the May 7, 1999 incident in Belgrade, Federal Republic of Yugoslavia. These funds may be made available notwithstanding any other provision of law.

CHAPTER 7
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
LAND ACQUISITION
The conference agreement provides $5,000,000 for land exchanges authorized by Title VI of the Steens Mountain Cooperative Management and Protection Act.

UNITED STATES FISH AND WILDLIFE SERVICE
RESOURCE MANAGEMENT
The conference agreement provides $500,000 for a grant to the Center for Reproductive Biology at Washington State University for basic research on reproduction abnormalities that could be causing reductions in salmon in the Columbia/Snake River system due to presence of high estrogen levels in the water. The research may also be beneficial to human populations affected by the same water borne chemicals.

MULTINATIONAL SPECIES CONSERVATION FUND
The conference agreement provides $750,000 for recently authorized Great Ape conservation activities.

CHAPTER 8
GENERAL PROVISIONS—THIS CHAPTER
The conference agreement provides $100,000,000 to the Health Resources and Services Administration in the Department of Health and Human Services, for the construction of the Christian Nurses Hospice in Brentwood, New York ($400,000).

The conference agreement provides funding to the Institute of Museum and Library Services, for expansion of the marine biology program at the Long Island Maritime Museum ($250,000).

CHAPTER 9
LEGISLATIVE BRANCH
CONGRESSIONAL OPERATIONS
HousE OF REPRESENTATIVES
PAYMENTS TO WIDOWS AND HEIRS OF DECREASED MEMBERS OF CONGRESS
The conference agreement includes the traditional death gratuity for the widow of Herbert H. Bateman, late a Representative from the State of Virginia, the widow of Bruce F. Vento, late a Representative from the State of Minnesota, and the widow of Julian C. Dixon, late a Representative from the State of California.

ARCHITECT OF THE CAPITOL
CAPITOL BUILDINGS AND GROUNDS
SALARIES AND EXPENSES
An amount of $1,033,000 is provided to construct an emergency egress stair from the fourth floor of the Capitol. These funds are designated as an emergency requirement.

LIBRARY OF CONGRESS
SALARIES AND EXPENSES
The agreement provides $100,000,000 to the Library of Congress to establish a national digital information infrastructure and preservation program. Of the $100,000,000, $50,000,000 is provided immediately and remains available until expended. An additional amount up to $75,000,000 is provided to match dollar-for-dollar any non-federal contributions to this program, including in-kind contributions, that are received before March 31, 2003. The information and technology industry that has created this new medium should be a contributing partner in addressing digital access and preservation issues inherent in the new digital information environment. This program is designed to develop national standards and a nationwide collecting strategy to build a national repository of digital materials.

The library is directed to develop a phased implementation plan for this program jointly with Federal entities with expertise in...
telecommunications technology and electronic commerce policy
and with participation of other Federal and non-Federal entities. After consultation with the Joint Committee on Defense Appropriations, membership of which is changed to include the chair of the Legislative Subcommittee of the Committee on Appropriations of the House, the House Appropriations Committee, the Committee on Rules and Administration of the Senate, and the Committee on Appropriations of the House of Representatives and the Senate. The Library of Congress is authorized to expend up to $5,000,000 before approval of the plan, for the development of the plan and for collecting or preserving digital information that may otherwise vanish during the plan development and approval cycle.

The overall plan should set forth a strategy for the Library of Congress, in collaboration with other Federal and non-Federal entities, to identify a national network of libraries and other organizations with responsibilities for collecting digital materials that will provide access to and maintain those materials. In addition to developing a strategy, the plan shall set forth, in concert with the Copyright Office, the policies, protocols, and procedures for the long-term preservation of such materials, including the technological infrastructure required at the Library of Congress. In developing the plan, the Library shall consider the contributions drawn in a recent National Academy of Sciences report concerning the Library’s trend toward insularity and isolation from its clients and partners in the transition toward digital content.

**General Provisions**—This Chapter

The conference agreement includes a section of the Civil Service Retirement System and the Federal Employees Retirement System. Under current law, certain service as an employee of a congressional campaign committee performed before December 31, 1960 is creditable under the Civil Service Retirement System (CSRS), provided that the applicant makes the required employee contributions to the Civil Service Retirement and Disability Fund. The conference report extends the date of eligible service to December 31, 1962 and allows service that is creditable under CSRS to be creditable under the Federal Employees Retirement System (FERS). The provision also permits an employee of a legislative service organization of the House of Representatives to have such service credited under CSRS or FERS (as applicable), upon payment of the required employee contributions to the retirement fund.

The conference agreement amends, at the request of the managers on the part of the Senate, the amount provided for Senator “miscellaneous items” in the 2001 Legislative Branch Appropriations Act by striking “$8,655,000” and inserting “$25,155,000.” The managers of the House have re-agreed to the request of the Senate.

The conferees have included a new provision relating to the expiration of Senate procedure to conference reports.

### DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

The conference provides a total of $43,500,000 to the Department of Defense for Planning and Design, Military Construction, and Family Housing. These amounts are provided as follows:

<table>
<thead>
<tr>
<th>Account/Location</th>
<th>Military Construction</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Presidio of Monterey: Information Management Computer Center</td>
<td>2,000,000</td>
<td></td>
</tr>
<tr>
<td>MacDill AFB, Florida: Runway Improvements</td>
<td>12,000,000</td>
<td></td>
</tr>
<tr>
<td>Fort Lewis, Washington: Planning and Design for 68th Aviation Brigade Readiness Center</td>
<td>3,000,000</td>
<td></td>
</tr>
<tr>
<td>Forts</td>
<td>15,000,000</td>
<td></td>
</tr>
<tr>
<td>Total</td>
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<td></td>
</tr>
</tbody>
</table>

### Land Transfers

The conference agreement includes an appropriation of $4,000,000 from the highway trust fund for commercial remote sensing products and spatial information technologies authorized in section 5113 of Public Law 105-178, as amended.

The conference agreement includes a provision that permits Amtrak to continue leasing vehicles from the General Services Administration’s interagency fleet management program in fiscal 2001 under a contract that expired in fiscal 2000.

The conference agreement includes an appropriation of $4,000,000 from the highway trust fund for the Citizens’ Insurance Trust Fund, which provides insurance to state and local governments for the performance of federal highway and transit projects.

The conference agreement includes a provision that amends section 230 of the Department of Transportation and Related Agencies Appropriations Act, 2001, by inserting after “U.S. 101” the following: “and Interstate 5 Trade Corridor.”

The conference agreement includes an appropriation of $4,000,000 from the highway trust fund for the Citizens’ Insurance Trust Fund, which provides insurance to state and local governments for the performance of federal highway and transit projects.

The conference agreement includes a provision that clarifies financial and project management authority for a project funded in the Department of Transportation and Related Agencies Appropriations Act, 2001.

The conference agreement includes a provision which clarifies the definition of port facilities that are eligible for project management authority for a project funded in the Department of Transportation and Related Agencies Appropriations Act, 2001.

The conference agreement includes an appropriation of $2,500,000 from the highway trust fund for the Citizens’ Insurance Trust Fund, which provides insurance to state and local governments for the performance of federal highway and transit projects.

The conference agreement includes a provision that clarifies the definition of port facilities that are eligible for project management authority for a project funded in the Department of Transportation and Related Agencies Appropriations Act, 2001.
and qualifications for individuals serving on the Great Lakes Pilotage Advisory Committee.

The conference agreement includes a provision authorizing the expenditure of $100,000 in fiscal year 2001 funding for Coast Guard environmental compliance and restoration to relate the grants described in the former Coast Guard lighthouse facility in Cape May, New Jersey for costs incurred for cleanup of lead containing soil. The Department of Transportation and Related Agencies Appropriations Act, 2001 included $100,000 for this purpose.

The conference agreement includes an appropriation of $2,400,000 to be derived from the Highway Trust Fund, for the planning, development and construction of rural farm-to-market roads in Tulare County, California. The non-federal share of such improvements shall be 20 percent.

The Department of Transportation is instructed that the grantee for the Nashua, New Hampshire project identified in section 378 of Public Law 106-346 shall be the City of Nashua, New Hampshire.

The conference agreement includes a provision authorizing the Coast Guard to transfer not to exceed $200,000 to the Traverse City Area Public School District for the demolition and removal of Building 402 at former Coast Guard property in Traverse City, Michigan. The provision makes the transfer contingent upon receipt by the Coast Guard of a detailed, fixed price estimate for this work. Funding in the amount of $200,000 was appropriated for this purpose in the Department of Transportation and Related Agencies Appropriations Act, 2001.

The conference agreement includes an appropriation of $500,000 from the mass transit account of the highway trust fund for buses and bus facilities at Alabama A&M University. These funds are to be available until expended.

The conference agreement includes a provision which directs the Federal Transit Administration to distribute $7,047,502 to urbanized area over 200,000 in population which did not receive funds in 1999, 2000 and 2001 fixed guideway modernization funds to which it was lawfully entitled, prior to the formula apportionment of "fixed guideway modernization funds" in fiscal year 2001.

The conference agreement includes a provision that requires that airport improvement program formula changes provided under Public Law 106-181 and defined in section 104 of that Act shall be applied without regard to the overall funding levels for the airport improvement program in fiscal year 2001.

The conference agreement includes a provision that amends item number 473 contained in section 1602 of the Transportation Equity Act for the 21st Century relating to a high priority project in Minnesota.

The conference agreement includes a provision that delays the issuance of the final train horn rule until July 1, 2001. This issue will not be addressed again in subsequent legislation.

The conference agreement provides $8,700,000 for four transportation projects in Texas, Minnesota, Wisconsin, Indiana and Colorado.

CHAPTER 12
GENERAL SERVICES ADMINISTRATION
REAL PROPERTY ACTIVITIES
FEDERAL BUILDINGS FUND

The conference agreement includes a new provision providing $2,070,000 for the renovation and redevelopment of portions of the historic Federal building in Terre Haute, Indiana. The conferees direct the General Services Administration to report to the Committee on Appropriations by March 15, 2001 on steps it will take to ensure long-term Federal occupancy of this building.

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE
OPERATIONS, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

The conference agreement includes $7,000,000 for necessary expenses related to the procurement of two aircraft and related equipment for the Customs National Aviation Center in Oklahoma City, Oklahoma. The conference agreement provides that none of the funds shall be available for unsolicited proposals unless the proposal is submitted for approval to the Committee on Appropriations.

UNITED STATES POSTAL SERVICE
TINTON FALLS, NEW JERSEY

The conferees are aware that the Postal Service has identified Tinton Falls, New Jersey as a town to receive a new postal facility, but are concerned that this need for a new postal facility is not being addressed in time for the 2001 season. The conferees urge the Postal Service to give this project a high priority in its capital facility plan for the next fiscal year.

CHAPTER 13
DEPARTMENT OF VETERANS AFFAIRS
DEPARTMENTAL ADMINISTRATION
CONSTRUCTION, MINOR PROJECTS

The conferees have included $8,840,000 for Construction, minor projects. Of this amount, $8,440,000 is recommended for projects related to the integration of facilities at the Boston VA Medical Center. These funds are to supplement amounts previously provided for construction projects in fiscal year 2001 in Veterans Integrated Service Network 1. In addition, the conferees recommend $400,000 to be used towards construction costs of a cover for the Riverside National Cemetery amphitheater.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY HOUSING AND URBAN DEVELOPMENT EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

Provides an additional $10,000,000 for urban empowerment zones, as authorized by the Taxpayer Relief Act of 1997.

COMMUNITY DEVELOPMENT FUND

Language is included which makes a technical amendment to an economic development initiative grant provided in Public Law 106-377.

Language is included which transfers unbudgeted grant funds from a specific city to a county in order to carry out the purposes for which the grant was awarded.

The conferees have amended Public Law 106-377 to provide an additional $56,128,000 for targeted Economic Development Initiative grants under the terms and conditions as provided in Public Law 106-377, as follows:

$425,000 for Project Home, Allied-Dunn's, Inc.
$1,000,000 for the City of Monterrey, California;
$750,000 for the City of New Loft, Wisconsin;
$1,000,000 for the Town of Towamencin, Pennsylvania.

DEPARTMENT OF THE TREASURY
DEPARTMENT OF ARCHIVES, RECORDS AND MUSEUMS

The conferees are aware that the Postal Service is considering a new postal facility in Tinton Falls, New Jersey as a town to receive a new postal facility, but are concerned that this need for a new postal facility is not being addressed in time for the 2001 season. The conferees urge the Postal Service to give this project a high priority in its capital facility plan for the next fiscal year.
—$1,400,000 for Temple University, Pennsylvania for its Center for a Sustainable Environment; 
—$600,000 for the Township of Plainsboro, New Jersey for its Nature and Education Center; 
—$300,000 for the Saint Mary’s County, Maryland River Project; 
—$450,000 for the Flint Laboratory of the Chesapeake Biological Laboratory for the Bayscapes Habitat Reconstruction Project, Maryland; 
—$950,000 for the Edmonds Community College Foundation, Washington for a Center on Families; 
—$400,000 for the Access Community Health Center, Chicago, Illinois for continued support of the Community Health Center; 
—$500,000 for the City of Seymour, Connecticut Police Department for upgrades of law enforcement technology; 
—$2,500,000 for the Town of Beacon Falls, Connecticut for the Pinebridge Industrial Park; 
—$150,000 for the City of Sacramento, California for the Emerging Technology Institute; 
—$200,000 for the Kansas City, Kansas Forensic Science Laboratory; 
—$300,000 for the Kansas City, Kansas Human Resources Development Corporation with relocation of its facilities; 
—$350,000 for the expansion of the Dunbar Community Center in Springfield, Massachusetts; 
—$500,000 to the West Virginia High Technology Consortium Foundation, Inc. for high priority economic development initiatives including land acquisition; 
—$1,000,000 for the Medford Area School District, Wisconsin for after-school programs; 
—$300,000 for the North Central Wisconsin Workforce Development Board for education, training, counseling, emergency assistance and related services for displaced workers and their families in central Wisconsin; 
—$250,000 for the Portage County, Wisconsin Business Council Foundation in Stevens Point for activities including construction and training related to a business education and training center and a regional training clearinghouse; 
—$200,000 for the Development Association of Superior/Douglas Counties, Wisconsin for a microenterprise loan and technical assistance fund; 
—$500,000 for the Chippewa County Economic Corporation in Wisconsin for construction of a workforce development center; 
—$355,000 for the City of Wausau, Wisconsin for brownfields remediation in Marathon County; 
—$1,000,000 for the Unity School District, Balsam Lake, Wisconsin for after-school activities; 
—$100,000 for the Marathon County, Wisconsin Sheriff’s Department for Central Wisconsin drug prevention initiatives; 
—$500,000 for the Santa Ana, California Police Department crime analysis unit; 
—$1,300,000 for the City of Jackson, Mississippi for its brownfields clean-up activities; 
—$500,000 for Essex County, Massachusetts for its wastewater and combined sewer overflow program; 
—$500,000 for Pacific Union College, California for the Napa Valley Resource in Napa County, California; 
—$400,000 for the establishment of the Wolfe Center for teen substance abuse in Napa County, California; 
—$500,000 for Dyer, Indiana for a water diversion project; 
—$850,000 through the Community and Family Resource Center renovation project in Newberg, Oregon; 
—$2,000,000 for the George Meany Center for Labor Studies in Silver Spring, Maryland; 
—$1,000,000 for the Rhode Island State Police for technology upgrades; 
—$2,000,000 for the War Memorial Museum in Milwaukee, Wisconsin; 
—$500,000 for the Mott Community College Workforce Development Institute in Michigan; 
—$1,000,000 for Maricopa County Community College for the Achieving a College Education Initiative (ACE) in Arizona; 
—$1,000,000 to Coffee County, Tennessee for the Coffee County Industrial Park; 
—$1,500,000 to the Tennessee Fire Services and Codes Enforcement Academy in Bedford County, Tennessee; 
—$600,000 to the 21st Century Council of Lawrence for the Lawrence County Industrial Park in Tennessee; 
—$500,000 to the Fayetteville-Lincoln County Library Board in Tennessee for the Lincoln County Library; 
—$500,000 to the University of Tennessee Center for Business and Economic Research to study the economic impact of alternative management policies of TVA-managed lakes in rural East Tennessee; 
—$2,500,000 to Winston-Salem University in Winston-Salem, North Carolina for the reconstruction of St. Phillips Church ($2,000,000) and Atkinson House ($500,000); 
—$1,575,000 to Escambia County in Florida for development costs for infrastructure of Central Florida. 
—$1,000,000 to Ashland University in Ashland, Ohio for rehabilitation and expansion of the Kettering Science Center; 
—$640,000 to Waukegan, Illinois for renovation of the Welcome Theater; 
—$1,155,000 to the Tampa Housing Authority in Tampa, Florida for costs associated with the Tom Dyer Elderly Housing Redevelopment Project.

DEPARTMENT OF THE TREASURY
COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

INSTITUTIONS FUND PROGRAM ACCOUNT

Language is included which provides $1,000,000 in additional appropriations for the continuation of the South Bronx Air Pollution Study being conducted by New York University.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

Language is included which makes a technical correction to a grant provided to the San Bernardino Valley Municipal Water District in Public Law 106-377.

STATE AND TRIBAL ASSISTANCE GRANTS

Language is included which clarifies that funds appropriated for infrastructure needs in the New York City watershed shall be awarded under section 144(d) of the Safe Drinking Water Act, as amended.

The conference agreement includes an additional $20,630,000 to communities or other entities for construction of water and wastewater treatment facilities. Cost share requirements and all other terms and conditions provided in Public Law 106-377 for these grants shall also apply to these grants, distributed as follows:

1. $1,000,000 for combined sewer overflow infrastructure improvements on the Connecticut River.
2. $7,280,000 to Grand Rapids, Michigan for combined sewer overflow infrastructure improvements.
3. $3,000,000 for water delivery system infrastructure improvements for the cities of Arcadia and Sierra Madre, California.
4. $7,850,000 for wastewater facility, drinking water, and water system delivery infrastructure improvements in Milton Township ($5,000,000), the Village of McDonald ($500,000), and the Village of Welsville ($2,500,000).
5. $1,000,000 for wastewater treatment infrastructure improvements in Carmel, Indiana.

FEDERAL EMERGENCY MANAGEMENT AGENCY
EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

Language is included which provides $200,000,000 for new fire fighting programs as authorized by the Federal Fire Prevention and Control Act, as amended.

CHAPTER 14

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement includes the adoption of H. Con. Res. 234 by the Senate.

The conference agreement includes a new provision relating to the application of the Federal Reports Elimination and Sunset Act of 1995 to certain reports.

The conferees direct the Comptroller General of the United States to (1) ascertain the ownership of the West Campus Buildings of Saint Elizabeth’s Hospital in the District of Columbia; (2) review and comment on existing cost estimates for mothballing/stabilization, phase II archaeological study, environmental mediation, phase II environmental study, environmental impact study, and land use study; (3) report on any existing historic designations and corresponding responsibilities; and (4) identify action required to facilitate transfer of the property. The conferees request that the report be completed and submitted to the House and Senate Committees on Appropriations within 45 days of the enactment of this Act.

The conference agreement includes a new provisions rescinding 0.22 percent of the district’s budget authority (or obligation limit imposed) for fiscal year 2001, except for those programs, projects, and activities which are specifically exempted.

The conference agreement includes the following provisions:

1. $1,000,000 for the establishment of the Summer Food Service Program to examine whether reducing the already small paperwork would increase the availability of food assistance for children during the summer who, during the school year, have access to meals through the School Breakfast Program.

The conference agreement includes language which authorizes the Secretary of the
Section 121 amends title VIII of the Department of the Interior and Related Agencies Appropriations Act, 2003, to provide funding under that title from the Land and Water Conservation Fund for the operation agreement.

Section 122 amends the Energy Policy Act of 1992 to make it inappropriate to use funds domestically produced from natural gas.

Section 123 incorporates by reference the text of the bill H.R. 4904, as passed by the House of Representatives on September 26, 2000, expressing the policy of the United States regarding the U.S. relationship with Native Hawaiians. The text of H.R. 4904 is as follows:

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States.

(2) Native Hawaiians, the native people of the Hawaiian archipelago which now is part of the United States, are indigenous, native people of the United States.

(3) The United States has a special trust relationship to promote the welfare of the native people of the United States, including Native Hawaiians.

(4) Under the treaty making power of the United States, Congress exercised its constitutional authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full diplomatic relations to the Hawaiian government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875.

(5) Pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside 203,500 acres of land in the Federal territory that later became the State of Hawaii to address the conditions of Native Hawaiians.

(6) By setting aside 203,500 acres of land for Native Hawaiian Trust, the Act assists the Native Hawaiian community in maintaining distinct native settlements throughout the State of Hawaii.

(7) Approximately 6,800 Native Hawaiian lessees and their family members reside on Hawaiian Home Lands and approximately 18,000 Native Hawaiians who are eligible to reside on the Home Lands and are waiting to receive assignments of land.

(8) In 1959, as part of the compact admitting Hawaii into the United States, Congress established the 1959 Ceded Lands Trust for five purposes, one of which is the betterment of the conditions of Native Hawaiians. Such trust consists of approximately 1,800,000 acres of land, submerged lands, and water bodies associated with such lands, the assets of which have never been completely inventoried or segregated.

(9) Throughout the years, Native Hawaiians have repeatedly sought access to the Ceded Lands Trust and its resources and revenues in order to establish and maintain native settlements and distinct native communities throughout the State.

(10) The Hawaiian Home Lands and the Ceded Lands provide an important foundation for the ability of the Native Hawaiian community to exercise their cultural, language, and social and political institutions, and for the survival of the Native Hawaiian people.

(11) Native Hawaiians have maintained other distinct native communities.

(12) On November 23, 1993, Public Law 103-150 (107 Stat. 1510) (commonly known as the Apology Resolution) was enacted into law, extending an apology on behalf of the United States to the Native people of Hawaii for the United States role in the overthrow of the Kingdom of Hawaii.

(13) The Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiians never directly relinquished their claims to their inherent sovereignty as a people over their national lands to the United States, either through treaty or by a plebiscite or referendum.

(14) The Apology Resolution expresses the commitment of Congress and the President to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii in support reconciliation efforts between the United States and Native Hawaiians; and to have Congress and the President, through the President’s designated officials, consult with Native Hawaiians on the reconciliation process as called for under the Apology Resolution.

(15) Despite the overthrow of the Hawaiian government, Native Hawaiians have continued to maintain their separate identity as a distinct native community through the formation of cultural, social, and political institutions, and to seek recognition and rights to self-determination and self-governance as evidenced through their participation in the Office of Hawaiian Affairs.

(16) Native Hawaiians also maintain a distinct Native Hawaiian community through the provisions of governmental services to Native Hawaiians, including the provision of health care services, educational programs, employment and training programs, children’s services, conservation programs, fish and wildlife protection, agricultural programs, native language immersion programs, and assistance to Native Hawaiian schools from kindergarten through high school, as well as college and master’s degree programs in natural language immersion instruction, and traditional justice programs, and by continuing their efforts to enhance Native Hawaiian self-determination and local control.

(17) Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the protection of their traditional medicinal plants and herbs, and food sources.

(18) The Native Hawaiian people wish to preserve, develop, and transmit to future generations and their ancestors the Native Hawaiian and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, and to achieve greater self-determination over their own affairs.

(19) This Act provides for a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct original, dynamic, Native Hawaiian community to reorganize a Native Hawaiian government for the purpose of giving expression to their rights as native people to self-determination and self-governance.

(20) The United States has declared that—

(A) The United States has a special responsibility for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) Congress has identified Native Hawaiians as a distinct indigenous group within the scope of its Indian affairs power, and has enacted national statutes on matters of Native Hawaiian culture, language, and traditions, and for the survival of the Native Hawaiian people;

(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii.

(21) The United States has recognized and reaffirmed the special trust relationship with the Native Hawaiian people through—
(A) the enactment of the Act entitled "An Act to provide for the admission of the State of Hawai‘i into the Union", approved March 18, 1959 (Public Law 86-3, 73 Stat. 4) by

(i) the Secretary of the Interior to the public lands formerly held by the United States, and mandating that those lands be held in public trust for five purposes, one of which is for the benefit of the conditions of Native Hawaiians; and

(ii) transferring the United States responsibility for the administration of the Hawaiian Homes Commission Act to the Secretary of the Interior, and retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands which comprise the Hawaiian Homelands, in the same manner as provided in the Hawaiian Homes Commission Act Commission Act, 1920 (42 Stat. 108, chapter 42) that are enacted by the legislature of the State of Hawai‘i affecting the beneficiaries under the Act.

(22) The United States continually has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the aboriginal, native people who exercised sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty over their lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the aboriginal, indigenous, native people who exercised sovereignty over the lands upon which the United States has a political and legal relationship; and

(D) the special trust relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States.

SIRC 2. RESOURCES.

In this Act:

(1) ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.—The term "aboriginal, indigenous, native people" means the aboriginal, indigenous, native people of Hawaii who are the lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawai‘i on or before January 1, 1893, and who occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawai‘i, and includes all Native Hawaiians who are the lineal descendants of those Native Hawaiians acknowledged by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) and their lineal descendants.

(2) BECOMING AN ADULT MEMBER.—The term "becoming an adult member" means the date when an individual is 18 years of age or older, as defined in paragraph 7(a)(3) of this Act.

(3) APOLOGY RESOLUTION.—The term "Apology Resolution" means Public Law 103-150 (107 Stat. 1626), that continues the process of reconciliation with the Hawaiian people on behalf of the United States for the participation of agents of the United States in the January 17, 1893 overthrow of the Kingdom of Hawai‘i.

(4) CEDED LANDS.—The term "ceded lands" means those lands which were ceded to the United States by the Republic of Hawaii under the Joint Resolution to provide for annexation of the Hawaiian Islands to the United States of July 7, 1898 (30 Stat. 570), and which were later transferred to the State of Hawai‘i in the Act entitled "An act to provide for the admission of the State of Hawai‘i into the Union" approved March 18, 1959 (Public Law 86-3; 73 Stat. 4).

(5) COMMISSION.—The term "Commission" means the commission established in section 7 of this Act to certify that the adult members of the Native Hawaiian community contained on the roll developed under that section meet the definition of Native Hawaiian, as defined in paragraph 7(7)(A).

(6) INDIGENOUS, NATIVE PEOPLE.—The term "indigenous, native people" means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(7) NATIVE HAWAIIAN.—

(A) Prior to the recognition by the United States of the Hawaiian government under the authority of section 7(d)(2) of this Act, the term "Native Hawaiian" means the indigenous, native people of Hawai‘i who are the lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawai‘i on or before January 1, 1893, and who occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawai‘i, and includes all Native Hawaiians who are the lineal descendants of those Native Hawaiians acknowledged by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) and their lineal descendants.

(B) Following the recognition by the United States of the Native Hawaiian government under section 7(d)(2) of this Act, the term "Native Hawaiian" shall have the meaning given to that term by the Hawaiian Interagency Task Force established under the authority of section 7(d)(2) of this Act.

(C) the United States extends services to Native Hawaiians because of their unique status as the aboriginal, indigenous, native people who exercised sovereignty over the lands upon which the United States has a political and legal relationship; and

(D) the special trust relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States.

(8) NATIVE HAWAIIAN GOVERNMENT.—The term "Native Hawaiian government" means the citizens of the government of the Native Hawaiian people that is recognized by the United States under the authority of section 7(d)(2) of this Act.

9) NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.—The term "Native Hawaiian Interim Governing Council" means the interim governing council that is organized under section 7(d)(2) of this Act.

10) ROLL.—The term "roll" means the roll that is developed under the authority of section 7(a)(3) of this Act.

11) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

12) TASK FORCE.—The term "Task Force" means the Native Hawaiian Interagency Task Force established under the authority of section 6 of this Act.

SEC. 3. UNITED STATES POLICY AND PURPOSE.

(a) POLICY.—The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct aboriginal, indigenous, native people, with whom the United States has a political and legal relationship;

(2) the United States has a special trust relationship to promote the welfare of Native Hawaiians;

(3) Congress possesses the authority under the Constitution to enact legislation to address the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(A) the Hawaiian Commission Act, 1920 (42 Stat. 108, chapter 42);

(B) the Act entitled "An Act to provide for the admission of the State of Hawai‘i into the Union", approved March 18, 1959 (Public Law 86-3; 73 Stat. 4); and

(C) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance;

(C) the right to reorganize a Native Hawaiian government; and

(D) the right to become economically self-sufficient; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

(b) PURPOSE.—It is the intent of Congress that the purpose of this Act is to provide a process for the reorganization of a Native Hawaiian government for and by the United States of the Native Hawaiian government for purposes of continuing a government-to-government relationship.

SEC. 4. ESTABLISHMENT OF THE UNITED STATES OFFICE FOR NATIVE HAWAIIAN AFFAIRS.

(a) IN GENERAL.—There is established within the Office of the Secretary the United States Office for Native Hawaiian Affairs to—

(b) DUTIES OF THE OFFICE.—The United States Office for Native Hawaiian Affairs shall—

(1) effectuate and coordinate the special trust relationship between the Native Hawaiian people and the United States through the Secretary, and with all other Federal agencies; and

(2) fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian government by providing timely notice to, and consulting with the Native Hawaiian people to take any action that may have the potential to significantly or uniquely affect Native Hawaiian resources, rights, or lands, and upon the recognition of the Native Hawaiian government as provided for in section 7(d)(2) of this Act, fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian government by providing timely notice to, and consulting with the Native Hawaiian people and the Native Hawaiian government to take any action that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(3) consult with the Native Hawaiian Interagency Task Force, other Federal agencies, and with relevant agencies of the State of Hawai‘i on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands;

(4) ensure that the United States, in its official capacity, is provided with notice to, and consulting with the Native Hawaiian people by the United States through the Secretary, and with all other Federal agencies, and with relevant agencies of the State of Hawai‘i on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands;

(5) be responsible for the preparation and submittal to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives of an annual report detailing the activities of the Interagency Task Force established under section 6 of this Act that are undertaken with respect to continuing the process of reconciliation with and to effect meaningful consultation with the Native Hawaiian people and the Native Hawaiian government and providing recommendations for any necessary changes to existing Federal statutes or regulations promulgated under the authority of Federal law;

(6) be responsible for continuing the process of reconciliation with and consultation with the Native Hawaiian people, and upon the recognition of the Native Hawaiian government by the United States as provided for in section 7(d)(2) of this Act, be responsible for the preparation and submittal to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives of an annual report detailing the activities of the Interagency Task Force established under section 6 of this Act that are undertaken with respect to continuing the process of reconciliation with and to effect meaningful consultation with the Native Hawaiian people and the Native Hawaiian government; and

(7) assist the Native Hawaiian people in facilitating a process for self-determination, including but not limited to providing technical assistance in the development of the roll under section 7(a) of this Act, the organization of the Native Hawaiian Interim Governing Council as provided for in section 7(d) of this Act, and the recognition of the Native Hawaiian government as provided for in section 7(d) of this Act.

(c) AUTHORITY.—The United States Office for Native Hawaiian Affairs shall enter into a contract with or make grants for the purposes of the activities authorized or addressed in section 7 of this Act for a period of 3 years from the date of the enactment of this Act.

SEC. 5. DESIGNATION OF DEPARTMENT OF JUSTICE REPRESENTATIVE.

The Attorney General shall designate an appropriate official within the Department of Justice to assist the United States Office for Native Hawaiian Affairs in the implementation and protection of the rights of Native Hawaiians and the United States of the political, legal, and trust relationship with the United States, and upon the recognition of the Native Hawaiian government as provided for in section 7(d)(2) of this Act, in the implementation and protection of the political, legal, and trust relationship with the United States.
SEC. 6. NATIVE HAWAIIAN INTERAGENCY TASK FORCE.

(a) ESTABLISHMENT.—There is established an interagency task force to be known as the "Native Hawaiian Interagency Task Force".

(b) COMPOSITION.—(1) The Task Force shall be composed of officials, to be designated by the President, including:

(i) each Federal agency that establishes or implements policies that affect Native Hawaiians or whose actions may significantly or uniquely impact Native Hawaiian resources, rights, or lands;

(ii) the United States Office for Native Hawaiian Affairs established under section 4 of this Act; and

(iii) the Executive Office of the President.

(c) LEAD AGENCIES.—The Department of the Interior and the Department of Justice shall serve as the lead agencies of the Task Force, and meetings of the Task Force shall be convened at the request of either of the lead agencies.

(d) CO-CHAIRS.—The Task Force representative of the United States Office for Native Hawaiian Affairs established under the authority of section 4 of this Act and the Attorney General’s designee under the authority of section 5 of this Act shall serve as co-chairs of the Task Force.

(e) DUTIES.—The responsibilities of the Task Force shall be:

(i) coordination of Federal policies that affect Native Hawaiians or whose actions may significantly or uniquely impact Native Hawaiian resources, rights, or lands;

(ii) to assure that each Federal agency develops a policy on consultation with the Native Hawaiian people, and upon the recognition of the Native Hawaiian government established by the United States as provided in section 7(d)(2) of this Act, consultation with the Native Hawaiian government; and

(iii) to ensure the participation of each Federal agency in the development of the report to Congress authorized in section 4(b)(5) of this Act.

SEC. 7. PROCESS FOR THE DEVELOPMENT OF A ROLL FOR THE ORGANIZATION OF A NATIVE HAWAIIAN INTERIM GOVERNMENT, FOR THE ORGANIZATION OF A NATIVE HAWAIIAN IN-TERIM GOVERNMENT COUNCIL AND A NATIVE HAWAIIAN GOVERNMENT, AND FOR THE RECOGNITION OF THE NATIVE HAWAIIAN GOVERNMENT.

(a) ROLL—

(1) PREPARATION OF ROLL.—The United States Office for Native Hawaiian Affairs shall assist the adult members of the Native Hawaiian community who wish to become citizens of a Native Hawaiian government in preparing a roll for the purpose of the organization of a Native Hawaiian government.

(b) CERTIFICATION AND SUBMISSION.—(A) IN GENERAL.—There is authorized to be established a Commission to appoint the members of the Commission in accordance with subparagraph (i). Any vacancy on the Commission shall be filled in the same manner as the original appointment.

(B) REQUIREMENTS.—The members of the Commission shall be Native Hawaiian, as defined in section 2(7)(A) of this Act, and shall have expertise in the certification of Native Hawaiian ancestry.

(C) CONGRESSIONAL SUBMISSION OF SUGGESTED CANDIDATES.—In appointing members of the Commission, the Secretary may choose such members from among:

(aa) five suggested candidates submitted by the Majority Leader of the Senate and the Minority Leader of the Senate from a list of candidates provided by the Chairmen and Vice Chairmen of the Committee on Indian Affairs of the Senate; and

(bb) four suggested candidates submitted by the Speaker of the House of Representatives and the Minority Leader of the House of Representatives from a list provided to the Speaker and the Minority Leader by the Chairmen and Vice Chairman of the Committee on Indian Affairs of the House representatives.

(d) ELECTION.—(1) IN GENERAL.—There is established an interagency task force to be known as the "Native Hawaiian Interim Governing Council." The proposed organic governing documents is hereby recognized by the United States.

(2) ORGANIZATION OF THE NATIVE HAWAIIAN INTERIM GOVERNMENT COUNCIL.—(A) ELECTION.—The adult members of the roll developed under the authority of subsection (a) of this Act are authorized to develop criteria for candidates to be elected to serve on the Native Hawaiian Interim Governing Council;

(B) DETERMINATION.—The structure of the Native Hawaiian Interim Governing Council; and

(C) ELECTORS.—(i) The Commission may assist the Council in conducting such election by secret ballot (absentee and mail voting permitted), to elect the members of the Native Hawaiian Interim Governing Council.

(3) POWERS.—(A) IN GENERAL.—The Native Hawaiian Interim Governing Council is authorized to represent those on the roll in the implementation of the rights of the citizens of a Native Hawaiian government that those given to it in accordance with this Act.

(b) FUNDING.—The Native Hawaiian Interim Governing Council may conduct all activities set forth in paragraph (a) for the purpose of determining (but not limited to) the following:

(i) the proposed elements of the organic governing documents of a Native Hawaiian government.

(ii) The proposed powers and authorities to be exercised by a Native Hawaiian government, as well as the proposed privileges and immunities of a Native Hawaiian government.

(iii) The proposed civil rights and protection of the rights of the citizens of a Native Hawaiian government and all persons subject to the authority of a Native Hawaiian government.

(c) DEVELOPMENT OF ORGANIC GOVERNING DOCUMENTS.—Based upon the proposed organic governing documents, the Native Hawaiian Interim Governing Council is authorized to develop proposed organic governing documents for a Native Hawaiian government.

(d) DISTRIBUTION.—The Native Hawaiian Interim Governing Council is authorized to distribute to all adult members of those listed on the roll, a copy of the proposed organic governing documents, as drafted by the Native Hawaiian Interim Governing Council, along with a brief impartial description of the proposed organic governing documents.

(e) CONSULTATION.—The Native Hawaiian Interim Governing Council is authorized to freely consult with the members listed on the roll concerning the text and description of the proposed organic governing documents.

(f) ELECTIONS.—(i) IN GENERAL.—The Native Hawaiian Interim Governing Council is authorized to hold elections for the purpose of ratifying the proposed organic governing documents, and upon ratification of those documents, to hold elections for the officers of the Native Hawaiian government.

(ii) VACANCIES.—Upon the request of the Native Hawaiian Interim Governing Council, the United States Office of Native Hawaiian Affairs may assist the Council in conducting such elections.

(4) TERMINATION.—The Native Hawaiian Interim Governing Council shall have no power or...
authority under this Act after the time at which the duly elected officers of the Native Hawaiian government take office.

(d) RECOGNITION OF THE NATIVE HAWAIIAN GOVERNMENT 

(1) PROCESS FOR RECOGNITION.—

(A) SUBMITTAL OF ORGANIC GOVernING DOCUMENTS.—By the date of the certification authorized in paragraph (1), the Secretary shall submit the organic governing documents of the Native Hawaiian government to the Secretary for certification. Where the duly elected officers of the Native Hawaiian government submit the organic governing documents to the Secretary, the certifications authorized in sub-paragraphs (B) and (C) shall become effective and the requirements of section 202 of the Act of April 11, 1968, are hereby reaffirmed.

(B) FAILURE TO ACT.—If the Secretary fails to act within 90 days of the date that the duly elected officers of the Native Hawaiian government submit the organic governing documents to the Secretary, the certifications authorized in sub-paragraph (B) shall be deemed to have been made.

(C) AMENDMENT AND RESUBMISSION BY THE NATIVE HAWAIIAN GOVERNMENT.—If the organic governing documents to the duly elected officers of the Native Hawaiian government along with a certification from the Secretary under subparagraph (B), the duly elected officers of the Native Hawaiian government shall:

(i) amend the organic governing documents to ensure that the documents comply with applicable Federal law; and

(ii) resubmit the amended organic governing documents to the Secretary for certification in accordance with subparagraphs (B) and (C).
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(c) Maps and Legal Description.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the conservation area. A map and legal description shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such map and legal description. A map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 5. Management.

(a) Management.—The Secretary, acting through the Bureau of Land Management, shall manage the conservation area in a manner that conserves, protects, and enhances its resources and values and those resources and values described in subsections (a), (b), and (c) of section 4(a), in accordance with this Act, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable provisions of law.

(b) Access.—

(1) In General.—The Secretary shall maintain adequate access for the reasonable use and enjoyment of the conservation area.

(2) Private Land.—The Secretary shall provide reasonable access to privately owned land or interests in land within the boundaries of the conservation area.

(c) Existing Public Roads.—The Congress finds that: (1) the founding of the colony at Jamestown, Virginia in 1607, the first permanent English colony in the New World, and the capital of Virginia at Jamestown assembled, has major significance in the history of the United States; (2) the settlement brought people from throughout the Atlantic Basin together to form a multicultural society, other Europeans, Native Americans, and Africans; (3) the economic, political, religious, and social institutions that developed during the first generation of the English settlers continued to have profound effects on the United States, particularly in English common law and

(Sec. 6. Withdrawal.)

(a) In General.—Subject to valid existing rights, all Federal lands within the conservation area and all lands and interests therein which are subject to valid existing rights, the United States is hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from operation of the mineral leasing laws and from the minerals materials laws and all amendments thereto.

(b) No Buffer Zones.—The Congress does not intend for the establishment of the conservation area to lead to the creation of protective buffers or buffer zones around the boundaries of the conservation area. The fact that there may be activities or uses on lands outside the conservation area that would not be permitted in the conservation area shall not preclude such activities or uses within the boundaries of the conservation area consistent with other applicable laws.

SEC. 7. No Buffer Zones.


This Act may be cited as the "Jamestown 400th Commemoration Commission Act of 2000".

SEC. 2. Findings and Purpose.

(a) Findings.—Congress finds that—

(1) the founding of the colony at Jamestown, Virginia in 1607, the first permanent English colony in the New World, and the capital of Virginia at Jamestown assembled, has major significance in the history of the United States;

(2) the settlement brought people from throughout the Atlantic Basin together to form a multicultural society, other Europeans, Native Americans, and Africans;

(3) the economic, political, religious, and social institutions that developed during the first generation of the English settlers continued to have profound effects on the United States, particularly in English common law and
language, cross cultural relationships, and econo-

nomics and status; and

(4) the National Park Service, the Association

for the Preservation of Virginia Antiquities, and

the Jamestown-Yorktown Foundation, collectively

own and operate significant natural and cultural

resources related to the early history of Jamestown;

(5) subject to

(a) the Commonwealth of Virginia designated

the Jamestown-Yorktown Foundation as the

State agency responsible for planning and im-

plementing the Jamestown-Yorktown Foundation’s

portion of the commemoration of the 400th anniversary

of the founding of the Jamestown settlement;

(b) the Foundation created the Celebration

2007 Steering Committee, as known as the Jame-

stown 2007 Steering Committee; and

(c) planning for the commemoration began.

(b) PURPOSE.—The purpose of this Act is to es-

tablish the Jamestown 400th Commemoration

Commission to—

(1) ensure a suitable national observance of

the Jamestown 2007 anniversary by com-

plementing the programs and activities of the Com-

monwealth of Virginia;

(2) cooperate with and assist the programs and

activities of the State in observance of the

Jamestown 2007 anniversary by comple-

menting the programs and activities of the Com-

mission established by section 4(a).

In this Act:

(a) IN GENERAL.—There is established a com-

memoration to be known as the “Jamestown

400th Commemoration Commission”.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be

composed of 15 members, of whom—

(A) 4 members shall be appointed by the Sec-

retary, taking into consideration the rec-

ommendations of the Chairperson of the

Jamestown 2007 Steering Committee;

(B) 4 members shall be appointed by the Sec-

retary, taking into consideration the rec-

ommendations of the Governor;

(C) 2 members shall be employees of the Na-

tional Park Service who—

(i) shall be the Director of the National Park

Service (or a designee); and

(ii) shall be an employee of the National

Park Service in an assignment relevant to

the commemoration, to be appointed by the Sec-

retary; and

(D) 5 members shall be individuals who have

an interest in, support for, and expertise appro-

priate to, the commemoration, to be appointed

by the Secretary.

(2) T ERM, V ANC A CIES.—

(A) T ER M.—A member of the Commission shall

be appointed for the life of the Commission.

(B) V A N C A CIES.—

(i) I N G E N E R A L.—A vacancy on the Commis-

sion shall be filled in the same manner in which

the original appointment was made.

(ii) P ARTIAL T ER M.—A member appointed to

serve for the remainder of the term for which the prede-

cessor of the member was appointed.

(3) M E E T I N G S.—

(A) I N G E N E R A L.—The Commission shall

meet—

(i) at least twice each year; or

(ii) at the request of the Chairperson or the ma-

jority of the members of the Commission.

(B) I N I T I A L M E E T I N G.—Not later than 30

days after the date on which all members of the Com-
mmission have been appointed, the Commission shall

hold the initial meeting of the Commission.

(C) V O T I N G.—

(A) I N G E N E R A L.—The Commission shall act

only on an affirmative vote of a majority of the

members of the Commission.

(B) Q U O D U R M.—A majority of the Commission

shall constitute a quorum.

(D) C H A I R P E R S O N.—The Chairperson shall

appoint a Chairperson of the Commission, taking

into consideration any recommendations of the

Secretary.

(E) D U T I E S.—

(1) I N G E N E R A L.—The Commission shall—

(A) plan, develop, and execute programs and

activities appropriate to commemorate the 400th

anniversary of the founding of Jamestown;

(B) generally facilitate Jamestown-related ac-

tivities throughout the United States;

(C) encourage civic, patriotic, historical, edu-

cational, religious, economic, and other orga-

nizations throughout the United States to or-

ganize and participate in anniversary activities to

expand the understanding and appreciation of the

significance of the founding and early his-

tory of Jamestown;

(D) coordinate and facilitate for the public

scholarly research on, publication about, and inter-

pretation of, Jamestown; and

(E) ensure that the 400th anniversary of

Jamestown provides a lasting legacy and long-

range public benefit by assisting in the develop-

ment of appropriate programs and facilities.

(2) P L A N S, R E P O R T S.—

(A) S T R A T E G I C P L A N, A N N U A L P E R F O R M A N C E

P L A N S.—In accordance with the Govern-

ment Performance and Results Act of 1993 (Public

Law 103–62; 107 Stat. 285), the Commission shall

prepare a strategic plan and annual performance

plans for the activities of the Commission carried

out under this Act.

(B) F I N A L R E P O R T.—Not later than September

30, 2008, the Commission shall complete a final

report that contains

(i) a summary of the activities of the Com-
mision;

(ii) a final accounting of funds received and

expended by the Commission; and

(iii) the findings and recommendations of the

Commission.

(3) P O W E R S O F T H E C O M M I S S I O N.—The Com-

mission may—

(A) accept donations and make disbursements

of money, personal services, and real and personal

property related to Jamestown and of the sig-

nificance of Jamestown in the history of the

United States;

(B) appoint such advisory committees as the

Commission determines to be necessary to carry

out this Act;

(C) authorize any member or employee of the

Commission to take any action that the Commis-

sion determines to be necessary to carry out this

Act;

(D) procure supplies, services, and property,

and make or enter into contracts, leases or other

legal agreements, to carry out this Act (except

that any contracts, leases or other legal agree-

ments made or entered into by the Commission

shall not extend beyond the date of termination

of the Commission);

(E) use the United States mails in the same

manner and under the same conditions as other

Federal agencies;

(F) subject to approval by the Commission,

make grants in amounts not to exceed $10,000 to

communities and nonprofit organizations to de-

velop programs to assist in the commemoration;

(G) make grants to research and scholarly or-

ganizations to research, publish, or distribute

information relating to the early history of

Jamestown; and

(H) provide technical assistance to States, lo-

calities, and nonprofit organizations to further

the commemoration.

(4) C O M M I S S I O N P E R S O N N E L M A T T E R S.—

(A) C O N S E N T S OF M E M B E R S O F T H E C O M M I S-

sion.—

(1) I N G E N E R A L.—Except as provided in sub-

paragraph (B), a member of the Commission

shall serve without compensation.

(B) F E D E R A L E M P L O Y E E S.—A member of

the Commission who is an officer or employee of

the Federal Government shall serve without com-

pensation in addition to any compensation re-

ceived for the services of the member as an offi-

cer or employee of the Federal Government.

(C) T R A V E L E X P E N S E S.—A member of the

Commission shall be allowed travel expenses, includ-

ing per diem in lieu of subsistence, at rates au-

thorized for an employee of an agency under

subchapter I of chapter 57 of title 5, United States

Code, while away from the home or usual place of

business of the member in the per-

formance of the duties of the Commission.

(5) S T A T E M E N T S.—

(A) I N G E N E R A L.—The Chairperson of the

Commission may, without regard to the civil

service laws (including regulations), appoint

and terminate an executive director and such

other additional personnel as may be necessary

to enable the Commission to perform the duties

of the Commission.

(B) C O N F I R M A T I O N O F E X E C U T I V E D I R E C T O R.—

The employment of an executive director shall be

subject to confirmation by the Commission.

(6) C O M P E N S A T I O N.—

(A) I N G E N E R A L.—Except as provided in sub-

paragraph (B), the Chairperson of the Commis-

sion may fix the compensation of the executive

director and other personnel without regard to

the provisions of chapter 51 and subchapter III

of title 5, United States Code, relating to classifica-

tion of positions and General Schedule pay rates.

(B) M A X I M U M R A T E O F P A Y.—The rate of pay

for the executive director and other personnel

shall not exceed the rate payable for level V of

the Executive Schedule under section 5316 of

title 5, United States Code.

(7) D E T A I L O F G O V E R N M E N T E M P L O Y E E S.—

(A) F E D E R A L E M P L O Y E E S.—

(i) I N G E N E R A L.—On the request of the Com-

mission, the head of any Federal agency may
detail, on a reimbursable or non-reimbursable

basis, any of the personnel of the agency to the

Commission to assist the Commission in carrying

out the duties of the Commission under this Act.

(ii) C I V I L S E R V I C E S.—The detail of an

employee under clause (i) shall be without inter-

ruption or loss of civil service status or privilege.

(B) S T A T E E M P L O Y E E S.—The Commission may
detail to the Commission—

(i) accept the services of personnel detailed

from States (including subdivisions of States);

(ii) reimburse States for services of detailed

personnel.

(8) V O L U N T E E R A N D U N C O M P E N S A T E D S E R V I-

C E S.—Notwithstanding section 3342 of title 31,

United States Code, the Commission may accept

and use voluntary and uncompensated services

as the Commission determines necessary.
(6) SUPPORT SERVICES.—The Director of the National Park Service shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(7) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services, in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the General Schedule under section 5316 of that title.

(g) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) NO EFFECT ON AUTHORITY.—Nothing in this section supersedes the authority of the State, the National Park Service, or the Association for the Preservation of Virginia Antiquities, concerning the commemoration.

(i) TERMINATION.—The Commission shall terminate on December 31, 2008.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Section 128 provides guidance to the National Park Service on restricting the use of snowmobiles in units of the National Park System.

Section 129 extends an agreement, through March 31, 2005, with several state governments for leases in the Biscayne Bay, Miami/Dade County area of Florida, collectively known as "Stiltsville.

Section 130 authorizes a grant of $3.3 million for the National Park Service to acquire land in Lower Phalen Creek near St. Paul, Minnesota for the Mississippi National River and Recreation Area.

The land is for a trail that is being named after the late Congressman Bruce Vento.

Section 131 authorizes the transfer of funds to the Federal Home Loan Bank of Minneapolis to construct a 6,500 square foot conference and exhibit center.

Section 132 provides funding to the North Atlantic Treaty Organization, Inc. for a cooperative agreement to manage Ferry Farm, which was George Washington's boyhood home.

Section 133 prohibits the Secretary of the Interior from using funds to pay the salaries or expenses related to the issuance of a request for proposal related to a light rail system project in and around National Park until June 1, 2001. In addition, the Secretary is directed to report directly to the Committee prior to any additional action regarding a request for proposal alternative transportation options for the park. These options should include a phase-in period based on newly updated visitation numbers. The report should address using a bus/tram option only during high peak visitation months. Alternatives to be analyzed and costed in the report include: (1) an alternative fuel bus alternative with parking outside the park; (2) a rapid transit alternative; and (3) a combination bus/rapid transit alternative.

Section 134 prohibits the Secretary of the Interior from removing a white cross erected in 1934 by the Veterans of Foreign Wars to commemorate the Teddy Roosevelt Minnesota National Memorial.

The cross is located within the boundaries of the Mojave National Preserve along the Mojave River.

Section 135 authorizes a grant of $1.3 million for the National Park Service to acquire lands in Lower Phalen Creek near St. Paul, Minnesota for the Mississippi National River and Recreation Area.

The land is for a trail that is being named after the late Congressman Bruce Vento.

The conference agreement includes a provision amending the J. Renee Flood Management Act of 1987 to allow a two year exception for the State of Alaska with respect to the holding of juveniles in adult facilities.

The conference agreement contains the "PTV Pilot Project Digital Data Services Act."

The conference agreement includes a provision to amend the following: (1) the Magnuson-Stevens Fishery Conservation and Management Act; (2) the Family Child Care Home Act; (3) a combination bus/rapid transit alternative; and (4) a combination bus/rapid transit alternative.

The conference agreement contains the "PTV Pilot Project Digital Data Services Act."

The conference agreement includes a provision to amend the Department of State Special Agents Retirement Act of 1998 to allow agents who retired between January 1, 1997, and the enactment of the Act on November 13, 1998, to also be eligible for the increased benefits provided by the Act.

The conference agreement includes a provision expressing the sense of Congress calling upon the President of the United States to take action to provide relief from injury caused by steel imports.

The conference agreement includes a provision amending the Johnson Act of 1933 (26 U.S.C. 4461) to prohibit gambling on peri-Hawaiian islands in adult facilities.

The conference agreement includes language extending a certain small business program, which would otherwise expire.

The conference agreement includes language extending a certain small business program, which would otherwise expire.

The conference agreement includes $105,000,000 in direct spending to the Department of Health and Human Services for the Ricky Ray Hemophilia Relief Fund, of which $10,000,000 is for program management.

The conference agreement includes $105,000,000 in direct spending to the Department of Labor for costs related to administering the Energy Employees Occupational Illness Compensation Program enacted in Title VIII of the Defense Authorization Act of 2000.

This program was established to compensate individuals who have suffered disabling and potentially fatal illnesses as a result of exposure to Energy Employees' use of Energy Employees Occupational Illness Compensation Act.

Section 152. The conference agreement includes a provision to make certain technical and conforming amendments to the Medicare/Medicaid Program to allow the Moffitt Cancer Research and Treatment Center to be treated under existing law the same as the other ten MedicareExempt institutions in the United States.

The conference agreement includes language which provides that the Secretary of the Army may establish a pilot program to provide environmental assistance to non-Federal entities.

TITLE II—VIETNAM EDUCATION FOUNDATION ACT OF 2000

This title enacts a bill to establish a Vietnam Education Foundation, to provide federal funds for the foundation from the United States at the graduate and post-graduate level in the sciences, math, and medicine. It would also support American professors to teach these subjects in appropriate Vietnamese institutions. The bill authorizes an appropriation of $5,000,000 in fiscal year 2003. Beginning in FY 2002, the Secretary of the Treasury would transfer $5,000,000 annually to the Foundation from debt repayments that Vietnam has agreed to make to the United States in settlement of debt incurred prior to 1976 by the Republic of South Vietnam. The Foundation can also solicit and accept private funds.

TITLE III—COLORADO UTE SETTLEMENT ACT AMENDMENTS OF 2000

The conference agreement includes the text of S. 2508, the Colorado Ute Settlement Act Amendments of 2000.

TITLE IV—DESIGNATION OF AMERICAN MUSEUM OF SCIENCE AND ENERGY

The conference agreement includes language which will permit the American Museum of Science and Energy located in Oak Ridge, Tennessee, to accept and use donations, federal subsidies to offset the cost of operating the facility.

TITLE V—DELTA REGIONAL AUTHORITY ACT OF 2000

The conference agreement includes language which authorizes the Delta Regional Authority.

TITLE VI—DAKOTA WATER RESOURCES ACT OF 2000

The conference agreement includes the text of S. 623, the Dakota Water Resources Act of 2000.

TITLE VII

The conference agreement includes an Act authorizing the construction of a Reconciliation Place in Fort Pierre, South Dakota.

TITLES VIII—ERIE CANALWAY NATIONAL HERITAGE CORRIDOR

The conference agreement includes an Act to designate the Erie Canalway a National Heritage Corridor.

TITLES IX—LAW ENFORCEMENT PAY EQUITY ACT

The conference agreement includes a new provision regarding pay comparability for the United States Park Police, the Uniformed Division of the United States Secret Service, and the D.C. Metropolitan Police Department.

TITLES X—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ADMINISTRATIVE PROVISIONS

Language is included which makes technical changes to the fiscal year 2002 Appropriations Act regarding the Millennial Housing Commission.

Language is included which modifies the mortgage eligibility requirements for the Federal Home Loan Mortgage Corporation so as to facilitate the availability of the multifamily affordable housing goal.
Language is included to allow the conversion of a HUD rental housing project in Toledo, Ohio to condominiums as long as the housing remains affordable, either as rental or homeownership housing, to low- and very low income families that currently reside in the apartments.

Language has been included which direct the General Accounting Office to study and report on financial standards related to the Federal Home Loan Bank System.

**TITLE XI—DEPARTMENT OF THE TREASURY**

**ADMINISTRATIVE PROVISION**

Language is included which honors the Navajo Code Talkers of World War II by authorizing the striking and presentation of a gold medal appropriate design to each of the original 29 Navajo Code Talkers or a surviving family member, striking and presentation of a silver medal to each man or surviving family member qualified as a Navajo Code Talker, and by further authorizing the striking of duplicate medals in bronze for sale to the general public.

**TITLE XII—ENVIRONMENTAL PROTECTION AGENCY**

**ADMINISTRATIVE PROVISION**

Language is included which authorizes the aboveground storage tank grant program.

**TITLE XIII—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**ADMINISTRATIVE PROVISION**

Language is included which permits NASA to use certain proceeds from the sale of timber on lands located with the John C. Stennis Space Center for the purchase of additional property to establish education and visitor programs and facilities, and for wetlands mitigation.

**TITLE XIV—CERTAIN ALASKAN CRUISE SHIP OPERATIONS**

Language is included which regulates the discharge of sewage and wastewater from cruise ships in certain waters in and adjacent to the State of Alaska.

**TITLE XV—LIFE ACT AMENDMENTS**

The conference agreement includes a new title, titled the LIFE Act Amendments of 2000.

**TITLE XVI—IMPROVING LITERACY THROUGH FAMILY LITERACY PROJECTS**

The conference agreement includes the Literacy Involves Families Together Act of 2000.

**TITLE XVII—CHILDREN'S INTERNET PROTECTION**

The conference agreement includes the Children's Internet Protection Act of 2000.

**COMMODITY FUTURES MODERNIZATION ACT OF 2000**

The conference agreement would enact the provisions of H.R. 5660, as introduced on December 3, 2000. The text of that bill follows: A BILL To reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes; Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Commodity Futures Modernization Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.

**TITLE I—COMMODITY FUTURES MODERNIZATION**

Sec. 101. Definitions.
Sec. 102. Agreements, contracts, and transactions in foreign currency, government securities, and certain other commodities.
Sec. 103. Legal effect for excluded derivative transactions.
Sec. 104. Excluded electronic trading facilities.
Sec. 105. Hybrid instruments; swap transactions.
Sec. 106. Transactions in exempt commodities.
Sec. 107. Application of commodity futures laws.
Sec. 108. Protection of the public interest.
Sec. 109. Prohibited transactions.
Sec. 110. Designation of boards of trade as contract markets.
Sec. 111. Derivatives transaction execution facilities.
Sec. 112. Derivatives clearing.
Sec. 113. Commodity provisions applicable to registered entities.
Sec. 114. Exempt boards of trade.
Sec. 115. Suspension or revocation of designation as contract market.
Sec. 117. Preemption.
Sec. 118. Preemptive resolution agreements for institutional customers.
Sec. 119. Consideration of costs and benefits to market participants.
Sec. 120. Continuance of agreements between eligible counterparties.
Sec. 121. Special procedures to encourage and facilitate bona fide hedging by agricultural producers.
Sec. 122. Rule of construction.
Sec. 123. Technical and conforming amendments.
Sec. 124. Privacy.
Sec. 125. Report to Congress.
Sec. 126. International activities of the Commodity Futures Trading Commission.

**TITLE II—COORDINATED REGULATION OF SECURITY FUTURES PRODUCTS**

**SUBTITLE A—SECURITIES LAW AMENDMENTS**

Sec. 203. Regulatory relief for intermediaries trading security futures products.
Sec. 204. Special provisions for interagency cooperation.
Sec. 205. Maintaining of market integrity for security futures products.
Sec. 206. Special provisions for the trading of security futures products.
Sec. 207. Clearing and settlement.
Sec. 209. Amendments to the Investment Company Act of 1940 and the Investment Advisers Act of 1940.

**SUBTITLE B—AMENDMENTS TO THE COMMODITY EXCHANGE ACT**

Sec. 251. Jurisdiction of Securities and Exchange Commission; other provisions.
Sec. 252. Application of the Commodity Exchange Act to national securities exchanges and national securities associations that trade security futures.
Sec. 253. Notification of investigations and enforcement actions.

**TITLE III—DERIVATIVES CLEARING ORGANIZATIONS**

Sec. 301. Swap agreement.
Sec. 302. Amendments to the Securities Act of 1933.
Sec. 304. Savings provision.

**TITLE IV—REGLATORY RESPONSIBILITY FOR BANK PRODUCTS**

Sec. 401. Short title.
Sec. 402. Definitions.
Sec. 403. Exclusion of identified banking products commonly offered on or before December 5, 2000.
Sec. 404. Exclusion of certain identified banking products offered by banks after December 5, 2000.
Sec. 405. Exclusion of certain other identified banking products.
Sec. 406. Administration of the predominance test.
Sec. 407. Exclusion of covered swap agreements.
Sec. 408. Contract enforcement.

**SEC. 2. PURPOSES.**

The purposes of this Act are—

(1) to reauthorize the appropriation for the Commodity Futures Trading Commission;

(2) to streamline and eliminate unnecessary regulation for the commodity futures exchanges and other entities regulated under the Commodity Exchange Act;

(3) to transform the role of the Commodity Futures Trading Commission to oversight of the futures markets;

(4) to provide a statutory and regulatory framework for allowing the trading of futures on securities;

(5) to clarify the jurisdiction of the Commodity Futures Trading Commission over certain retail foreign exchange transactions and bucket shops that may not be otherwise regulated;

(6) to promote innovation for futures and derivatives and to reduce systemic risk by enhancing legal certainty in the markets for certain futures and derivatives transactions;

(7) to reduce systemic risk and provide greater stability to markets during times of market disorder by allowing the clearing of transactions in over-the-counter derivatives through appropriately regulated clearing organizations; and

(8) to enhance the competitive position of United States financial institutions and financial markets.

**TITLE I—COMMODITY FUTURES MODERNIZATION**

**SEC. 101. DEFINITIONS.**

Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by redesignating paragraphs (1) through (7), (8) through (12), (13) through (15), and (16) as paragraphs (2) through (8), (16) through (20), (22) through (24), and (28), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

"(1) ALTERNATIVE TRADING SYSTEM.—The term ‘alternative trading system’ means an organization, association, or group of persons that—

(A) is registered as a broker or dealer pursuant to section 15(b) of the Securities Exchange Act of 1934 (except paragraph (11) thereof);

(B) performs the functions commonly performed by an exchange (as defined in section 3a(1) of the Securities Exchange Act of 1934); and

(C) does not—

(i) set rules governing the conduct of subscribers other than the conduct of such subscribers’ trading on the alternative trading system; or

(ii) discipline subscribers other than by exclusion from trading; and

(D) is exempt from the definition of the term ‘exchange’ under section 3a(a)(1) by rule or regulation of the Securities and Exchange Commission on terms that require compliance with regulations of its trading functions;"

by striking paragraph (2) (as redesignated by paragraph (1)) and inserting the following:

"(2) BOARD OF TRADE.—The term ‘board of trade’ means any organized exchange or other trading facility."

"(3) DERIVATIVES CLEARING ORGANIZATION.—

(A) IN GENERAL.—The term ‘derivatives clearing organization’ means a clearinghouse,
clearing association, clearing corporation, or similar entity, facility, system, or organization that, with respect to an agreement, contract, or transaction—

(i) authorizes each party to the agreement, contract, or transaction to substitute, through novation or otherwise, the credit of the derivatives clearing organization for the credit of the parties; or

(ii) arranges or provides, on a multilateral basis, for the settlement or netting of obligations resulting from such agreements, contracts, or transactions executed by participants in the derivatives clearing organization the credit risk arising from such agreements, contracts, or transactions executed by the participants.

E X C L I S I O N S.—The term ‘derivatives clearing organization’ does not include an entity, facility, system, or organization solely because it arranges or provides for—

(i) settlement, netting, or novation of obligations resulting from agreements, contracts, or transactions, on a bilateral basis and without a central counterparty;

(ii) settlement or netting of cash payments through an interbank payment system; or

(iii) settlement, netting, or novation of obligations arising out of foreign agreements, contracts, or transactions in a commodity in a transaction in the spot market for the commodity.

E L E C T R O N I C T R A D I N G F A C I L I T Y.—The term ‘electronic trading facility’ means a trading facility that—

(A) operates by means of an electronic or telecommunications network; and

(B) maintains an automated audit trail of bids, offers, and the matching of orders or the execution of transactions on the facility.

M E C H A N I S M S O F C O M M E R C I A L E N T I T Y.—The term ‘eligible commercial entity’ means, with respect to an agreement, contract or transaction in a commodity—

(A) an eligible contract participant described in clause (i), (ii), (v), (vi), or (ix) of paragraph (12)(A) that, in connection with its business—

(i) has a demonstrable ability, directly or through separate contractual arrangements, to make or take delivery of the underlying commodity;

(ii) incurs risks, in addition to price risk, related to the commodity; or

(iii) is a dealer that regularly provides risk management or hedging services to, or engages in market-making activities with, the foregoing entities involving transactions to purchase or sell the commodity or derivative agreements, contracts, or transactions in the commodity;

(B) an eligible contract participant, other than a natural person or an instrumentality, department, or agency of a State or local governmental entity, that—

(i) regularly enters into transactions to purchase or sell the commodity or derivative agreements, contracts, or transactions in the commodity; and

(ii) in the case of a collective investment vehicle whose participants include persons other than

(aa) qualified eligible persons, as defined in Commission rule 4.7(a) (17 C.F.R. 4.7(a));

(bb) accredited investors, as defined in Regulation D of the Securities and Exchange Commission under the Securities Act of 1933 (17 C.F.R. 230.501(a)), with total assets of $2,000,000; or

(cc) qualified purchasers, as defined in section 2(a)(51)(A) of the Investment Company Act of 1940; in each case as in effect on the date of the enactment of the Commodity Futures Modernization Act of 2000, has, or is one of a group of vehicles under common control or management having in the aggregate, $1,000,000,000 in total assets; or

(ii) in the case of other persons, has, or is one of a group of persons under common control or management having in the aggregate, $100,000,000 in total assets; or

(C) such other persons as the Commission determines to be eligible in light of the financial and other qualifications of the person.

(ii) is a dealer that regularly provides risk management or hedging services to, or engages in market-making activities with, the foregoing entities involving transactions to purchase or sell the commodity or derivative agreements, contracts, or transactions executed by the participants.

E X C L I S I O N S.—The term ‘derivatives clearing organization’ does not include an entity, facility, system, or organization solely because it arranges or provides for—

(i) settlement, netting, or novation of obligations resulting from agreements, contracts, or transactions, on a bilateral basis and without a central counterparty;

(ii) settlement or netting of cash payments through an interbank payment system; or

(iii) settlement, netting, or novation of obligations arising out of foreign agreements, contracts, or transactions in a commodity in a transaction in the spot market for the commodity.

E L E C T R O N I C T R A D I N G F A C I L I T Y.—The term ‘electronic trading facility’ means a trading facility that—

(A) operates by means of an electronic or telecommunications network; and

(B) maintains an automated audit trail of bids, offers, and the matching of orders or the execution of transactions on the facility.

M E C H A N I S M S O F C O M M E R C I A L E N T I T Y.—The term ‘eligible commercial entity’ means, with respect to an agreement, contract or transaction in a commodity—

(A) an eligible contract participant described in clause (i), (ii), (v), (vi), or (ix) of paragraph (12)(A) that, in connection with its business—

(i) has a demonstrable ability, directly or through separate contractual arrangements, to make or take delivery of the underlying commodity;

(ii) incurs risks, in addition to price risk, related to the commodity; or

(iii) is a dealer that regularly provides risk management or hedging services to, or engages in market-making activities with, the foregoing entities involving transactions to purchase or sell the commodity or derivative agreements, contracts, or transactions in the commodity;

(B) an eligible contract participant, other than a natural person or an instrumentality, department, or agency of a State or local governmental entity, that—

(i) regularly enters into transactions to purchase or sell the commodity or derivative agreements, contracts, or transactions in the commodity; and

(ii) in the case of a collective investment vehicle whose participants include persons other than

(aa) qualified eligible persons, as defined in Commission rule 4.7(a) (17 C.F.R. 4.7(a));

(bb) accredited investors, as defined in Regulation D of the Securities and Exchange Commission under the Securities Act of 1933 (17 C.F.R. 230.501(a)), with total assets of $2,000,000; or

(cc) qualified purchasers, as defined in section 2(a)(51)(A) of the Investment Company Act of 1940; in each case as in effect on the date of the enactment of the Commodity Futures Modernization Act of 2000, has, or is one of a group of vehicles under common control or management having in the aggregate, $1,000,000,000 in total assets; or

(ii) in the case of other persons, has, or is one of a group of persons under common control or management having in the aggregate, $100,000,000 in total assets; or

(C) such other persons as the Commission determines to be eligible in light of the financial and other qualifications of the person.
"(I) not based in substantial part on the value of a narrow group of commodities not described in clause (I); or

(ii) based solely on 1 or more commodities that have no cash market; and

(iii) any economic or commercial index based on prices, rates, values, or levels that are not within the control of any party to the relevant contract market or derivatives transaction execution facility; or

(iv) an occurrence, extent of an occurrence, or contingency (other than a change in the price, rate, value, or level of a commodity not described in clause (I)) that is

(I) beyond the control of the parties to the relevant contract, agreement, or transaction; and

(II) associated with a financial, commercial, or economic consequence.

(14) EXEMPT COMMODITY.—The term ‘exempt commodity’ means a commodity that is not an excluded commodity or an agricultural commodity.

(15) FINANCIAL INSTITUTION.—The term ‘financial institution’ means—

(A) a corporation operating under the fifth undesignated paragraph of section 25 of the Federal Reserve Act (12 U.S.C. 603), commonly known as an ‘agreement corporation’;

(B) a corporation organized under section 25A of the Federal Reserve Act (12 U.S.C. 611 et seq.), commonly known as an ‘Edge Act corporation’;

(C) an institution that is regulated by the Farm Credit Administration;

(D) a Federal credit union or State credit union as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752);

(E) a depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813));

(F) a foreign bank or a branch or agency of a foreign bank (each as defined in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101(d)));

(G) any financial holding company (as defined in section 2 of the Bank Holding Company Act of 1956); and

(H) a trust company; or

(I) a similarly regulated subsidiary or affiliate of an entity described in any of subparagraphs (A) through (H).

(5) by inserting after paragraph (20) (as redesignated by paragraph (1)) the following:

(22) HYBRID INSTRUMENT.—The term ‘hybrid instrument’ means a security having 1 or more component securities comprising, in the aggregate, 25 percent or more of the index’s weighting, such securities shall be ranked from lowest to highest dollar value of average daily trading volume and shall be included in the calculation based on their ranking starting with the lowest ranked security.

(27) ORGANIZED EXCHANGE.—The term ‘organized exchange’ means a trading facility that—

(A) permits trading—

(i) by or on behalf of a person that is not an eligible contract participant;

(ii) by persons other than on a principal-to-principal basis; or

(B) has adopted (directly or through another non-governmental entity) rules that—

(i) govern the conduct of participants, other than rules that govern the submission of orders or execution of transactions on the trading facility; and

(ii) include disciplinary sanctions other than the exclusion of participants from trading.

(6) by striking paragraph (24) (as redesignated by paragraph (1)) and inserting the following:

(24) MEMBER OF A CONTRACT MARKET; MEMBER OF A DERIVATIVES TRANSACTION EXECUTION FACILITY.—The term ‘member’ means, with respect to a contract market or derivatives transaction execution facility, an individual, association, partnership, corporation, or trust—

(A) registered as a participant in or admitted to membership on, a contract market or derivatives transaction execution facility; or

(B) having trading privileges on the contract market or derivatives transaction execution facility.

(29) NARROW-BASED SECURITY INDEX.—

(A) The term ‘narrow-based security index’ means an index—

(i) that has 9 or fewer component securities; and

(ii) in which a component security comprises more than 30 percent of the index’s weighting;

(iii) in which the 5 highest weighted component securities in the aggregate comprise more than 60 percent of the index’s weighting; and

(iv) in which the lowest weighted component securities comprising, in the aggregate, 25 percent of the index’s weighting have an aggregate dollar value of average daily trading volume of less than $50,000,000 (or in the case of an index with 15 or more component securities, $30,000,000), except that if there are 2 or more securities with equal weighting that could be included in the calculation of the lowest weighted component securities comprising, in the aggregate, 25 percent of the index’s weighting, such securities shall be ranked from lowest to highest dollar value of average daily trading volume and shall be included in the calculation based on their ranking starting with the lowest ranked security.

(B) Notwithstanding subparagraph (A), an index is not a narrow-based security index if—

(i) it has 10 or more component securities; and

(ii) no component security comprises more than 30 percent of the index’s weighting; and

(iii) each component security—

(aa) is registered pursuant to section 12 of the Securities Exchange Act of 1934;

(bb) of 750 securities with the largest market capitalization;

(cc) of 675 securities with the largest dollar value of average daily trading volume;

(dd) a board of trade was designated as a contract market by the Commodity Futures Trading Commission with respect to a contract of sale for future delivery on the index, before the date of enactment of the Commodity Futures Modernization Act of 2000; and

(ee) (1) it is traded on or subject to the rules of a foreign board of trade;

(ii) a contract of sale for future delivery on the index is traded on or subject to the rules of a foreign board of trade and meets such requirements as are jointly established by rule or regulation by the Commission and the Securities and Exchange Commission.

(30) SECURITY.—The term ‘security’ means a contract, or any part of a contract, to sell any security future for future delivery on the index, before the date of enactment of the Commodity Futures Modernization Act of 2000 and—

(A) the offer and sale in the United States of a contract of sale for future delivery on the index was authorized before the date of the enactment of the Commodity Futures Modernization Act of 2000 and—

(i) it is traded on or subject to the rules of a foreign board of trade;

(ii) the offer and sale in the United States of a contract of sale for future delivery on the index was authorized before the date of the enactment of the Commodity Futures Modernization Act of 2000 and—

(i) the conditions of such authorization continue to be met; or

(ii) a board of trade was designated as a contract market by the Commodity Futures Trading Commission with respect to a contract of sale for future delivery on the index, before the date of the enactment of the Commodity Futures Modernization Act of 2000; and

(31) SECURITY FUTURE.—The term ‘security future’ means a contract of sale for future delivery of a single security or of a narrow-based security index, including any interest therein or based on the value thereof, except an exempted commodity or an agricultural commodity as defined in section 2(a)(11) of the Securities Exchange Act of 1934 (15 U.S.C. 78a(t)); and

(32) SECURITY FUTURES PRODUCT.—The term ‘security futures product’ means a security future, or any part, call, straddle, option, or privilege on any security future.

(33) TRADING FACILITY.—The term ‘trading facility’ means a person or group of persons that constitutes, maintains, or provides an electronic facility or system in which multiple participants are able to execute, trade or execute agreements, contracts, or transactions by accepting bids and offers made by other participants or that are open to multiple participants in the execution or system of a transaction.
and 'government securities' are defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78a(a)); or

(III) facilities on which bids and offers, and accepted bids and offers effected on the facility, are not binding.

Any person, group of persons, dealer, broker, or facility described in clause (i) of clause (ii) is excluded from the meaning of the term 'trading facility' for the purposes of this Act without any prior specific approval, certification, or other action by the Commission.

(C) SPECIFIC RULE.—A person or group of persons that would not otherwise constitute a trading facility shall not be considered to be a trading facility solely as a result of the submission to a designated contract market or a national securities exchange of transactions executed on or through the person or group of persons.

SEC. 102. AGREEMENTS, CONTRACTS, AND TRANSACTIONS IN FOREIGN CURRENCY, GOVERNMENT SECURITIES, AND CERTAIN OTHER COMMODITIES.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 3a, 4, 4a) is amended by adding at the end the following:

"(c) AGREEMENTS, CONTRACTS, AND TRANSACTIONS TRADED ON AN ORGANIZED EXCHANGE.—This Act applies to, and the Commission shall have jurisdiction over, an agreement, contract, or transaction described in paragraph (1) that is—

(1) a contract of sale of a commodity for future delivery or an option on such a contract; or

(2) an option on a commodity (other than foreign currency) executed or traded on an organized exchange or an option on foreign currency executed or traded on an organized exchange that is not a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934.

"(d) AGREEMENTS, CONTRACTS, AND TRANSACTIONS IN RETAIL FOREIGN CURRENCY.—This Act applies to, and the Commission shall have jurisdiction over, an agreement, contract, or transaction in foreign currency that—

(1) is a contract of sale of a commodity for future delivery (or an option on such a contract); or

(2) is an option on foreign currency executed or traded on an organized exchange.

"(e) AGREEMENTS, CONTRACTS, AND TRANSACTIONS TRADED ON AN ORGANIZED EXCHANGE.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 3a, 4, 4a) is further amended by adding at the end the following:

"(f) EXCLUDED DERIVATIVE TRANSACTIONS.—

(1) IN GENERAL.—Nothing in this Act (other than section 12(e)(2)(B)) governs or applies to an agreement, contract, or transaction in a commodity other than eligible contract participants at the time at which they enter into the agreement, contract, or transaction; and

(2) MATTERS TO BE ADDRESSED.—The study shall address—

(1) potential uses of swap agreements by persons other than eligible contract participants;
(B) the extent to which financial institutions are willing to offer swap agreements to persons other than eligible contract participants;

(C) the appropriate regulatory structure to address customer protection issues that may arise in connection with the offer of swap agreements to persons other than eligible contract participants; and

(D) any other relevant matters deemed necessary or appropriate to address.

(3) REPORT.—Before the end of the 1-year period beginning on the date of enactment of this Act, a final report and concurrent legislation required by paragraph (1) shall be submitted to Congress, together with such recommendations as are deemed necessary and appropriate.

SEC. 106. TRANSACTIONS IN EXEMPT COMMODITIES.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is further amended by adding at the end the following:

"(h) LEGAL CERTAINTY FOR CERTAIN TRANSACTIONS IN EXEMPT COMMODITIES.—"

"(1) Except as provided in paragraph (2), nothing in this Act shall apply to a contract, agreement or transaction in an exempt commodity by—:

(A) is entered into solely between persons that are eligible contract participants at the time the persons enter into the agreement, contract, or transaction;

(B) is not entered into on a trading facility.

(2) An agreement, contract, or transaction described in paragraph (1) of this subsection shall be subject to—:

(A) sections 5b and 12(e)(2)(B);

(B) sections 4b, 4c, 6c, 6d, 6f, and 8a, and the regulations of the Commission pursuant to section 4(b) prescribing fraud in connection with commodity option transactions, to the extent the agreement, contract, or transaction is not otherwise excluded or exempted, if any of the entities is an instrumentality, department, or agency of a State or local governmental entity and would otherwise be subject to such sections and regulations; and

(C) sections 6c(6), 6d(6), 6d, 6a, and 9(a)(2), to the extent such sections prohibit manipulation of the market price of any commodity in interstate commerce and the agreement, contract, or transaction would otherwise be subject to such sections.

(3) Except as provided in paragraph (4), nothing in this Act shall apply to an agreement, contract, or transaction in an exempt commodity which is—:

(A) entered into on a principal-to-principal basis between persons that are eligible commercial entities at the time the persons enter into the agreement, contract, or transaction; and

(B) executed or traded on an electronic trading facility.

(4) An agreement, contract, or transaction described in paragraph (3) of this subsection shall be subject to—:

(A) sections 5a to the extent provided in section 5a(g), 5b, 5d, and 12(e)(2)(B);

(B) sections 4a, 4c, 6d, 6f, and 8a, and the regulations of the Commission pursuant to section 4(c) prescribing fraud in connection with commodity option transactions, to the extent the agreement, contract, or transaction would otherwise be subject to such sections and regulations;

(C) sections 6c(6) and 9(a)(2), to the extent such sections prohibit manipulation of the market price of any commodity in interstate commerce and to the extent the agreement, contract, or transaction would otherwise be subject to such sections; and

(D) such rules and regulations as the Commission may prescribe if necessary to ensure timely dissemination by the electronic trading facility of price, trading volume, and other trading data; and the Commission determines that the electronic trading facility performs a significant price discovery function for transactions in the cash market for the commodity underlying any agreement, contract, or transaction executed or traded on the electronic trading facility.

(5) A market participant trading facility relying on the exemption provided in paragraph (3) shall—:

(A) notify the Commission of its intention to operate an electronic trading facility in reliance on the exemption set forth in paragraph (3), which notice shall include—

(i) the name and address of the facility and a person designated to receive communications from the Commission;

(ii) the commodity categories that the facility intends to list or otherwise make available for trading on the facility in reliance on the exemption set forth in paragraph (3);

(iii) certifications that—

(I) no executive officer or member of the governing board of, or any holder of a 10 percent or greater equity interest in, the facility is a person described in any of subparagraphs (A) through (H) of section 107(a);

(ii) the facility will comply with the conditions for exemption under this paragraph; and

(iii) the facility will be subject to—:

(I) the Commission's inspection powers under this Act; and

(II) the provisions of section 15(e) of this Act to the extent the provisions of such section prohibit manipulative acts or practices.

(6) The provisions of section 15(e) of this Act to the extent such sections prohibit manipulative acts or practices shall be subject to such sections and regulations; and

(7) The provisions of section 15(e) of this Act to the extent such sections prohibit manipulative acts or practices shall be subject to such sections and regulations.

(8) The provisions of section 15(e) of this Act to the extent such sections prohibit manipulative acts or practices shall be subject to—:

(I) the provisions of section 15(e) of this Act to the extent such sections prohibit manipulative acts or practices;

(II) the provisions of section 15(e) of this Act to the extent such sections prohibit manipulative acts or practices;

(III) to obtain information requested by a foreign person of, and transmit to the foreign person who the Commission believes is contrary or inconsistent with the Act or the regulations thereunder;

(iv) maintain for 5 years, and make available on request to the Commission, the following records—:

(I) information relating to data entry and transaction details of any transaction conducted in reliance on the exemption set forth in paragraph (3); and

(II) information relating to data entry and transaction details of any transaction conducted in reliance on the exemption set forth in paragraph (3).

(9) The Commission may by rule, regulation, or order—:

(1) require any person to keep books, records, and accountings, and file reports with the Commission, as the Commission determines necessary to ensure the effective self-regulation of the electronic trading facility,

(2) establish rules or regulations which the Commission determines necessary to ensure the effective self-regulation of the electronic trading facility,

(3) require any person to keep books, records, and accounting, and file reports with the Commission, as the Commission determines necessary to ensure the effective self-regulation of the electronic trading facility,

(4) require any person to keep books, records, and accounting, and file reports with the Commission, as the Commission determines necessary to ensure the effective self-regulation of the electronic trading facility,

(5) require any person to keep books, records, and accounting, and file reports with the Commission, as the Commission determines necessary to ensure the effective self-regulation of the electronic trading facility,

(6) require any person to keep books, records, and accounting, and file reports with the Commission, as the Commission determines necessary to ensure the effective self-regulation of the electronic trading facility,

(7) require any person to keep books, records, and accounting, and file reports with the Commission, as the Commission determines necessary to ensure the effective self-regulation of the electronic trading facility,
misuses of customer assets; and to promote responsible innovation and fair competition among boards of trade, other markets and market participants."

SEC. 4c. PROHIBITED TRANSACTIONS.

Section 4c of the Commodity Exchange Act (7 U.S.C. 6c) is amended by striking "Sec. 4c." and all that follows through subsection (a) and inserting the following:

``SEC. 4c. PROHIBITED TRANSACTIONS.

(a) IN GENERAL.—

(1) PROHIBITION.—It shall be unlawful for any person to offer to enter into, enter into, or continue any transaction described in paragraph (2) involving the purchase or sale of any commodity for future delivery (or any option on such a transaction or option on a commodity) if the transaction is used or may be used to—

(A) hedge any transaction in interstate commerce in the commodity or the product or by-product of the commodity;

(B) determine the price basis of any such transaction in interstate commerce in the commodity; or

(C) deliver any such commodity sold, shipped, or received in interstate commerce for the execution of the transaction.

(2) TRANSACTION REFERED TO.—A transaction referred to in paragraph (1) is a transaction that—

(A)(i) is, is of the character of, or is commonly known as the trade as, a "wash sale" or "accommodation trade";

(ii) is a fictitious sale; or

(B) is used to cause any price to be reported, registered, or recorded that is not a true and bona fide price.

(b) DESIGNATION OF BOARDS OF TRADE AS CONTRACT MARKETS.

The Commodity Exchange Act is amended—

(1) by redesignating section 5b (7 U.S.C. 7b) as section 5e; and

(2) by striking sections 5 and 5a (7 U.S.C. 7, 7a) and redesignating section 5b (7 U.S.C. 7b) as section 5.

SEC. 5. DESIGNATION OF BOARDS OF TRADE AS CONTRACT MARKETS.

(a) APPLICATIONS.—A board of trade applying to the Commission for designation as a contract market shall submit an application to the Commission that includes any relevant materials and records the Commission may require consistent with this Act.

(b) CRITERIA FOR DESIGNATION.—

(1) IN GENERAL.—To be designated as a contract market, the board of trade shall demonstrate that—

(A) the board of trade shall have the capacity to prevent market manipulation through market surveillance, compliance, and enforcement practices and procedures, including methods for conducting real-time monitoring of trading and comprehensive and accurate trade reconstructions.

(B) FAIR AND EQUITABLE TRADING.—The board of trade shall establish and enforce trading rules to ensure fair and equitable trading through the facilities of the contract market, and the capacity to detect, investigate, and discipline any person that violates the rules. The rules may authorize—

(A) transfer trades or office trades; or

(B) an exchange of—

(i) futures in connection with a cash commodity transaction;

(ii) cash commodities; or

(iii) futures for swaps; or

(C) a futures commission merchant, acting as principal or agent, to enter into or confirm the execution of a contract for the purchase or sale of a commodity for future delivery if the contract is recorded, reported, or cleared in accordance with the rules of the contract market or a derivative clearing organization.

(4) TRADE EXECUTION FACILITY.—The board of trade shall—

(a) establish and enforce rules defining, or specifications detailing, the manner of operation of the trade execution facility maintained by the board of trade, including rules or specifications describing the operation of any electronic matching platform; and

(b) demonstrate that the trade execution facility operates in accordance with the rules or specifications.

(5) FINANCIAL INTEGRITY OF TRANSACTIONS.—The board of trade shall establish and enforce rules and procedures for ensuring the financial integrity of transactions entered into by or through the facilities of the contract market, including the clearance and settlement of the transactions with a derivatives clearing organization.

(6) DISCIPLINARY PROCEDURES.—The board of trade shall establish and enforce disciplinary procedures that authorize the board of trade to discipline, suspend, or expel members or market participants that violate the rules of the board of trade, or similar methods for performing the same function that will have reasonable discretion in establishing the functions to third parties.

(7) PUBLIC ACCESS.—The board of trade shall provide the public with access to the rules, regulations, and contract specifications of the board of trade.

(8) ABILITY TO OBTAIN INFORMATION.—The board of trade shall establish and enforce rules and procedures that will allow the board of trade to obtain any necessary information to perform any of the functions described in this subsection, including the capacity to obtain international information-sharing agreements as the Commission may require.

(9) EXISTING CONTRACT MARKETS.—A board of trade that is designated as a contract market on the date of the enactment of the Commodity Futures Modernization Act of 2000 shall be considered to be a designated contract market under this section.

(d) CORE PRINCIPLES FOR CONTRACT MARKETS.

(1) IN GENERAL.—To maintain the designation of a board of trade as a contract market, the board of trade shall comply with the core principles specified in this subsection. The board of trade shall have reasonable discretion in establishing the manner in which it complies with the core principles.

(2) COMPLIANCE WITH RULES.—The board of trade shall monitor and enforce compliance with the rules of the contract market, including the terms and conditions of any contracts to be traded and any limitations on access to the contract market.

(3) CONTRACTS NOT READILY SUBJECT TO MANIPULATION.—The board of trade shall list on the contract market contracts that are not readily susceptible to manipulation.

(4) MONITORING OF TRADING.—The board of trade shall monitor trading to prevent manipulation, price distortion, and disruptions of the delivery or cash-settlement process.

(5) POSITION LIMITATIONS OR ACCOUNTABILITY.—To reduce the potential threat of market manipulation or congestion, especially during trading in the delivery month, the board of trade shall adopt position limitations or position accountability for speculators, where necessary and appropriate.

(6) EMERGENCY AUTHORITY.—The board of trade shall adopt rules to provide for the exercise of emergency authority in consultation or cooperation with the Commission, where necessary and appropriate, including the authority to—

(A) liquidate or transfer open positions in any contract;

(B) suspend or curtail trading in any contract; and

(C) require market participants in any contract to meet special margin requirements.

(7) AVAILABILITY OF GENERAL INFORMATION.—The board of trade shall make available to market authorities, market participants, and the public information concerning—

(a) the terms and conditions of the contracts of the contract market; and

(b) the mechanisms for executing transactions on or through the facilities of the contract market.

(8) DAILY PUBLICATION OF TRADING INFORMATION.—The board of trade shall make public daily information on settlement prices, volume, and open interest, and opening and closing ranges for actively traded contracts on the contract market.

(9) EXECUTION OF TRANSACTIONS.—The board of trade shall provide a competitive, open, and efficient market and mechanism for executing transactions.

(10) GOVERNANCE INFORMATION.—The board of trade shall maintain rules and procedures to provide for the recording and safe storage of all identifying trade information in a manner that will allow the board of trade to perform the functions described in this section for purposes of assisting in the prevention of customer and market abuses and providing evidence of any violations of the rules of the contract market.

(11) FINANCIAL INTEGRITY OF CONTRACTS.—The board of trade shall establish and enforce rules providing for the financial integrity of any contract traded on the contract market (including the clearance and settlement of the transactions with a derivatives clearing organization), and rules to ensure the financial integrity of such futures commission merchants introducing brokers and the protection of customer funds.

(12) PROTECTION OF MARKET PARTICIPANTS.—The board of trade shall establish and enforce rules to protect market participants from abusive practices committed by any party acting as an agent for the participants.

(13) DISPUTE RESOLUTION.—The board of trade shall establish and enforce rules regarding and provide facilities for alternative dispute resolution as appropriate for market participants and any market interest.

(14) GOVERNANCE FITNESS STANDARDS.—The board of trade shall establish and enforce appropriate fitness standards for directors, members of any disciplinary committee, members of the contract market, and any other persons with direct access to the facility (including any parties affiliated with any of the persons described in this paragraph).

(15) CONFLICTS OF INTEREST.—The board of trade shall establish and enforce rules to minimize conflicts of interest in the decision-making process of the contract market and establish a process for resolving such conflicts of interest.

(16) COMPOSITION OF BOARDS OF MUTUALLY OWNED CONTRACT MARKETS.—In the case of a mutually owned contract market, the board of trade shall ensure that the composition of the governing board reflects market participants.

(17) RECORDKEEPING.—The board of trade shall maintain records of all activities related to the business of the contract market in a form and manner acceptable to the Commission for a period of 5 years.

(18) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, the board of trade shall endeavor to avoid—

(A) adopting any rules or taking any actions that result in any unreasonable restraint of trade or

(B) imposing any material anticompetitive burden on trading on the contract market.

(19) CURRENT AGRICULTURAL COMMODITIES.—The board of trade shall establish and enforce rules that—

(A) subject to paragraphs (a) and (b) of section 5, a contract for purchase or sale for future delivery of an agricultural commodity enumerated in section 1a(4) that is available for trading on a contract market, as of the date of the enactment of this subsection, may be traded only on a contract market designated under this section.

(20) Healthy in order to promote responsible economic or financial innovation and fair competition, the Commission, on application by any person,
after notice and public comment and opportuni-
ty for hearing, may prescribe rules and reg-
ulations to provide for the offer and sale of con-
tracts for future delivery or options on such con-
tracts at specified future prices on a derivatives trans-
exaction execution facility.".

SEC. 111. DERIVATIVES TRANSACTION EXECU-
TION FACILITIES.

The Commission, by rule pursuant to the Act (7 U.S.C. 1 et seq.) is amended by inserting after section 5 (as amended by section 110(2)) the following:

``SEC. 5a. DERIVATIVES TRANSACTION EXECU-
TION FACILITIES.

"(a) In General.—In lieu of compliance with the contract market designation requirements of sections 4(a) and 5, a board of trade may elect to operate as a registered derivatives transaction execution facility. The board of trade is—

"(1) designated as a contract market and meets the requirements of this section; or

"(2) registered as a derivatives transaction execution facility under subsection (c) of this section.

"(b) Requirements for Trading.—

"(1) In General.—A registered derivatives transaction execution facility under subsection (a) may trade any contract of sale of a commodity for future delivery (or option on such a contract) on or through the facility only by satisfying the requirements of this section.

"(2) Requirements for Underlying Com-
modities.—A registered derivatives transaction execution facility may trade any contract of sale of a commodity for future delivery (or option on such a contract) only if—

"(A) the underlying commodity has a nearly inexhaustible deliverable supply;

"(B) the underlying commodity has a deliverable supply that is sufficiently large that the contract is highly unlikely to be susceptible to the threat of manipulation;

"(C) the underlying commodity has no cash market;

"(D) the contract is a security futures product, and (ii) the registered derivatives transaction execution facility is a national securities exchange registered under the Securities Exchange Act of 1934.

"(E) the Commission determines, based on the market characteristics, surveillance history, self-regulatory record, and capacity of the facility that trading in the contract (or option) is highly unlikely to be susceptible to the threat of manipulation; or

"(F) except as provided in section 5(e)(2), the underlying commodity is a commodity other than a commodity enumerated in section 1a(4), and trading access to the facility is limited to eligible commercial entities trading for their own account.

"(3) Requirements for Traders.—To trade on a reg-
istered derivatives transaction execution facility, a person shall—

"(A) be an eligible contract participant; or

"(B) be a person trading through a futures commission merchant that—

"(i) is registered with the Commission;

"(ii) is a member of a futures self-regulatory organization and clearing organization, and security futures products on the facility, a national securities association registered under section 15A(a) of the Securities Exchange Act of 1934;

"(iii) is a clearing member of a derivatives clearing organization; and

"(iv) has net capital of at least $20,000,000.

"(4) Trading by Contract Markets.—A board of trade that is designated as a contract market shall, to the extent that the contract market also operates a registered derivatives transaction execution facility—

"(A) in the event of a physical location for the con-
tract market trading of the board of trade that is separate from trading on the derivatives transaction execution facility of the board of trade;

"(B) if the board of trade uses the same elec-
tronic trading system for trading on the contract market and derivatives transaction execution fac-
ility of the board of trade, identify whether the electronic trading is taking place on the con-
tact market or the derivatives transaction exe-
cution facility.

"(c) Criteria for Registration.—

"(1) In General.—To be registered as a reg-
istered derivatives transaction execution facility, the board of trade shall be required to demon-
strate to the Commission only that the board of trade meets the criteria specified in subsection (b) and this subsection—

"(I) the board of trade shall monitor and enforce the rules of the facility, including any terms and conditions of the contract market.

"(II) if the board of trade establishes and enforces trading and participation rules that will deter abuses and has the capacity (and is willing and en-
force those rules, including means to—

"(a) obtain information necessary to perform the functions required under this section; or

"(b) use technology means to—

"(i) provide market participants with impor-
tant access to the market; and

"(II) the board of trade shall establish and enforce trading and participation rules that will deter abuses and has the capacity (and is willing and enforce those rules, including) a fitness of the facility is—

"(2) Deterrence of Abuses.—The board of trade shall establish and enforce trading and participation rules that will deter abuses and has the capacity (and is willing and enforce those rules, including) a fitness of the facility is—

"(I) obtain information necessary to perform the functions required under this section; or

"(b) use technology means to—

"(i) provide market participants with impor-
tant access to the market; and

"(II) the board of trade shall develop and enforce trading and participation rules that will deter abuses and has the capacity (and is willing and enforce those rules, including) a fitness of the facility is—

"(3) Trading Procedures.—The board of trade shall establish and enforce rules or terms and conditions defining, or specifications detail-
ing, trading procedures to be used in entering and executing orders traded on the facilities of the board of trade that are authorized—

"(A) transfer trades or office trades;

"(B) an exchange of—

"(i) futures for cash (or option on a cash commodity);

"(ii) futures for cash commodities;

"(iii) futures for swaps; or

"(C) a futures commission merchant, acting as principal or agent, to enter into or confirm the execution of a contract for the purchase or sale of a commodity futures transaction execution facility, a board of trade shall establish and enforce trading and participation rules that will deter abuses and has the capacity (and is willing and enforce those rules, including) a fitness of the facility is—

"(4) Financial Integrity of Transactions.—

The board of trade shall establish and enforce rules or terms and conditions providing for the financial integrity of transactions entered on or through the facilities of the board of trade, and rules or terms and conditions to ensure the financial integrity of any futures commission merchants and introducing brokers and the protection of customer funds.

"(5) Core Principles for Registered De-
rivatives Transaction Execution Facili-
ties.—

"(1) In General.—To maintain the registra-
tion of a board of trade as a derivatives trans-
exaction execution facility, a board of trade shall comply with the criteria specified in this subsection. The board of trade shall have reason-
able discretion in establishing the manner in which the board of trade complies with the core principles.

"(2) Compliance with Rules.—The board of trade shall monitor and enforce the rules of the facility, including any terms and conditions of any contracts traded on or through the facility and any limitations on access to the facility.

"(3) Monitoring of Trading.—The board of trade shall monitor the contracts traded on or through the facility to ensure orderly trading in the con-
tact and to maintain an orderly market while providing any necessary trading information to the Commission to allow the Commission to dis-
charge the responsibilities of the Commission under the Act.

"(4) Disclosure of General Information.—

The board of trade shall disclose publicly and to the Commission information concerning—

"(A) contract terms and conditions;

"(B) trading conventions, mechanisms, and practices;

"(C) financial integrity protections; and

"(D) other information relevant to participa-
tion in trading.

"(5) Daily Publication of Trading Informa-
tion.—The board of trade shall make public daily information on settlement prices, volume, open interest, and opening and closing ranges for contracts traded on the facility if the Com-
mission determines that the contracts perform a significant price discovery function in the trans-
actions in the cash market for the commodity underlying the contracts.

"(6) General Standards.—The board of trade shall establish and enforce appropriate fitness standards for directors, members of any discipli-
nary committee, members, and any other per-
son with direct access to the facility, including any parties affiliated with any of the persons described in this paragraph.

"(7) Conflicts of Interest.—The board of trade shall establish and enforce rules to mini-
imize conflicts of interest that arise in the course of conducting the derivatives transactions on the derivatives transaction execution facility and establish a process for resolving such conflicts.

"(8) Recordkeeping.—The board of trade shall maintain records of all activities related to the business of the derivatives transaction execution facility in a form and manner acceptable to the Commission for a period of 5 years.

"(9) Antitrust Considerations.—Unless neces-
sary or appropriate to achieve the purposes of this Act, the board of trade shall endeavor to avoid—

"(A) adopting any rules or taking any actions that result in any unreasonable restraint of trade or

"(B) imposing any material anticompetitive burden on trading on the derivatives trans-
exaction facility.

"(B) Use of Broker-Dealers, Depository
Institutions, and Farm Credit System Insti-
tutions as Intermediaries.—

"(1) In General.—With respect to trans-
actions other than transactions in security fu-
tures products, a registered derivatives trans-
exaction facility may by rule allow a broker-dealer, depository institution, or institution of the Farm Credit System that meets the requirements of paragraph (2) to—

"(A) act as an intermediary in transactions executed on the facility on behalf of customers of the broker-dealer, depository institution, or institution of the Farm Credit System;

"(B) receive funds of customers to serve as margin or security for the transactions;

"(2) Requirements.—The requirements re-
ferred to in paragraph (1) are that—

"(A) the broker-dealer be in good standing with the Securities and Exchange Commission, or the depository institution or institution of the Farm Credit System be in good standing with Federal bank regulatory agencies (including the Farm Credit Administration), as applicable; and

"(B) if the broker-dealer, depository institu-
tion, or institution of the Farm Credit System carries or holds customer accounts or funds for transactions on the derivatives transaction exe-
cution facility for more than 1 business day, the broker-dealer, depository institution, or insti-
tution of the Farm Credit System must be registered as a futures commission merchant and is a member of a registered futures association.

"(3) Implementation.—The Commission shall consider and coordinate with the Commodity Futures Modernization Act of 2000, consistent with regulations adopted by the Commission, a registered derivatives transaction execution facility may authorize a futures commission merchant to offer any cus-
tomer of the futures commission merchant that is an eligible contract participant the right to segregate the customer funds of such cus-
tomer that are carried with the futures commis-
sion merchant for purposes of trading on or
through the facilities of the registered derivatives
transaction execution facility.

"(g) ELECTION TO TRADE EXCLUDED AND EX-
EMPT COMMODITIES.

"(1) The Commission shall have exclusive ju-
risdiction over agreements, contracts, or trans-
actions described in paragraph (1) to the extent
that the agreements, contracts, or transactions
are traded on a derivatives transaction execu-
tion facility.

SEC. 112. DERIVATIVES CLEARING.

(a) IN GENERAL.—Subtitle A of title IV of the
Federal Deposit Insurance Corporation Im-
provement Act of 1991 is amended—

(1) by inserting after the section heading for
section 401, the following new heading:

"CHAPTER 2—BILATERAL AND CLEARING
ORGANIZATION NETTING";

(2) in section 402, by striking "this subtitle"
and inserting "this chapter"; and

(3) by inserting after section 407, the follow-
ing new chapter:

"CHAPTER 2—MULTILATERAL CLEARING
ACTS OF ORGANIZATIONS

SEC. 408. DEFINITIONS.

For purposes of this chapter, the following def-
initions shall apply:

"(1) MULTILATERAL CLEARING ORGAN-
IZATION.—A "multilateral clearing organiza-
tion" means a system utilized by more than 2
participants in which the bilateral credit expo-
sures of participants arising from the trans-
actions cleared are effectively eliminated and re-
placed by a system of guarantees, insurance, or
mutualized risk of loss.

"(2) OVER-THE-COUNTER DERIVATIVE IN-
STRUMENT.—A "over-the-counter derivative instru-
ment" includes—

"(A) any agreement, contract, or transaction,
including the terms and conditions incorporated
by reference, entered into or evidenced by
any person in connection with a security, com-
mmodity, or other derivative instrument,
which is an interest rate swap, option,
forward rate agreement; a credit default swap,
credit default swap, credit default swap,
option, or other credit derivative; a currency
swap, interest rate swap; a total return swap,
total return swap, or a security
swap; or a security swap instrument;
and a weather swap, weather derivative, or weather option.

"(B) any agreement, contract or transaction
similar to any other agreement, contract, or
transaction referred to in this clause that is
presently, or in the future becomes, regularly
entered into by parties that participate in swap trans-
actions (including terms and conditions in-
cluded by reference in the agreement) and
that is a forward, swap, or option on 1 or more
occurrences of any event, rates, currencies, com-
modies, or other derivative instruments;
and a weather swap, or other derivative instru-
ments, credit default swaps or other credit
derivatives, or other indices or measures of
economic or other risks or value.

"(C) any contract, or transaction excluded from the Commodity Exchange Act under section 2(c), (2)(f), (g) of such Act,
or exempted under section 2(h) or 4(c) of such Act; and

"(D) any option to enter into any, or any
combination of, agreements, contracts or trans-
action referred to in this clause.

"(3) OTHER DEFINITIONS.—The terms "insured
State nonmember bank", "State member bank",
and "affiliate" have the same meanings as in sec-
ction 2 of chapter 7 of title 11, United States Code.

SEC. 409. MULTILATERAL CLEARING ORGANIZA-
TIONS.

"(a) IN GENERAL.—Except with respect to
clearing organizations described in subsection
(b), no person may operate a multilateral clear-
ing organization for over-the-counter derivative
instruments or, otherwise engage in activities
the Commodity Exchange Act if the clearing organ-
ization unless the person is a national bank,
State member bank, an insured State non-
member bank, or an insured State non-
member bank, or a corporation chartered under

"(b) CLEARING ORGANIZATIONS.—Subsection
(a) shall not apply to any clearing organization
that—

"(1) is registered as a clearing agency under
the Securities Exchange Act of 1934;

"(2) is registered as a clearing organ-
ization under the Commodity Exchange Act;

"(3) is supervised by a foreign financial reg-
ulator that, the Comptroller of the Currency,
the Board of Governors of the Federal Reserve
System, the Federal Deposit Insurance Cor-
poration, and the Commodity Futures Trading
Commission, as applicable, has determined satisfies appropriate
standards;

"(4) a federal reserve bank or an entity (do-
main or foreign) that operates as, or oper-
ates as a, multilateral clearing organization pursuant to section 409 of the Federal Reserve Act;

"(5) a multilateral clearing organization
pursuant to section 409 of the Federal Deposit Insurance Cor-
poration Improvement Act of 1991;

"(6) a clearing organization registered
under the Investment Company Act of 1940;

"(7) a clearing organization registered
under chapter 7 of title 11, United States Code;

"(8) a clearing organization registered
under the Commodity Exchange Act of 1974;

"(9) a clearing organization registered
under the Securities and Exchange Act of 1934;

"(10) a clearing organization registered
under the Investment Company Act of 1940;

"(11) a clearing organization registered
under the Commodity Futures Trading
Commission Act of 1974; or

"(12) a clearing organization registered
under the Commodity Exchange Act.
the Federal Reserve Act, which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991.

§782. Selection of trustee

(a) GENERAL.

(1) APPOINTMENT.—Notwithstanding any other provision of this title, the conservator or receiver who files the petition shall be the trustee unless the Board designates an alternative trustee.

(2) SUCCESSOR.—The Board may designate a successor trustee if required.

(b) PRIORITY CLASS. —Whenever the Board appoints or designates a trustee, chapter 3 and sections 704 and 705 of this title shall apply to the Board in the same way and to the same extent that they apply to a United States trustee.

§783. Additional powers of trustee

(a) DISTRIBUTION OF PROPERTY NOT OF THE ESTATE. —The trustee under this subchapter has power to distribute property not of the estate, including distributions to customers that are mandated by subchapters III and IV of this chapter.

(b) DISPOSITION OF INSTITUTION. —The trustee under this subchapter may, after notice and a hearing—

(1) sell the clearing bank to a depository institution that organizes a derivatives clearing organization (which consortium may agree on the allocation of the clearing bank among the consortium);

(2) merge the clearing bank with a depository institution;

(3) transfer contracts to the same extent as a receiver who files a petition pursuant to title 11, United States Code, shall apply to the corporation in lieu of otherwise applicable Federal or State insolvency law.

(c) TITLE 11 PETITIONS. —The Board may direct the conservator or receiver of a corporation organized under the provisions of this section to file a petition pursuant to title 11, United States Code, in which case, title 11, United States Code, shall apply to the corporation in lieu of otherwise applicable Federal or State insolvency law.

(d) DERIVATIVES CLEARING ORGANIZATIONS. —The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended to read as follows:
consideration. — Unless appropriate to achieve the purposes of this Act, the derivatives clearing organization shall avoid—

(ii) adopting any rule or taking any action that results in any unreasonable restraint of trade;

(iii) imposing any material anticompetitive burden on trading on the contract market.

(3) Orders concerning competition. — A derivatives clearing organization may request the Commission to issue an order concerning whether a rule or practice of the applicant is the least anticompetitive means of achieving the objectives, purposes, and policies of this Act.

(d) Existing derivatives clearing organizations. — A derivatives clearing organization shall be deemed to be registered under this section to the extent that the derivatives clearing organization clears agreements, contracts, or transactions for a board of trade that has been designated by the Commission as a contract market or as an exempt board of trade before the date of enactment of this Act.

(e) Appointment of trustee. — (1) In general. — If a proceeding under section 5e results in the suspension or revocation of the registration of a derivatives clearing organization, or if a derivatives clearing organization withdraws from registration, the Commission, on notice to the derivatives clearing organization, may apply to the appropriate United States district court where the derivatives clearing organization is located for the appointment of a trustee.

(2) Assumption of jurisdiction. — If the Commission applies for appointment of a trustee under paragraph (1), the court may appoint the Commission as the trustee with power to take possession of all funds, contracts and delivery months which have already been posted to a clearing organization under paragraph (1), the Commission grant prior approval to any new contract or other instrument, new or rule, or rule amendment.

(b) Prior approval required. — Notwithstanding any other provision of this section, a designated contract market shall submit to the Commission for prior approval each rule amendment that materially changes the terms and conditions, as determined by the Commission, in any contract of sale for future delivery of a commodity specifically enumerated in section 1a(4) or (any option thereon) traded through its facilities, or that applies to contracts and delivery months which have already been listed for trading and have open interest.

(c) Deadline. — If prior approval is required under subsection (b), the Com mission shall take final action on the request not later than 90 days after submission of the request.

(d) Price discovery. — If the Commission determines, on the basis of substantial evidence, that a registered entity is violating any applicable core principle specified in section 5(d), 5a(d), or 5b(d)(2), the Commission shall—

(a) notify the registered entity in writing of the determination; and

(b) afford the registered entity an opportunity to make appropriate changes to bring the registered entity into compliance with the core principle.

(5) Effect of interpretation. — Any interpretation issued under paragraph (1) shall not provide the exclusive means for complying with such sections.

(6) Delegation of functions under core principles. — (1) In general. — A contract market or derivatives clearing organization may comply with any applicable core principle through delegation of any relevant function to a registered futures association or another registered entity.

(2) Responsibility. — A contract market or derivatives clearing organization that delegates a function under paragraph (1) shall remain responsible for carrying out the function.

(3) Noncompliance. — If a contract market or derivatives clearing organization fails to carry out the function under paragraph (1) becomes aware that a delegated function is not being performed under this Act, the contract market or derivatives clearing organization shall promptly take steps to address the noncompliance.

(f) Linking of regulated clearing facilities. — (1) In general. — The Commission shall facilitate the linking of coordinator of derivatives clearing organizations registered under this Act with other regulated clearing facilities for the coordinated settlement of cleared transactions.

(2) Coordination. — In carrying out paragraph (1), the Commission shall coordinate with other regulated clearing facilities to allow for the efficient and accurate matching and clearing of trades and delivery months which have already been listed for trading and have open interest.

(3) Approval. — The Commission shall approve any clearing and settlement service for cleared transactions if the clearing and settlement service meets the requirements established under this paragraph.

(4) Variation of core principles. — (1) In general. — If the Commission determines, on the basis of substantial evidence that a registered entity is violating any applicable core principle specified in section 5(d), 5a(d), or 5b(d)(2), the Commission shall—

(a) notify the registered entity in writing of the determination; and

(b) afford the registered entity an opportunity to make appropriate changes to bring the registered entity into compliance with the core principle.

(2) Failure to make changes. — If, not later than 30 days after receiving a notice of violation under paragraph (1), a registered entity fails to make changes that, in the opinion of the Commission, are necessary to comply with the core principle, the Commission may exercise the powers of the Commission provided in section 8a(9).''.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 5c (as added by section 113) the following:

SEC. 5d. EXEMPT BOARDS OF TRADE.

(a) Election to register with the Commission. — A board of trade that meets the requirements of subsection (b) of this section may operate as an exempt board of trade on receipt of a notice from a contract market of a notice in such manner as the Commission may by rule or regulation prescribe, that the board of trade elects to operate as an exempt board of trade. Except as otherwise provided in this section, no provision of this Act (other than subparagraphs (C) and (D) of section 2(a)(1) and section 12(e)(2)(B)) shall apply with respect to a contract of sale of a commodity for future delivery (or option on such a contract) traded on or through the facilities of an exempt board of trade.

(b) Criteria for exemption. — To qualify for an exemption under subsection (a), a board of trade shall limit trading on or through the facilities of the board of trade to contracts of sale of a commodity for future delivery (or options on such contracts or on a commodity)—

(i) for which the underlying commodity has—

(A) a nearly inexhaustible deliverable supply;

(B) a deliverable supply that is sufficiently large, and a cash market sufficiently liquid, to render any contract trading on such a commodity highly unlikely to be susceptible to the threat of manipulation; or

(C) no cash market;

(ii) that are entered into only between persons that are eligible contract participants at the time at which the persons enter into the contract and

(iii) that are not contracts of sale (or options on such a contract) for future delivery of any security, including any group or index of securities or any interest in, or based on the value of, any security or any group or index of securities;

(c) Anti-manipulation requirements. — A person entering into a contract or option on a commodity for future delivery (or option on such a contract or on a commodity) that is traded on an exempt board of trade shall be subject to sections 4b, 4c, 4a(c), and 4a(2), and the Commission shall enforce those provisions with respect to any such trading.

(d) Price discovery. — If the Commission determines that an exempt board of trade is a significant source of price discovery for transactions in the cash market for the commodity underlying any contract, agreement, or transaction traded on or through the facilities of the board of trade, the board of trade shall disseminate publicly on a daily basis trading volume, opening and closing price ranges, open interest, and other trading data for the market.

(e) Jurisdiction. — The Commission shall have exclusive jurisdiction over any account, agreement, contract, or transaction involving a contract of sale of a commodity for delivery, or option on such a contract or on a commodity, to the extent that the account, agreement, contract, or transaction is traded on an exempt board of trade.

(f) Subsidiaries. — A board of trade that is designated as a contract market or registered as a derivatives transaction execution facility may designate an exempt board of trade as a subsidiary to a separate subsidiary or other legal entity and otherwise satisfy the requirements of this section.

(g) An exempt board of trade that meets the requirements of subsection (b) shall not represent to any person that the board of trade is
registered with, or designated, recognized, li-
censed, or approved by the Commission.’’.

SEC. 115. SUSPENSION OR REVOCATION OF DES-
IGNATION AS CONTRACT MARKET.

Section 5a of the Commodity Exchange Act (7 U.S.C. 7b) (as redesignated by section 20(1)) is amended by adding the following:

SEC. 5a. SUSPENSION OR REVOCATION OF DESIGNATION AS REGISTERED ENTITY.

SEC. 116. AUTHORIZATION OF APPROPRIATIONS.

Section 116 of the Commodity Exchange Act (7 U.S.C. 16(d)) is amended by striking ‘‘2000’’ and inserting ‘‘2005’’.

SEC. 117. PREEMPTION.

Section 12 of the Commodity Exchange Act (7 U.S.C. 16(e)) is amended by striking subsection (e) and inserting the following:

(e) RELATION TO OTHER LAW, DEPARTMENTS, OR AGENCIES.—

‘‘(1) Nothing in this Act shall supersede or preempt—

(A) criminal prosecution under any Federal criminal statute;

(B) the application of any Federal or State statute (except as provided in paragraph (2)), including any regulation thereunder, to any transaction in or involving any commodity, product, right, service, or interest;

(C) any other provision of Federal or State law, based solely on the failure of the agreement or any other provision of Federal or State law, based solely on the failure of the agreement or any other provision of Federal or State law, based solely on the failure of the agreement, contract, transaction, or instrument to comply with the terms or conditions of an exemption or exclusion from any provision of this Act or regulations of the Commission;’’.

SEC. 118. PREDISPUTE RESOLUTION AGREEMENTS.

Section 118 of the Commodity Exchange Act (7 U.S.C. 25a) is amended by adding the following:

(a) COMMODITY EXCHANGE ACT.—

SEC. 120. CONTRACT ENFORCEMENT BETWEEN ELIGIBLE COUNTERPARTIES.

Section 22(a) of the Commodity Exchange Act (7 U.S.C. 25a) is amended by striking the reference to the Act or regulations of the Commission.

SEC. 121. SPECIAL PROCEDURES TO ENCOURAGE AND FACILITATE BONA FIDE HEDGING BY AGRICULTURAL PRODUCERS.

The Commodity Exchange Act, as otherwise amended by this Act, is amended by inserting after section 4e the following:

SEC. 4p. SPECIAL PROCEDURES TO ENCOURAGE AND FACILITATE BONA FIDE HEDGING BY AGRICULTURAL PRODUCERS.

(a) AUTHORITY.—The Commission shall consider rules or orders which—

(1) prescribe procedures under which each contract market is to provide for orderly delivery, including temporary storage costs, of any agricultural commodity enumerated in section 1a(4) which is the subject of a contract for purchase or sale for future delivery;

(2) encourage the provision of domestic agricultural products in contract markets by addressing cost and margin requirements, so as to better enable the producers to hedge price risk associated with their production.

(3) provide flexibility in the minimum quantities of such agricultural commodities that may be the subject of a contract for purchase or sale for future delivery, so as to better allow domestic agricultural producers to hedge such price risk; and

(4) encourage contract markets to provide information and otherwise facilitate the participation of domestic agricultural producers in contract markets.

(b) REPORT.—Within 1 year after the date of enactment of this section, the Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the steps it has taken to implement this section and on the activities of contract markets pursuant to this section.

SEC. 122. RULE OF CONSTRUCTION.

Except as expressly provided in this Act or an amendment made by this Act, nothing in this Act or an amendment made by this Act supercedes, affects, or otherwise limits or expands the provisions and applicability of the Securities and Exchange Commission.

SEC. 123. TECHNICAL AND CONFORMING AMEND-
MENTS.

(a) COMMODITY EXCHANGE ACT.—

(1) Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) (as amended by section 101) is amended—

(A) in paragraphs (5), (6), (16), (17), (20), and (23), by inserting ‘‘or derivatives transaction execution facility’’ after ‘‘contract market’’ each place it appears; and

(B) in paragraph (24)—

(i) in the paragraph heading, by striking ‘‘CONTRACT MARKET’’ and inserting ‘‘REG-

ISTERED ENTITY’’;

(ii) by striking ‘‘contract market’’ each place it appears and inserting ‘‘registered entity’’; and

(iii) by adding at the end the following:

‘‘A participant in an alternative trading system that is designated as a contract market pursuant to section 5f is deemed a member of the contract market for purposes of transactions in security futures products through the contract market.’’

(b) Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 4, 4a, 3) is amended—

(A) by striking ‘‘Sec. 2. (a)(3)(I) The’’ and inserting the following:

‘‘SEC. 2. JURISDICTION OF COMMISSION; LIABILITY OF PRINCIPAL FOR ACT OF AGENT; COMMODITY FUTURES TRADING COMMISSION; TRANSACTION IN INTERESTING CONTRACT AGREEMENT.’’

(2) Section 3 of the Commodity Exchange Act (7 U.S.C. 4a) is amended—

(A) by striking ‘‘S EC. 3. (a)(1)(B)’’ and inserting ‘‘S EC. 3. (a)(1)(C)’’

(B) by striking ‘‘CONTRACT MARKET ’’ and inserting ‘‘REGISTERED ENTITY’’

(C) the Commodity Exchange Act (7 U.S.C. 4, 4a, 3) is amended—

(20), and inserting the following:

(23), by striking ‘‘contract market designated pursuant to section 5 of this Act’’ and inserting ‘‘contract market designated or derivatives transaction execution facility designated pursuant to section 5 or 5a’’;

(IV) by striking clause (ii); and

(V) in clause (iii), by striking ‘‘The’’ and inserting the following:

‘‘(B) LIABILITY OF PRINCIPAL FOR ACT OF AGENT.—The’’;

(ii) in subparagraph (B) and (B) in subsection (a)(3) and inserting ‘‘registered entity’’;

(iii) in clause (v)—

(1) by striking ‘‘section 3 of the Securities Act of 1933’’;

(bb) by inserting ‘‘or subparagraph (D)’’ after ‘‘paragraph’’; and

(iv) by moving clauses (i) through (iv) 4 ems to the right.

(C) in subsection (a)(7), by striking ‘‘contract market’’ and inserting ‘‘registered entity’’;

(D) in subsection (a)(8)(B) (ii)—

(i) in the first sentence, by striking ‘‘designa-

tion as a contract market’’ and inserting ‘‘desig-

nated or registered’’; and

(ii) in the second sentence, by striking ‘‘design-

nate a board of trade as a contract market’’ and inserting ‘‘designate or register a board of trade as a contract market or derivatives trans-

action execution facility’’;

(E) in subsection (a)(8)(C)(i) and (iii)—

(i) in subparagraph (B) and (B) by inserting ‘‘or subparagraph (D)’’ after ‘‘paragraph’’; and

(ii) by moving clauses (i) through (iv) 4 ems to the right.

‘‘AGENCY; COMMODITY FUTURES TRADING COMMISSION; TRANSACTION IN INTERESTING CONTRACT AGREEMENT.’’

The Act was considered on December 15, 2000.
designated as a contract market or derivatives transaction execution facility'' after "contract market,''.

(8) Section 4h of the Commodity Exchange Act (7 U.S.C. 6h) is amended by striking "contract market'' each place it appears and inserting "registered entity''.

(9) Section 4i of the Commodity Exchange Act (7 U.S.C. 6i) is amended in the first sentence by inserting "or derivatives transaction execution facility'' after "contract market,''.

(10) Section 4j of the Commodity Exchange Act (7 U.S.C. 6j) is amended by inserting "or derivatives transaction execution facilities'' after "contract market, each place it appears.

(11) Section 6g of the Commodity Exchange Act (7 U.S.C. 6g) is amended in the third sentence of subsection (a), by striking "contract market or'' each place it appears and inserting "registered entity''.

(12) Section 6h of the Commodity Exchange Act (7 U.S.C. 6h) is amended—

(i) in the first sentence—

(I) by striking "board of trade'' each place it appears and inserting "registered entity'';

(II) by striking "contract market'' each place it appears and inserting "registered entity''; and

(III) by striking "derivatives transaction execution facility'' each place it appears.

(ii) in the second sentence—

(I) by striking "contract market'' each place it appears and inserting "registered entity'';

(II) by striking "derivatives transaction execution facility'' each place it appears and inserting "registered entity''; and

(iii) by striking "classification, registration, or revocation of, a board of trade as a contract market or derivatives transaction execution facility'' each place it appears.

(13) Section 6a of the Commodity Exchange Act (7 U.S.C. 7a) is amended—

(A) in the first sentence of subsection (a), by striking "designated as a contract market'' each place it appears and inserting "registered entity''; and

(B) in subsection (b), by striking "designated as a contract market'' and inserting "registered entity''.

(14) Section 6b of the Commodity Exchange Act (7 U.S.C. 7a) is amended—

(A) by striking "contract market'' each place it appears and inserting "registered entity''; and

(B) in subsection (b), by striking "designated as a contract market'' and inserting "registered entity''.

(15) Section 6c of the Commodity Exchange Act (7 U.S.C. 7a) is amended—

(A) in the first sentence—

(i) by striking "board of trade'' and inserting "person'';

(ii) by inserting "or registered'' after "designated'';

(iii) by inserting "or registration'' after "designated''; and

(iv) by inserting "designated or registered''.

(B) in the second sentence—

(i) by striking "contract market'' each place it appears and inserting "registered entity''; and

(ii) by striking "derivatives transaction execution facility'' each place it appears and inserting "registered entity''.

(16) Section 6d of the Commodity Exchange Act (7 U.S.C. 7a) is amended—

(A) by striking "contract market'' each place it appears and inserting "registered entity''; and

(B) in subsection (b), by striking "designated as a contract market'' and inserting "registered entity''.

(17) Section 7 of the Commodity Exchange Act (7 U.S.C. 7) is amended—

(A) in the first sentence—

(i) by striking "board of trade'' and inserting "person'';

(ii) by inserting "or registered'' after "designated'';

(iii) by inserting "or registration'' after "designated'';

(iv) by inserting "designated or registered''.

(B) in the second sentence—

(i) by striking "contract market'' each place it appears and inserting "registered entity''; and

(ii) by striking "derivatives transaction execution facility'' each place it appears and inserting "registered entity''.

(18) Section 8c of the Commodity Exchange Act (7 U.S.C. 7c) is amended in the first sentence by striking "board of trade'' and inserting "registered entity''.

(19) Section 8d of the Commodity Exchange Act (7 U.S.C. 7d) is amended in the first sentence by inserting "or derivatives transaction execution facility'' after "contract market'' and inserting "registered entity''.

(20) Sections 8b and 8c(e) of the Commodity Exchange Act (7 U.S.C. 7b, 7c(e)) are amended by striking "contract market'' each place it appears and inserting "registered entity''.

(21) Section 8e of the Commodity Exchange Act (7 U.S.C. 7e) is repealed.

(22) Section 9 of the Commodity Exchange Act (7 U.S.C. 7e) is amended by striking "contract market'' each place it appears and inserting "registered entity''.

(23) Section 14 of the Commodity Exchange Act (7 U.S.C. 7i) is amended—

(A) in subsection (a)(1)(B), by striking "contract market'' and inserting "registered entity''; and

(B) in subsection (f), by striking "contract market'' and inserting "registered entity''.

(24) Section 17 of the Commodity Exchange Act (7 U.S.C. 7j) is amended—

(A) in subsection (a), by striking "contract market'' each place it appears and inserting "registered entity''; and

(B) in subsection (b), by striking "contract market'' and inserting "registered entity''.
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(25) Section 22 of the Commodity Exchange Act (7 U.S.C. 25) is amended—

(a) in subsection (a)—

(1) in paragraph (1)—

(I) by striking "contract market, clearing organization of a contract market, licensed board of trade," and inserting "registered entity"; and

(II) in subparagraph (C), by striking "contract market or clearing organization of a contract market," and inserting "registered entity"; and

(III) in paragraph (2), by striking "sections 5a(11)," and inserting "sections 5d(13), 3b(3)(B), and 3b(3)(C);"

(b) in paragraph (3), by striking "contract market" and inserting "registered entity"; and

(c) in subsection (b)—

(I) in paragraph (1), by striking "contract market or clearing organization of a contract market" and inserting "registered entity";

(II) in paragraph (2), by striking "sections 5a(8) and section 5a(9) of this Act" and inserting "sections 5 through 5c";

(III) by striking "contract market, clearing organization of a contract market, or licensed board of trade" and inserting "registered entity"; and

(IV) by striking "contract market or licensed board of trade" and inserting "registered entity";

(d) in paragraph (4), by striking "contract market, licensed board of trade, clearing organization, and inserting "registered entity"; and

(e) in paragraph (5), by striking "contract market, licensed board of trade, clearing organization," and inserting "registered entity."
market or registered derivatives transaction execution facility for at least 30 days as a contract of sale for future delivery on an index that was not a narrow-based security index; and

(ii) the margin, call, or any put, call, straddle, option, or privilege on any security future.

(57)(A) The term ‘security futures product’ means any contract, transaction, or transaction entered into on or after December 15, 2000, that

(i) is a contract for sale of a security for future delivery on the index on which the contract is based;

(ii) is entered into on or after the date of enactment of the Commodity Futures Modernization Act of 2000;

(iii) the conditions of such authorization continue to be met; or

(iv) a contract of sale for future delivery on the index is traded on or subject to the rules of a foreign board of trade.

(58) The term ‘security index’ means any organization that

(i) is a board of trade or any unit, call, straddle, option, or privilege on any security futures product;

(ii) is higher than the minimum amount established to a security futures product, mean a margin performance bond related to the purchase, sale, or carrying of a security futures product.

(B) The terms ‘margin level’ and ‘level of margin’, when used with respect to a security futures product, mean the amount of margin required to secure any extension or maintenance of credit, or the amount, type, and form of collateral required as a performance bond related to the purchase, sale, or carrying of a security futures product.

(C) The terms ‘higher margin level’ and ‘higher level of margin’, when used with respect to a security futures product, mean a margin level established by a national securities exchange registered pursuant to section 6(g) that is higher than the minimum amount established and in effect under section 7(a)(3).

SEC. 202. REGULATORY RELIEF FOR MARKETS TRADING SECURITY FUTURES PRODUCTS.

(a) EXPEDITED REGISTRATION AND EXEMPTION.—Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended by adding at the end the following:

(g) NOTICE REGISTRATION OF SECURITY FUTURES PRODUCT EXCHANGES.—

(1) REGISTRATION REQUIRED.—An exchange that lists or trades security futures products may register as a national securities exchange solely for the purposes of trading security futures and security index futures products if—

(A) the exchange is a board of trade, as that term is defined by the Commodity Exchange Act (7 U.S.C. 1a(2)), that—

(i) has been authorized by the Commodity Futures Trading Commission and such designation is not suspended by order of the Commodity Futures Trading Commission;

(ii) is registered as a derivative transaction execution facility under section 3a of the Commodity Exchange Act; and such registration is not suspended by the Commodity Futures Trading Commission; and

(B) such exchange does not serve as a market place for transactions in securities other than—

(i) security futures products; or

(ii) futures on exempted securities or groups of indexes of securities or options thereon that have been authorized under section 21a(1)(C) of the Commodity Exchange Act.

(2) REGISTRATION BY NOTICE FILING.—(A) FORM AND CONTENT.—An exchange required to register only because such exchange lists or trades security futures products may register for purposes of this section by filing with the Commodity Futures Trading Commission that is jointly adopted rules or regulations that set forth the requirements under clause (iv) of subparagraph (C).

(E) EFFECTIVENESS.—(i) such exchange lists or trades security futures products;

(ii) the transaction is entered into on or after the date of entry of the Commodity Futures Modernization Act of 2000; or

(iii) such date that a futures association registered under section 17 of the Commodity Exchange Act has met the requirements set forth in section 15A(k)(2) of this title.

(b) COMMISSION REVIEW OF PROPOSED RULE CHANGES.—(1) EXPEDITED REVIEW.—Section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) is amended by adding at the end the following:

(c) SECURITY FUTURES PRODUCT RULE CHANGES.—(A) FILING REQUIRED.—A self-regulatory organization that is an exchange registered with the Commission pursuant to section 15A(k) of this title shall file with the Commission, in accordance with such rules as the Commission may prescribe, any proposed rule change that is a narrow-based security index solely because it was a narrow-based security index for more than 45 business days over 3 consecutive calendar months pursuant to clause (iv) of subparagraph (C).

(D) Within 1 year after the enactment of the Commodity Futures Modernization Act of 2000, the Commodity Futures Trading Commission jointly shall adopt rules or regulations that set forth the requirements under clause (iv) of subparagraph (C).

(E) EFFECTIVENESS.—Such registration shall be effective contemporaneously with the submission of notice, in written or electronic form, to the Commission, in accordance with such rules as the Commission may prescribe, of such document or documents by a person that is a national securities association registered pursuant to section 15A(k)(2) of this title.

(f) TERMINATION.—Such registration shall be suspended immediately if any of the conditions for registration set forth in this subsection are no longer satisfied.

(g) PUBLICATION.—The Commission shall promptly publish in the Federal Register an acknowledgment of receipt of all notices the Commission receives under this subsection and shall make all such notices available to the public.

(h) EXEMPTION OF EXCHANGES FROM SPECIFIED PROVISIONS.—(A) TRANSACTION EXEMPTIONS.—An exchange that is registered under paragraph (1) of this subsection shall be exempt from, and shall not be required to enforce compliance by its members or its members’ customers with, any of the following provisions of this title and such rules or regulations of such exchange that are in effect at the time the exchange is registered—

(i) sections 7(a)(3), 7(c), and 7(f); and

(ii) Subsections (a)(1), (a)(2)(A), (a)(2)(B), and (a)(3) of section 7(f).

(B) EXEMPTION OF EXCHANGES FROM SPECIFIED PROVISIONS.—An exchange that is registered under paragraph (1) of this subsection shall be exempt from, and shall not be required to enforce compliance by its members or its members’ customers with, any of the following provisions of this title and such rules or regulations of such exchange that are in effect at the time the exchange is registered—

(i) sections 7(a)(3), 7(c), and 7(f); and

(ii) Subsections (a)(1), (a)(2)(A), (a)(2)(B), and (a)(3) of section 7(f).

(C) TERMINATION.—Such registration shall be suspended immediately if any of the conditions for registration set forth in this subsection are no longer satisfied.

(D) PUBLICATION.—The Commission shall promptly publish in the Federal Register an acknowledgment of receipt of all notices the Commission receives under this subsection and shall make all such notices available to the public.

(E) EXEMPTION OF EXCHANGE FROM SPECIFIED PROVISIONS.—(A) TRANSACTION EXEMPTIONS.—An exchange that is registered under paragraph (1) of this subsection shall be exempt from, and shall not be required to enforce compliance by its members or its members’ customers with, any of the following provisions of this title and such rules or regulations of such exchange that are in effect at the time the exchange is registered—

(i) sections 7(a)(3), 7(c), and 7(f); and

(ii) Subsections (a)(1), (a)(2)(A), (a)(2)(B), and (a)(3) of section 7(f).

(B) EXEMPTION OF EXCHANGE FROM SPECIFIED PROVISIONS.—An exchange that is registered under paragraph (1) of this subsection shall be exempt from, and shall not be required to enforce compliance by its members or its members’ customers with, any of the following provisions of this title and such rules or regulations of such exchange that are in effect at the time the exchange is registered—

(i) sections 7(a)(3), 7(c), and 7(f); and

(ii) Subsections (a)(1), (a)(2)(A), (a)(2)(B), and (a)(3) of section 7(f).

(C) TERMINATION.—Such registration shall be suspended immediately if any of the conditions for registration set forth in this subsection are no longer satisfied.

(D) PUBLICATION.—The Commission shall promptly publish in the Federal Register an acknowledgment of receipt of all notices the Commission receives under this subsection and shall make all such notices available to the public.
views, and arguments concerning such proposed rule change.

"(B) FILING WITH CFTC.—A proposed rule change filed with the Commission pursuant to subsection (a) shall be filed concurrently with the Commodity Futures Trading Commission. Such proposed rule change may take effect upon filing with the Commission if the Commission finds that such rule change is necessary or appropriate in the public interest or the protection of investors. The Commission shall approve or disapprove such a proposed rule change of a self-regulatory organization if it does not make such finding. The Commission shall not approve any proposed rule change prior to the 30th day after the date of publication of notice of the filing thereof, unless the Commission finds good cause for so doing and publishes in the Federal Register its finding of good cause. The Commission, after consultation with the Commodity Futures Trading Commission under section 5(c) of the Commodity Exchange Act, upon a determination by the Commodity Futures Trading Commission that reasonable grounds for disapproval under consideration (or during the period to be extended) no longer exist, shall not approve any proposed rule change by the Commodity Futures Trading Commission.

"(C) RULE CHANGES.—Any proposed rule change of a self-regulatory organization that has taken effect pursuant to subparagraph (B) may be enforced by such self-regulatory organization to the extent such rule is not inconsistent with the provisions of this title, the rules and regulations thereunder, and applicable Federal law. At any time within 60 days after the date of the filing of a written certification with the Commodity Futures Trading Commission under section 5(c) of the Commodity Exchange Act, the date the Commodity Futures Trading Commission determines that the proposed rule change is no longer necessary or appropriate, the Commission shall not approve any proposed rule change by the Commodity Futures Trading Commission prior to the expiration of such 60-day period.

"(D) REVIEW OF RESUBMITTED ABROTTED RULES.—

"(I) PROCEEDINGS.—Within 30 days after the date of publication of notice of the filing of a proposed rule change that is abrogated in accordance with subparagraph (C) and refiled in accordance with paragraph (1), or within any longer period as the Commission may designate up to 90 days after such date if the Commission finds such longer period to be appropriate and publishes such finding in the Federal Register to which the self-regulatory organization consents, the Commission shall—

"(i) by order approve such proposed rule change;

"(ii) after consultation with the Commodity Futures Trading Commission, institute proceedings to determine whether the proposed rule change should be disapproved. Proceedings under subsection (ii) shall include notice of the grounds for disapproval under consideration and opportunity for hearing and be concluded within 180 days after the date of publication of notice of the filing of the proposed rule change. At the conclusion of such proceedings, the Commission, by order, shall approve or disapprove such proposed rule change. The Commission may extend the time for conclusion of such proceedings for up to 60 days if the Commission finds good cause for such extension and publishes its reasons for so finding.

"(II) SECURITIES ASSOCIATION RULE CHANGE.—Any proposed rule change of a securities association that has taken effect pursuant to subparagraph (B) may be enforced by such self-regulatory association to the extent such rule is not inconsistent with the provisions of this title, the rules and regulations thereunder, and applicable Federal law. At any time within 60 days after the date of the filing of a written certification with the Commodity Futures Trading Commission under section 5(c) of the Commodity Exchange Act, the date the Commodity Futures Trading Commission determines that the proposed rule change is no longer necessary or appropriate, the Commission shall not approve any proposed rule change by the Commodity Futures Trading Commission.

"(E) CONSULTATION REQUIRED.—The Commission shall consult with and consider the views of the Commodity Futures Trading Commission prior to approving or disapproving a proposed rule change filed by a national securities association registered under section 19(b) of the Securities Exchange Act of 1934 if such rule change is necessary or appropriate in the public interest or the protection of investors. The Commission, by rule, may prescribe as necessary and appropriate in the public interest or the protection of investors. A broker or dealer may not register under this paragraph unless that broker or dealer is a member of a national securities association registered under section 15A(k).

"(F) IMMEDIATE EFFECTIVENESS.—Such registration shall be suspended immediately if a national securities association registered pursuant to section 15A(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is suspended and disapproved by the Commission. The Commission shall consult with and consider the views of the Commodity Futures Trading Commission prior to approving or disapproving the proposed rule change if the Commodity Futures Trading Commission determines that an emergency exists requiring preventative action and publishes the reasons for so doing.

"(G) APPROPRIATE PARTIES.—Such registration shall be suspended immediately if a national securities association registered pursuant to section 15A(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is suspended and disapproved by the Commission. The Commission shall consult with and consider the views of the Commodity Futures Trading Commission prior to approving or disapproving the proposed rule change if the Commodity Futures Trading Commission determines that an emergency exists requiring preventative action and publishes the reasons for so doing. Such registration shall be suspended immediately if a national securities association registered pursuant to section 15A(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is suspended and disapproved by the Commission. The Commission shall consult with and consider the views of the Commodity Futures Trading Commission prior to approving or disapproving the proposed rule change if the Commodity Futures Trading Commission determines that an emergency exists requiring preventative action and publishes the reasons for so doing.

"(H) ROBOTIC TRADING.— Any proposed rule change of a self-regulatory organization that has taken effect pursuant to subparagraph (B) may be enforced by such self-regulatory organization to the extent such rule is not inconsistent with the provisions of this title, the rules and regulations thereunder, and applicable Federal law. At any time within 60 days after the date of the filing of a written certification with the Commodity Futures Trading Commission under section 5(c) of the Commodity Exchange Act, the date the Commodity Futures Trading Commission determines that the proposed rule change is no longer necessary or appropriate, the Commission shall not approve any proposed rule change by the Commodity Futures Trading Commission.

"(I) INTERVAL PRICING.—Any proposed rule change of a self-regulatory organization that has taken effect pursuant to subparagraph (B) may be enforced by such self-regulatory organization to the extent such rule is not inconsistent with the provisions of this title, the rules and regulations thereunder, and applicable Federal law. At any time within 60 days after the date of the filing of a written certification with the Commodity Futures Trading Commission under section 5(c) of the Commodity Exchange Act, the date the Commodity Futures Trading Commission determines that the proposed rule change is no longer necessary or appropriate, the Commission shall not approve any proposed rule change by the Commodity Futures Trading Commission.

"(J) INTEREST RATES.—Any proposed rule change of a self-regulatory organization that has taken effect pursuant to subparagraph (B) may be enforced by such self-regulatory organization to the extent such rule is not inconsistent with the provisions of this title, the rules and regulations thereunder, and applicable Federal law. At any time within 60 days after the date of the filing of a written certification with the Commodity Futures Trading Commission under section 5(c) of the Commodity Exchange Act, the date the Commodity Futures Trading Commission determines that the proposed rule change is no longer necessary or appropriate, the Commission shall not approve any proposed rule change by the Commodity Futures Trading Commission.

"(K) INCOME TAX.—Any proposed rule change of a self-regulatory organization that has taken effect pursuant to subparagraph (B) may be enforced by such self-regulatory organization to the extent such rule is not inconsistent with the provisions of this title, the rules and regulations thereunder, and applicable Federal law. At any time within 60 days after the date of the filing of a written certification with the Commodity Futures Trading Commission under section 5(c) of the Commodity Exchange Act, the date the Commodity Futures Trading Commission determines that the proposed rule change is no longer necessary or appropriate, the Commission shall not approve any proposed rule change by the Commodity Futures Trading Commission.

"(L) IMMEDIATE EFFECTIVENESS.—Such registration shall be suspended immediately if a national securities association registered pursuant to section 15A(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is suspended and disapproved by the Commission. The Commission shall consult with and consider the views of the Commodity Futures Trading Commission prior to approving or disapproving the proposed rule change if the Commodity Futures Trading Commission determines that an emergency exists requiring preventative action and publishes the reasons for so doing.

"(M) APPROPRIATE PARTIES.—Such registration shall be suspended immediately if a national securities association registered pursuant to section 15A(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is suspended and disapproved by the Commission. The Commission shall consult with and consider the views of the Commodity Futures Trading Commission prior to approving or disapproving the proposed rule change if the Commodity Futures Trading Commission determines that an emergency exists requiring preventative action and publishes the reasons for so doing. Such registration shall be suspended immediately if a national securities association registered pursuant to section 15A(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is suspended and disapproved by the Commission. The Commission shall consult with and consider the views of the Commodity Futures Trading Commission prior to approving or disapproving the proposed rule change if the Commodity Futures Trading Commission determines that an emergency exists requiring preventative action and publishes the reasons for so doing.
"(B) OTHER EXEMPTIONS.—A natural person exempt from registration pursuant to subpara-
graph (A) shall also be exempt from the following provisions of this title and the rules
thereunder:

(i) Section 8.

(ii) Section 11.

(iii) Subsections (c)(3), (c)(5), and (e) of this section.

(iv) Section 15B.

(v) Section 15C.

(vi) Subsections (d), (e), (f), (g), (h), and (i) of section 17.

(c) LIMITED PURPOSE NATIONAL SECURITIES ASSOCIATION—

(1) REGULATION OF MEMBERS WITH RESPECT TO SECURITY FUTURES PRODUCTS.—A futures as-

sociation registered under section 17 of the Com-

modity Exchange Act shall be a registered na-

tional securities association for the limited pur-

pose of regulating the activities of members who

are primarily engaged in the business of trans-

acting in or effecting transactions in, or carrying

out the purposes of a securities association and

are primarily engaged in the business of trans-

acting in or effecting transactions in, or carrying

out the purposes of a securities association;


(ii) Section 17.

(k) LIMITED PURPOSE NATIONAL SECURITIES

ASSOCIATION.—(A) the association shall file proposed rule

making (A) shall also be exempt from the fol-

lowing provisions of this title and the rules

thereunder:

(1) Section 8.

(B) Subsections (b)(1), (b)(3), (b)(4), (b)(5),

(b)(8), (b)(10), (b)(11), (b)(12), (b)(13), (c), (d),

(e), (f), (g), (h), (i), and (j) of section 17.

(C) Subsections (d), (f), and (k) of section 17.

(D) Subsections (a), (f), and (h) of section 19.

(e) ENFORCEMENT UNDER THE SECURITIES IN-

VESTOR PROTECTION ACT OF 1970.—

(1) Section 16(14) of the Securities Investor

Protection Act of 1970 (15 U.S.C. 78n(14)) is amended by inserting "or any security future as

that term is defined in section 3(a)(55)(A) of the

Securities Exchange Act of 1934," after "certifi-

cate of deposit for a security,".

(2) Section 3(a)(2)(A) of the Securities Investor


amended—

"(A) in clause (i), by striking "and" after the semicolon;

(b) in clause (ii), by striking the period and inserting "; and"

by adding at the end:

"(iii) persons who are registered as a broker or
dealer pursuant to section 15(b)(1)(A) of the Se-

curities Exchange Act of 1934.

SEC. 204. SPECIAL PROVISIONS FOR INTER-

AGENCY COOPERATION.

Section 17(b)(1) of the Commodity Futures


(1) by striking "(b) All" and inserting the fol-

lowing:

"(b) RECORDS SUBJECT TO EXAM-

INATION.—By

(i) procedures for cooperation with other agen-

cies.—All;" and

(ii) by inserting "by conducting any such exami-

nation of a cleared association, clearing house,

or clearing agent;" in paragraph (4)(c); and

(iii) by adding the following:

"(B) exchange registered pursuant to section

15(b)(11), exchange registered pursuant to

section 6(g), or national securities association

registered pursuant to section 15A(k) gives no

notice to the Commodity Futures Trading Com-

mission of such proposed examination and consents

with the Commodity Futures Trading Commis-

sion concerning the feasibility and desirability of

directly conducting such examination with exami-

nations conducted by the Commodity Futures

Trading Commission in order to avoid unneces-

sary duplicative burden of such broker or dealer.

and

(2) by striking paragraph (3) and inserting the fol-

lowing:

"(C) National securities association registered

pursuant to section 15A(k) described in this subpar-

graph shall not be subject to routine periodic ex-

aminations by the Commission.

(B) Any recordkeeping rules adopted under

this subsection for a broker or dealer registered pursuant to section 15(b)(11), an exchange

registered pursuant to section 6(g), or a national secu-

rities association registered pursuant to section

15A(k) shall be limited to records with re-

spect to persons, accounts, agreements, con-

tracts, and transactions involving security fu-

tures products.

(6) in paragraph (4)(C) (as redesignated by

paragraph (3) of this section), by striking "Nothing in the proviso to the preceding sen-

tence" and inserting "Nothing in the proviso to paragraph (1)".

SEC. 205. MAINTENANCE OF MARKET INTEGRITY

FOR SECURITY FUTURES PRODUCTS.

(a) ADDITION OF SECURITY FUTURES PRODU-

CTS TO OPTION-SPECIFIC ENFORCEMENT

PROVISIONS.—

(1) PROHIBITION AGAINST MANIPULATION.—Sec-

tion 20(a) of the Securities Exchange Act of

1934 (15 U.S.C. 78t(a)) is amended—

(A) in paragraph (1)—

(i) by inserting "(A)" after "acquires"; and

(ii) by striking "and"; and

(B) in paragraph (2)—

(i) by inserting "(A)" after "interest in any";

(ii) by striking "or"; and

(iii) by striking "or" and inserting "or".

(3) LIABILITY OF CONTROLLING PERSONS AND

THEIR知識 SECURITY FUTURES.

Section 20A of the Securities Exchange Act of

1934 (15 U.S.C. 78t(a)) is amended—

(A) in paragraph (1)—

(i) by striking "(A)" after "interest in any";

(ii) by striking "or"; and

(iii) by striking "or".

(5) ENFORCEMENT CONSULTATION.—Section 21


17(b)) is amended—

(A) in paragraph (1)—

(i) by inserting "(A)" after "(g)"; and

(ii) by inserting "or".

(B) by inserting "other than security futures products," after "future delivery"; and

(C) by adding at the end:

"(2) Notwithstanding the Commodity Ex-

change Act, the Commission shall have the au-

thority to regulate the trading of any security

futures product to the extent provided in the

securities laws.

(3) LIABILITY OF CONTROLLING PERSONS AND

PERSONS WHO AID AND ABET VIOLATIONS.—Sec-

tion 20(d) of the Securities Exchange Act of 1934

(15 U.S.C. 78t(d)) is amended by striking "or

privilege" and inserting "(A) privilege, or security futures product".

(4) LIABILITY TO CONTEMPORANEOUS TRADERS FOR INSIDER TRADING.—Section 21A(a)(1) of the


1(a)(1)) is amended by striking "standardized options, the Commission—and inserting "standardized options or security futures produ-

ts, privilege, or security futures product".


78u-1(a)(3)) is amended—

(A) by striking "and"; and

(B) by inserting "or".

"(A) in paragraph (2)—

(i) by striking "(A)" after "interest in any";

(ii) by striking "or"; and

(iii) by striking "or".

(3) LIABILITY OF CONTROLLING PERSONS AND

THEIR知識 SECURITY FUTURES.

Section 20A of the Securities Exchange Act of

1934 (15 U.S.C. 78t(a)) is amended—

(A) in paragraph (1)—

(i) by inserting "(A)" after "interest in any";

(ii) by striking "or"; and

(iii) by striking "or".


78u-1(a)(3)) is amended—

(A) by striking "and"; and

(B) by inserting "or".

"(A) in paragraph (2)—

(i) by striking "(A)" after "interest in any";

(ii) by striking "or"; and

(iii) by striking "or".

(3) LIABILITY OF CONTROLLING PERSONS AND

THEIR知識 SECURITY FUTURES.

Section 20A of the Securities Exchange Act of

1934 (15 U.S.C. 78t(a)) is amended—

(A) in paragraph (1)—

(i) by inserting "(A)" after "interest in any";

(ii) by striking "or"; and

(iii) by striking "or".


78u-1(a)(3)) is amended—

(A) by striking "and"; and

(B) by inserting "or".

"(A) in paragraph (2)—

(i) by striking "(A)" after "interest in any";

(ii) by striking "or"; and

(iii) by striking "or".
null
(initial and maintenance) for security futures products under such terms, and at such levels, as the Board deems appropriate, or as the Commission and the Commodity Futures Trading Commission jointly deem appropriate—

(i) to preserve the financial integrity of markets trading security futures products;

(ii) to prevent systemic risk;

(iii) to regulate the margin requirements for a security futures product in a manner consistent with the requirements established by the Board, pursuant to subparagraphs (A) and (B) of paragraph (1).

(c) INCORPORATION OF SECURITY FUTURES PRODUCTS INTO THE NATIONAL MARKET SYSTEM—

(1) CONSULTATION AND COOPERATION REQUIREMENTS—

With respect to security futures products, the Commission and the Commodity Futures Trading Commission shall consult and cooperate so that, to the maximum extent practicable, their respective regulatory responsibilities may be fulfilled and the rules and regulations applicable to security futures products may foster a national market system for security futures products if the Commission and the Commodity Futures Trading Commission jointly determine that such a system would be consistent with the congressional findings in section 6(b)(6)(B) of this title, the views of the National Securities Associations, national securities associations registered pursuant to section 6(g) and the Commodity Futures Trading Commission, and national securities exchanges.

(2) APPLICATION OF RULES BY ORDER OF CFTC—No rule adopted pursuant to this section shall be applied to any person with respect to the trading of security futures products on an exchange other than under section 6(h)(5)(A) of this title unless the Commodity Futures Trading Commission has issued an order directing that such rule is applicable to such persons.

(d) NATIONAL MARKETS SYSTEM FOR SECURITY FUTURES PRODUCTS—

(1) NATIONAL SECURITY ASSOCIATIONS FOR CLEARANCE AND SETTLEMENT.—Section 17A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78j-1(b)) is amended by adding at the end the following:

"(7)(A) A clearing agency that is regulated directly or indirectly by the Commodity Futures Trading Commission through its association with a designated contract market for security futures products that is a national securities exchange registered pursuant to section 6(g), and that would be required to register pursuant to paragraph (1) of this subsection only because it performs the functions of a clearing agency with respect to security futures products effected pursuant to such registration, and is associated with a designated contract market with which such agency is associated, is exempted from the provisions of this section and the rules and regulations thereunder, except that if such a clearing agency performs the functions of a clearing agency with respect to a security futures product that is not cash settled, it shall be subject to the rules specified in paragraphs (B) and (C) of section 6(h) of this title.

(2) SIMILAR RULES.—The Commodity Futures Trading Commission, in consultation with the Commodity Futures Trading Commission, shall issue such rules and regulations as are necessary to avoid duplicative or conflicting rules applicable to any broker or dealer registered with the Commodity Futures Trading Commission pursuant to section 4(a) of the Commodity Exchange Act (except paragraph (2) thereof), that is also registered with the Commodity Futures Trading Commission pursuant to section 4(a) of the Commodity Exchange Act (except paragraph (2) thereof), with respect to the application of—

(1) rules of such national securities exchange of the type specified in section 15(c)(3)(B) involving security futures products; and

(2) similar rules of national securities exchanges regulated pursuant to section 6(g) and national securities associations associated pursuant to section 15A(k) involving security futures products.

(e) OBLIGATION TO ADDRESS DuplicATIVE REGULATION OF DUAL REGISTRANTS.—Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3) is amended by inserting after subsection (k), as added by subsection (b) of this section, the following:

"(1) Consistent with this title, each national securities association registered pursuant to subsection (a) of this section shall issue such rules as are necessary to avoid duplicative or conflicting rules applicable to any broker or dealer registered with the Commodity Futures Trading Commission pursuant to section 4(a) of the Commodity Exchange Act (except paragraph (2) thereof), that is also registered with the Commodity Futures Trading Commission pursuant to section 4(a) of the Commodity Exchange Act (except paragraph (2) thereof), with respect to the application of—

(1) rules of such national securities association of the type specified in section 15(c)(3)(B) involving security futures products; and

(2) similar rules of national securities associations registered pursuant to subsection (k) of this section and national securities exchanges regulated pursuant to section 6(g) involving security futures products.

(2) OBLIGATION TO PUT IN PLACE PROCEDURES AND ADOPT RULES.—

Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3) is amended by inserting after subsection (l), as added by subsection (b) of this section, the following new subsection:

"(3) If the actions described in subparagraph (A) of paragraph (1) of this subsection shall not be applied to any person with respect to security futures products, the Commodity Futures Trading Commission, shall issue such rules and regulations as are necessary to avoid duplicative or conflicting rules applicable to any broker or dealer registered with the Commodity Futures Trading Commission pursuant to section 4(a) of the Commodity Exchange Act (except paragraph (2) thereof), that is also registered with the Commodity Futures Trading Commission pursuant to section 4(a) of the Commodity Exchange Act (except paragraph (2) thereof), with respect to the application of—

(1) rules of such national securities exchange of the type specified in section 15(c)(3)(B) involving security futures products; and

(2) similar rules of national securities associations registered pursuant to subsection (k) of this section and national securities exchanges regulated pursuant to section 6(g) involving security futures products.

(f) TRANSACTION FEES.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78s) is amended by inserting after subsection (b), as added by subsection (b) of this section, the following:

"(m) PROCEDURES AND RULES FOR SECURITY FUTURES PRODUCTS.—A national securities association registered pursuant to subsection (a) of this section shall issue such rules and regulations as are necessary to avoid duplicative or conflicting rules applicable to any broker or dealer registered with the Commodity Futures Trading Commission pursuant to section 4(a) of the Commodity Exchange Act (except paragraph (2) thereof), with respect to the application of—

(1) rules of such national securities exchange of the type specified in section 15(c)(3)(B) involving security futures products; and

(2) similar rules of national securities associations registered pursuant to subsection (k) of this section and national securities exchanges regulated pursuant to section 6(g) involving security futures products.

(g) EXEMPTION FROM SHORT SALE PROVISIONS.—Section 32(a)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78n-1(a)(2)) is amended by inserting after subsection (a), as added by subsection (b) of this section, the following new subsection:

"(7) A clearing agency that is regulated directly or indirectly by the Commodity Futures Trading Commission through its association with a designated contract market for security futures products that is a national securities exchange registered pursuant to section 6(g), and that would be required to register pursuant to paragraph (1) of this subsection only because it performs the functions of a clearing agency with respect to security futures products effected pursuant to such registration, and is associated with a designated contract market with which such agency is associated, is exempted from the provisions of this section and the rules and regulations thereunder, except that if such a clearing agency performs the functions of a clearing agency with respect to a security futures product that is not cash settled, it shall be subject to the rules specified in paragraphs (B) and (C) of section 6(h) of this title.

(h) RULEMAKING AUTHORITY TO ADDRESS DuplicATIVE REGULATION OF DUAL REGISTRANTS.—

The Commodity Futures Trading Commission, in consultation with the Commodity Futures Trading Commission, shall issue such rules and regulations as are necessary to avoid duplicative or conflicting rules applicable to any broker or dealer registered with the Commodity Futures Trading Commission pursuant to section 4(a) of the Commodity Exchange Act (except paragraph (2) thereof), that is also registered with the Commodity Futures Trading Commission pursuant to section 4(a) of the Commodity Exchange Act (except paragraph (2) thereof), with respect to the application of—

(1) rules of such national securities exchange of the type specified in section 15(c)(3)(B) involving security futures products; and

(2) similar rules of national securities associations registered pursuant to subsection (k) of this section and national securities exchanges regulated pursuant to section 6(g) involving security futures products.

(i) COMPLEXITY OF REGULATION.—The Commodity Futures Trading Commission, in consultation with the Commodity Futures Trading Commission, shall issue such rules and regulations as are necessary to avoid duplicative or conflicting rules applicable to any broker or dealer registered with the Commodity Futures Trading Commission pursuant to section 4(a) of the Commodity Exchange Act (except paragraph (2) thereof), that is also registered with the Commodity Futures Trading Commission pursuant to section 4(a) of the Commodity Exchange Act (except paragraph (2) thereof), with respect to the application of—

(1) rules of such national securities exchange of the type specified in section 15(c)(3)(B) involving security futures products; and

(2) similar rules of national securities associations registered pursuant to subsection (k) of this section and national securities exchanges regulated pursuant to section 6(g) involving security futures products.
1933.­

SEC. 207. CLEARANCE AND SETTLEMENT.

Section 7(h)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78j(h)(5)) is amended by adding after subsection (b), as amended—
1. (m) in paragraph (3)(A), by inserting the following:
(3) by striking the period at the end of paragraph (3)(B), and inserting the following:
(b) by striking the period at the end of paragraph (3)(C), and inserting the following:
A term of art shall be a term used by the practice of, or is commonly known to the trade as, a "non-narrow-based security index" by the Commission.
C. a term of art shall be a term used by the practice of, or is commonly known to the trade as, a "narrow-based security index" by the Commission.
D. in paragraph (5), by inserting the following:
(5) by striking the period at the end of paragraph (5), and inserting the following:
E. in paragraph (6), by striking the period at the end of paragraph (6), and inserting the following:
F. in paragraph (7), by striking the period at the end of paragraph (7), and inserting the following:
G. in paragraph (8), by striking the period at the end of paragraph (8), and inserting the following:
H. in paragraph (9), by striking the period at the end of paragraph (9), and inserting the following:
I. in paragraph (10), by striking the period at the end of paragraph (10), and inserting the following:
J. in paragraph (11), by striking the period at the end of paragraph (11), and inserting the following:
K. in paragraph (12), by striking the period at the end of paragraph (12), and inserting the following:
L. in paragraph (13), by striking the period at the end of paragraph (13), and inserting the following:
M. in paragraph (14), by striking the period at the end of paragraph (14), and inserting the following:
N. in paragraph (15), by striking the period at the end of paragraph (15), and inserting the following:
O. in paragraph (16), by striking the period at the end of paragraph (16), and inserting the following:
P. in paragraph (17), by striking the period at the end of paragraph (17), and inserting the following:
Q. in paragraph (18), by striking the period at the end of paragraph (18), and inserting the following:
R. in paragraph (19), by striking the period at the end of paragraph (19), and inserting the following:
S. in paragraph (20), by striking the period at the end of paragraph (20), and inserting the following:
T. in paragraph (21), by striking the period at the end of paragraph (21), and inserting the following:
U. in paragraph (22), by striking the period at the end of paragraph (22), and inserting the following:
V. in paragraph (23), by striking the period at the end of paragraph (23), and inserting the following:
W. in paragraph (24), by striking the period at the end of paragraph (24), and inserting the following:
X. in paragraph (25), by striking the period at the end of paragraph (25), and inserting the following:
Y. in paragraph (26), by striking the period at the end of paragraph (26), and inserting the following:
Z. in paragraph (27), by striking the period at the end of paragraph (27), and inserting the following:
(aa) in paragraph (28), by striking the period at the end of paragraph (28), and inserting the following:
(bb) in paragraph (29), by striking the period at the end of paragraph (29), and inserting the following:
(cc) in paragraph (30), by striking the period at the end of paragraph (30), and inserting the following:
(dd) in paragraph (31), by striking the period at the end of paragraph (31), and inserting the following:
(ee) in paragraph (32), by striking the period at the end of paragraph (32), and inserting the following:
(ff) in paragraph (33), by striking the period at the end of paragraph (33), and inserting the following:
(gg) in paragraph (34), by striking the period at the end of paragraph (34), and inserting the following:
(hh) in paragraph (35), by striking the period at the end of paragraph (35), and inserting the following:
(ii) in paragraph (36), by striking the period at the end of paragraph (36), and inserting the following:
(jj) in paragraph (37), by striking the period at the end of paragraph (37), and inserting the following:
(kk) in paragraph (38), by striking the period at the end of paragraph (38), and inserting the following:
(ll) in paragraph (39), by striking the period at the end of paragraph (39), and inserting the following:
(mm) in paragraph (40), by striking the period at the end of paragraph (40), and inserting the following:
(nn) in paragraph (41), by striking the period at the end of paragraph (41), and inserting the following:
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(ww) in paragraph (50), by striking the period at the end of paragraph (50), and inserting the following:
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(59) by striking the period at the end of paragraph (59), and inserting the following:
a contract market in, or register a derivatives transaction execution facility that trades or exe-
cutes, a security futures product as defined in section 1a of this Act. Provided, however, That, except as provided in subsection (v) of this paragraph, no board of trade shall be designated as a contract market with respect to, or registered as a derivatives transaction execution facility for, any such contract on a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934, except as provided in clause (vi) of this subparagraph, if the security futures product is traded or listed thereunder or the provisions of section 11(a) of the Securities Exchange Act of 1934, or national securities exchange registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 of which such alternative trading system is a member.

(II) If the security futures product is not cash settled, the board of trade on which the security futures product is traded has arranged pursuant to section 17A of the Securities Exchange Act of 1934 for the payment and delivery of the securities underlying the security futures product.

(III) Except as otherwise provided in a rule, regulation, or order issued pursuant to clause (v) of this subparagraph, any security under-
lying the security future, including each compo-
nent security of a narrow-based security index, is subject to the rules of section 12 of the Secu-

(IV) The security futures product is cleared by a clearing agency that has in place provi-
sions for the prompt and efficient resolution of disputes under section 7(h) of the Securities Exchange Act of 1934 and other clear-
ing agencies that have entered into coordinated surveillance required in subclause (I).

(V) A contract market with respect to, or registered derivatives transaction execution facility, national securities exchange registered under section 6(a) of the Securities Exchange Act of 1934, or national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934.

(VI) Only futures commission merchants, introducing brokers, commodity trading advisors, commodity pool operators, or associated persons registered pursuant to section 4k(6), or board of trade designated as a contract market in connection with a security futures product pursuant to section 4k(6), or board of trade designated as a contract market in a security futures product pursuant to section 5f that is made by the Securities and Exchange Commission, a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78o±3(a)), or a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934.

(VII) Trading in the security futures product is not readily susceptible to manipulation of the price of such security futures product, nor to causing or being used in the manipulation of the price of any underlying security, option on such security, or option on a group or index includ-
ing such securities.

(VIII) The board of trade on which the security futures product is traded has procedures in place for coordinated surveillance among such board of trade, any market on which any security underlying the security futures product is traded, and other markets on which any related security is traded to detect manipulation and in-
sider trading, except that, if the board of trade is an alternative trading system, a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 or national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 of which such alternative trading system is a member.

(IX) The board of trade on which the security futures product is traded has in place pro-
cedures to coordinate trading halts between such board of trade and markets on which any secu-
rities underlying the security futures product is traded and other markets on which any related security is traded, except that, if the board of trade is an alternative trading system, a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 of which such alternative trading system is a member.

(X) The board of trade on which the security futures product is traded has in place pro-
cedures to coordinate the clearing of contracts for futures, and transactions involving security futures products.

(XI) The requirement in section 15A(a) of the Securities Exchange Act of 1934 that a board of trade designated as a contract market in a security futures product pursuant to section 5f, and, upon request, furnish to the Securities and Exchange Commission the reports of examinations conducted by the Securities and Exchange Commission in order to avoid un-
necessary regulatory duplication or undue regu-
larly burdens for the registrant or board of trade.

(XII) The Commission shall notify the Securi-
ties and Exchange Commission of any examina-
tion conducted of any futures commission mer-
chant introducing broker registered pursuant to section 4f(a)(2), floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), associated person exempt from registra-
tion pursuant to section 4f(a)(3), introducing broker registered pursuant to section 4f(a)(3), or board of trade designated as a contract market in a security futures product pursuant to section 5f that is made by the Securities and Exchange Commission, a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78o±3(a)), or a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934.

(XIII) Any records required under this sub-
section for a futures commission merchant or in-
roducing broker registered pursuant to section 4f(a)(2), floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), associated person exempt from registration pursuant to section 4f(a)(3), or board of trade designated as a contract market in a security futures product pursuant to section 5f, shall be limited to records with respect to accounts, agreements, contracts, and transactions involving security futures products.

(XIV) The Commission and the Securities and Exchange Commission, by rule, regulation, or order, may jointly modify the criteria specified in this clause to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors, or otherwise in fur-
therance of the purposes of this Act, and the Commission, before conducting any such exam-
ination, shall give notice to the Securities and Exchange Commission of its intention to ex-
amine and consult with the Securities and Ex-
change Commission concerning the feasibility and desirability of coordinating the examination with examinations conducted by the Securities and Exchange Commission in order to avoid un-
necessary regulatory duplication or undue regu-
larly burdens for the registrant or board of trade.

(1) Except as provided in subclause (I), the Commission shall use the reports of examinations, unless the informa-
tion sought is unavailable in the reports, of any futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), associated person exempt from registration pursuant to section 4f(a)(3), or board of trade designated as a contract market in a security futures product pursuant to section 5f that is made by the Securities and Exchange Commission, a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78o±3(a)), or a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934.

(2) Nothing in this subclause shall be construed to

limit the authority of the Securities and Exchange Commission to conduct periodic or special examinations by representatives of the Commission as the Commission deems neces-
ery or appropriate in the public interest, for a pro-
tection of investors, or otherwise in fur-
therance of the purposes of this Act, and the Commission, before conducting any such exam-
ination, shall give notice to the Securities and Exchange Commission of its intention to ex-
amine and consult with the Securities and Ex-
change Commission concerning the feasibility and desirability of coordinating the examination with examinations conducted by the Securities and Exchange Commission in order to avoid unnecessary regulatory duplication or undue regulatory burdens for the registrant or board of trade.

(3) Except as provided in subclause (I), the Commission may by order, pursuant to section 4f(a)(2), floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), associated person exempt from registration pursuant to section 4f(a)(3), or board of trade designated as a contract market in a security futures product pursuant to section 5f, and, upon request, furnish to the Securities and Exchange Commission any examination report and data supplied to or prepared by the Commission in connection with the examination.

(4) Before conducting an examination under clause (I), the Commission shall use the reports of examinations, unless the informa-
tion sought is unavailable in the reports, of any futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), associated person exempt from registration pursuant to section 4f(a)(3), or board of trade designated as a contract market in a security futures product pursuant to section 5f that is made by the Securities and Exchange Commission, a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78o±3(a)), or a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934.

(5) The Commission and the Securities and Ex-
change Commission, by rule, regulation, or order, may jointly modify the criteria specified in this clause to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors, or otherwise in fur-
therance of the purposes of this Act, and the Commission, before conducting any such exam-
ination, shall give notice to the Securities and Exchange Commission of its intention to ex-
amine and consult with the Securities and Ex-
change Commission concerning the feasibility and desirability of coordinating the examination with examinations conducted by the Securities and Exchange Commission in order to avoid unnecessary regulatory duplication or undue regulatory burdens for the registrant or board of trade.
interest, and is consistent with the protection of investors.

(7)(i) Otherwise provided in clause (i) and (vii),
    unless the board of trade has provided the Com-
    mission with a certification that the specific se-
    curity futures product traded on all designated contract markets
    and registered derivatives transaction execution facilities or any derivatives
    transaction execution facility shall issue such rules as are necessary to avoid dupli-
    cative or conflicting regulations applicable to any futures commission merchant registered
    with the Commission pursuant to section 4(f)(1) of the Commodity Exchange Act of 1934.
    Prohibited Act involving security futures products; and
    similar rules as are necessary to avoid duplicative or conflicting regulations applicable to any futures
    commission merchant registered with the Commission pursuant to section 4(f)(1) of the
    Commodity Exchange Act of 1934.

(c) Consistent with this Act, the Commission, in consultation with the Securities and
    Exchange Commission, may determine, the Board may delegate any or
    all of its authority, relating to margin for any
    contract market or derivatives transaction execution facility as specified in the request.

(III) Subject to such conditions as the Board may
determine, the Board may delegate any or
all of its authority, relating to margin for any
contract market or derivatives transaction execution facility as specified in the request.

(3) ENGAGEMENT OF DUAL REGISTRANTS.ÐSection 17
(a) The Commission shall issue regulations to
prohibit the privilege of dual trading in security futures products; and
similar rules as are necessary to avoid duplicative or conflicting regulations applicable to any futures
commission merchant registered with the Commission pursuant to section 4(f)(1) of the
Commodity Exchange Act of 1934.

(b) As used in this section, the term `dual
registrant'' shall include two or more contract
market members or registered derivatives trans-
action execution facility members with floor trading privileges of whom at least one is acting as a floor broker, who—

(1) engage in floor brokerage activity on be-
half of the same employer,
(2) have an employer and employee relation-
ship which relates to floor brokerage activity,
(3) share profits and losses associated with their floor brokerage activities,
(4) regularly share a deck of orders.

(d) Exemption from Registration for In-
vestment Advisers.ÐSection 4m of the Com-
modity Exchange Act is amended by adding at the end the following:

(1) Subsection (1) of this section shall not
apply to any commodity trading advisor that is
registered with the Securities and Exchange Commission as an investment adviser whose business does not consist primarily of acting as a commodity trading advisor, as defined in sec-
tion 1a(12), and that does not act as a contract
market or registered derivatives transaction execution facility as specified in the request.

(iv) Exemption from Investigations of Mar-
kets in Underlying Securities.ÐSection 16 of the
Commodity Exchange Act (7 U.S.C. 20) is amended by adding at the end the following:

(1) This section shall not apply to investiga-
tions involving any security underlying a securi-
ty futures product.

(v)(i) Rulemaking Authority To Address Du-
pli
cative Regulation of Dual Registrants.ÐSection 4d of the Commodity Exchange Act (7 U.S.C. 6d) is amended—

(1) by striking ``(a)'' before the first undesig-
nated paragraph;
(2) by inserting ``(b)'' before the second undes-
igned paragraph; and
(3) by adding at the end the following:

``(c) Consistent with this Act, the Commission, in consultation with the Securities and Exchange Commission, may determine, the Board may delegate any or all of its authority, relating to margin for any contract market or derivatives transaction execution facility as specified in the request.

(3) ENGAGEMENT OF DUAL REGISTRANTS.ÐSection 17
(a) The Commission shall issue regulations to
prohibit the privilege of dual trading in security futures products; and
similar rules as are necessary to avoid duplicative or conflicting regulations applicable to any futures
commission merchant registered with the Commission pursuant to section 4(f)(1) of the
Commodity Exchange Act of 1934.

(b) As used in this section, the term `dual
registrant'' shall include two or more contract
market members or registered derivatives trans-
action execution facility members with floor trading privileges of whom at least one is acting as a floor broker, who—

(1) engage in floor brokerage activity on be-
half of the same employer,
(2) have an employer and employee relation-
ship which relates to floor brokerage activity,
(3) share profits and losses associated with their floor brokerage activities,
(4) regularly share a deck of orders.
(i) **OBLIGATION TO ADDRESS SECURITY FUTURES PRODUCTS TRADED ON FOREIGN EXCHANGES.**—Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2, 2a, and 4) is amended by adding at the end the following: 

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(E)(i) To the extent necessary or appropriate in the public interest, to promote fair competition, and consistent with promotion of market efficiency, quality, safety, and soundness, and with expansion opportunities, the protection of investors, and the maintenance of fair and orderly markets, the Commission and the Securities and Exchange Commission shall jointly issue such rules, regulations, or orders as are necessary and appropriate to permit the offer and sale of a security futures product traded on or subject to the rules of a foreign board of trade to United States persons.

(ii) The rules, regulations, or orders adopted under clause (i) shall take into account, as appropriate, the nature and size of the markets that the securities underlying the security futures product reflects.
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(I) **SECURITY FUTURES PRODUCTS TRADED ON FOREIGN BOARDS OF TRADE.**—Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2, 2a, and 4) is amended by adding at the end the following: 

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(4) is amended by adding at the end the following:
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(II) **FOREIGN BOARDS OF TRADE.**—Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2, 2a, and 4)) is amended by adding at the end the following: 

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FOREIGN BOARDS OF TRADE.ÐSection 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2, 2a, and 4) is amended by adding at the end the following: 
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(III) **APPLICATION OF THE COMMODITY EXCHANGE ACT TO NATIONAL SECURITIES EXCHANGES AND NATIONAL SECURITIES ASSOCIATIONS THAT TRADE SECURITY FUTURES.**

(a) **NOTICE DESIGNATION OF NATIONAL SECURITIES EXCHANGES AND NATIONAL SECURITIES ASSOCIATIONS:**—The Commodity Exchange Act is amended by inserting after section 5e (7 U.S.C. 7e), as redesignated by section 21(1), the following: 

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SEC. 5F. DESIGNATION OF SECURITIES EXCHANGES AND ASSOCIATIONS AS CONTRACT MARKETS.

(a) Any board of trade that is registered with the Securities and Exchange Commission as a national securities exchange, is a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934, or is an alternative trading system shall be designated a contract market in security futures products if—

```

(i) **SEC. 5f. DESIGNATION OF SECURITIES EXCHANGES AND ASSOCIATIONS AS CONTRACT MARKETS.**

(a) Any board of trade that is registered with the Securities and Exchange Commission as a national securities exchange, is a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934, or is an alternative trading system shall be designated a contract market in security futures products if—

```

(iii) **NOTICE REGISTRATION OF CERTAIN SECURITIES EXCHANGES AND ASSOCIATIONS AS CONTRACT MARKETS.**

(a) Any board of trade that is registered with the Securities and Exchange Commission as a national securities exchange, is a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934, or is an alternative trading system shall be designated a contract market in security futures products if—

```

(1) Such designation shall be effective contemporaneously with the submission of notice, in written or electronic form, to the Commission.

(b) A national securities exchange, national securities association, alternative trading system, or derivatives transaction execution facility to security futures products that is designated a contract market pursuant to section 5f shall be exempt from the following provisions of this Act and the rules thereunder:

```

(1) By inserting ``(1)'' after ``(a)''

(2) By adding at the end the following:

```
(II) **SEC. 5F. DESIGNATION OF SECURITIES EXCHANGES AND ASSOCIATIONS AS CONTRACT MARKETS.**

(a) Any board of trade that is registered with the Securities and Exchange Commission as a national securities exchange, is a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934, or is an alternative trading system shall be designated a contract market in security futures products if—

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(III) **NOTICE REGISTRATION OF CERTAIN SECURITIES EXCHANGES AND ASSOCIATIONS AS CONTRACT MARKETS.**

(a) Any board of trade that is registered with the Securities and Exchange Commission as a national securities exchange, is a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934, or is an alternative trading system shall be designated a contract market in security futures products if—

```

(1) Such designation shall be effective contemporaneously with the submission of notice, in written or electronic form, to the Commission.

(b) A national securities exchange, national securities association, alternative trading system, or derivatives transaction execution facility to security futures products that is designated a contract market pursuant to section 5f shall be exempt from the following provisions of this Act and the rules thereunder:

```

(1) By inserting ``(1)'' after ``(a)''

(2) By adding at the end the following:

```
(1) Subsections (e), (g), and (h) of section 4c.

(II) Section 4j.

(III) Section 6a.

(IV) Subsections (b) and (c) of section 6c.

(III) **SEC. 5F. DESIGNATION OF SECURITIES EXCHANGES AND ASSOCIATIONS AS CONTRACT MARKETS.**

(a) Any board of trade that is registered with the Securities and Exchange Commission as a national securities exchange, is a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934, or is an alternative trading system shall be designated a contract market in security futures products if—

```

(1) Such designation shall be effective contemporaneously with the submission of notice, in written or electronic form, to the Commission.

(b) A national securities exchange, national securities association, alternative trading system, or derivatives transaction execution facility to security futures products that is designated a contract market pursuant to section 5f shall be exempt from the following provisions of this Act and the rules thereunder:

```

(1) By inserting ``(1)'' after ``(a)''

(2) By adding at the end the following:

```
(1) Subsections (e), (g), and (h) of section 4c.

(II) Section 4j.

(III) Section 6a.

(IV) Subsections (b) and (c) of section 6c.
"(5) Any associated person of a broker or dealer that is registered with the Securities and Exchange Commission, and who limits its solicitation of orders, acceptance of orders, or execution or placement of orders on behalf of others involving any contracts of sale of any commodity for future delivery or any option on such a contract, on or subject to the rules of any contract market designated as a contract market pursuant to section 4k(6), or any board of trade pursuant to section 4f(a)(2), any floor broker or floor trader exempt from registration pursuant to section 4(a)(3), any associated person exempt from registration pursuant to section 4(k)(6), or any board of trade designated as a contract market pursuant to section 4(j).

(b) Section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9a, 9b, 13b, 15) is amended by adding at the end the following:

"(g) The Commission shall provide the Securities and Exchange Commission with notice of the commencement of any proceeding and a copy of any order entered by the Commission against any futures commission merchant or introducing broker registered pursuant to section 4(a)(2), any floor broker or floor trader exempt from registration pursuant to section 4(a)(3), any associated person exempt from registration pursuant to section 4(k)(6), or any board of trade designated as a contract market pursuant to section 4(j).

(c) Section 6c of the Commodity Exchange Act (7 U.S.C. 13a-3) is amended by adding at the end the following:

"(g) The Commission shall provide the Securities and Exchange Commission with notice of the commencement of any proceeding and a copy of any order entered by the Commission against any futures commission merchant or introducing broker registered pursuant to section 4(a)(2), any floor broker or floor trader exempt from registration pursuant to section 4(a)(3), any associated person exempt from registration pursuant to section 4(k)(6), or any board of trade designated as a contract market pursuant to section 5f.

TITLE III—LEGAL CERTAINTY FOR SWAP AGREEMENTS

SEC. 301. SWAP AGREEMENT.

(a) AMENDMENT. Title II of the Gramm-Leach-Bliley Act (Public Law 106-102) is amended by inserting after section 206 the following new section:

"SEC. 206A. SWAP AGREEMENT.

"(a) IN GENERAL. Except as provided in subsection (b), as used in this section, the term 'swap agreement' means any agreement, contract, or transaction between eligible contract participants (as defined in section 1a(12) of the Commodity Exchange Act) and any person that is an eligible contract participant under section 1a(12)(C) of the Commodity Exchange Act, the material terms of which (other than price and quantity) are subject to individual negotiation, and that—

"(1) is a put, call, cap, floor, collar, or similar option or option-like instrument entered into for the purpose of raising capital or otherwise; and

"(2) provides for the purchase, sale, payment or delivery (other than a dividend or interest to be paid on any such security) that is the subject of any agreement, contract, or transaction pursuant to section 206A of the Gramm-Leach-Bliley Act."

SEC. 302. SECURITIES ACT OF 1933.

"(a) SECURITIES ACT OF 1933. (1) Section 3(a)(1) of the Securities Act of 1933 is amended by striking out "financial futures contract" and inserting instead "security-based swap agreement." 

(b) ANTI-FRAUD AND ANTI-MANIPULATION ENFORCEMENT ACTIONS. As used in this section, the term 'security-based swap agreement' means any swap agreement (as defined in section 206A of the Gramm-Leach-Bliley Act).

(c) SECURITIES ACT OF 1934.

"(a) SECURITIES ACT OF 1934. (1) Section 3(a)(10) of the Securities Act of 1934 is amended by inserting after "financial futures contract" the following: "or a security-based swap agreement." 

(b) ANTI-FRAUD AND ANTI-MANIPULATION ENFORCEMENT ACTIONS. As used in this section, the term 'security-based swap agreement' means any swap agreement (as defined in section 206A of the Gramm-Leach-Bliley Act)."
SEC. 303. AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.

(a) ENFORCEMENT.—The Securities Exchange Act of 1934 is amended by inserting after section 3 (15 U.S.C. 78c) the following new section:

"SEC. 3A. SWAP AGREEMENTS.—(a) DEFINITION. (1) The definition of 'security' in section 3(a)(10) of this title does not include any non-security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act), with respect to such a swap agreement, the Commission shall be void and of no force or effect.

(2) If a dealer or broker, or other person selling or offering for sale or purchasing or offering to purchase the security or a security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security, to induce any person selling or offering for sale or purchasing or offering to purchase the security or a security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security, with respect to such security, by the use or means of any manipulative, deceptive, or other fraudulent device or contrivance.

(b) LIMITATION. Section 9 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) is amended by adding at the end the following new subsection:

"(c) LIMITATION. Section 9 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) is amended by adding at the end the following new subsection:

"(4) A person selling or offering for sale or purchasing or offering to purchase the security or a security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security, the price of such security, for the purpose of inducing or to attempt to induce the purchase or sale of, any security (other than commercial paper, bankers’ acceptances, or commercial bills) otherwise than on a national securities exchange or any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) involving a government security by means of any manipulative, deceptive, or other fraudulent device or contrivance.

(c) ANTI-INSIDER TRADING ENFORCEMENT AUTHORITY.—Subsections (a) and (b) of section 15 (15 U.S.C. 78p(a), (b)) of the Securities Exchange Act of 1934 are amended to read as follows:

"(a) No broker or dealer shall make use of the mails or any means or instrumentalities to effect any transaction in, or to induce or to attempt to induce the purchase or sale of, any security (other than commercial paper, banks, and commercial bills) otherwise than on a national securities exchange or any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) involving a government security by means of any manipulative, deceptive, or other fraudulent device or contrivance.

(4) A person selling or offering for sale or purchasing or offering to purchase the security or a security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security, or to induce or to attempt to induce the purchase or sale of, any security (other than commercial paper, banks, and commercial bills) otherwise than on a national securities exchange or any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) involving a government security by means of any manipulative, deceptive, or other fraudulent device or contrivance.

(2) If a dealer or broker, or other person selling or offering for sale or purchasing or offering to purchase the security or a security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security, with respect to such security, by the use or means of any manipulative, deceptive, or other fraudulent device or contrivance.

(2) If a dealer or broker, or other person selling or offering for sale or purchasing or offering to purchase the security or a security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security, the price of such security, for the purpose of inducing or to attempt to induce the purchase or sale of, any security (other than commercial paper, banks, and commercial bills) otherwise than on a national securities exchange or any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) involving a government security by means of any manipulative, deceptive, or other fraudulent device or contrivance.

(2) The Commission is prohibited from regulating, or requiring, recommending, or suggesting restrictions and limitations of section 3A(b) of this title.

(3) If a dealer or broker, or other person selling or offering for sale or purchasing or offering to purchase the security or a security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security, the Commission becomes aware that a registrant of such issuer of which he is the beneficial owner at the close of the calendar month, shall file with the Commission (and if such security is registered on a national securities exchange, also with the exchange) the amount of all equity securities of such issuer of which he is the beneficial owner, and within ten days after the close of each calendar month thereafter, if there has been a change in such ownership or if such person shall have purchased or sold a security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) involving such equity security during such month, shall file with the Commission (and if such security is registered on a national securities exchange, shall also file with the exchange), a statement indicating his ownership at the close of the calendar month and such changes in his ownership of such security-based swap agreements as have occurred during such calendar month.
“(b) For the purpose of preventing the unfair use of information which may have been obtained by such beneficial owner, director, or officer by reason of his relationship to the issuer, any profit derived from any purchase and sale, or any sale and purchase, of any equity security of such issuer (other than an exempted security) or a security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) involving any such equity security within any period of less than six months, unless such security was a banking product for purposes of this section, is made by such beneficial owner, director, or officer in entering into such transaction or holding the security or security-based swap agreement purchased or of not repurchasing the security or security-based swap agreement sold for a period exceeding six months. Suit to recover such profit may be instituted at law or in equity in any court of competent jurisdiction by the issuer, or by the owner of any security of the issuer in the name and behalf of the issuer if the issuer shall fail or refuse to bring such suit within sixty days after such purchase or sale was diligently prosecuted to the same extent; but no such suit shall be brought more than two years after the date such profit was realized. This subsection shall not be construed to prohibit or to require any affected person to enter into any arbitration proceeding to determine the liability of such person with respect to the purchase or sale of any security, and the terms of such proceeding shall be determined in such manner as to effectuate the purposes of this section. Nothing in this Act or the amendments made by this Act shall be construed as finding the person entering into the swap agreement; and

(i) MATERIALLY NONPUBLIC INFORMATION—Section 20(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78p) is amended by adding at the end the following new sub-section:

(ii) The authority of the Commission under this section with respect to security-based swap agreements (as defined in section 206B of the Gramm-Leach-Bliley Act) shall be subject to the restrictions and limitations of section 3(a)(b) of this title.

(iii) In applying any provision of this Act with respect to security-based swap agreements, no provision of this Act shall be considered to be predominant only in respect to a security if the person entering into such swap agreement, at the time the persons enter into the swap agreement; and

(iv) The authority of the Commission under this section with respect to security-based swap agreements (as defined in section 206B of the Gramm-Leach-Bliley Act) involving any such equity security within any period of less than six months, unless such security was a banking product for purposes of this section, is made by such beneficial owner, director, or officer in entering into such transaction or holding the security or security-based swap agreement purchased or of not repurchasing the security or security-based swap agreement sold for a period exceeding six months. Suit to recover such profit may be instituted at law or in equity in any court of competent jurisdiction by the issuer, or by the owner of any security of the issuer in the name and behalf of the issuer if the issuer shall fail or refuse to bring such suit within sixty days after such purchase or sale was diligently prosecuted to the same extent; but no such suit shall be brought more than two years after the date such profit was realized. This subsection shall not be construed to prohibit or to require any affected person to enter into any arbitration proceeding to determine the liability of such person with respect to the purchase or sale of any security, and the terms of such proceeding shall be determined in such manner as to effectuate the purposes of this section. Nothing in this Act or the amendments made by this Act shall be construed as finding the person entering into the swap agreement; and

SEC. 401. SHORT TITLE.
This title may be cited as the "Legal Certainty for Bank Products Act of 2000".  

SEC. 402. DEFINITIONS.
(a) Bank.—In this title, the term "bank" means—
(1) any depository institution (as defined in section 3(c) of the Federal Deposit Insurance Act);
(2) any foreign bank or branch or agency of a foreign bank (each as defined in section 1(b) of the International Banking Act of 1978);
(3) any Federal or State credit union (as defined in section 101 of the Federal Credit Union Act);
(4) any corporation organized under section 25A of the Federal Reserve Act;
(5) any corporation operating under section 25 of the Federal Reserve Act;
(6) any trust company; or
(7) any subsidiary of any entity described in section 403 of the Commodity Exchange Act; or

(b) HYBRID INSTRUMENT.—In this title, the term "hybrid instrument" means an identified banking product not excluded by section 403 of this Act, offered, entered into, or provided in the United States by any bank on or before December 5, 2000, under applicable banking law if—
(1) the product has no payment indexed to the value, level, or rate of, and does not provide for the delivery of, any commodity (as defined in section 1a(4) of the Commodity Exchange Act); or
(2) the product or commodity is otherwise excluded from the Commodity Exchange Act.

(b) COVERED SWAP AGREEMENT.—In this title, the term "covered swap agreement" means a swap agreement, contract, or transaction (as defined in section 206B of the Commodity Exchange Act), including a credit or equity swap, based on a commodity other than an agricultural commodity enumerated in section 1a(4) of the Commodity Exchange Act if—

(i) the swap agreement—
(A) is entered into only between persons that are eligible contract participants (as defined in section 1a(12) of the Commodity Exchange Act, as in effect on the date of enactment of the Commodity Futures Modernization Act of 2000, at the time the persons enter into the swap agreement; and
(B) is not entered into or executed on a trading facility (as defined in section 1a(33) of the Commodity Exchange Act); or

(ii) the swap agreement—
(A) is entered into or executed on an electronic trading facility (as defined in section 1a(10) of the Commodity Exchange Act); and
(B) is entered into on a principal-to-principal basis, rather than on a public trading facility, for any of its own accounts or as described in section 1a(12)(B)(i) of the Commodity Exchange Act; or

(h) LIMITATION.—Section 16 of the Securities Exchange Act of 1934 (15 U.S.C. 78p) is amended by adding at the end the following new sub-section:

(i) MINIMIZATION OF REGULATORY AUTHORITY.—For purposes of subsection (b)(3), mark-
to-market margining requirements shall not include the obligation of an issuer of a secured debt instrument to increase the amount of collateral held in pledge for the benefit of the purchaser of the secured debt instrument, nor shall it include the repayment obligations of the issuer under the secured debt instrument.

SEC. 406. ADMINISTRATION OF THE PREDOMINANTLY BANKING INSTRUMENT REGULATION.

(a) IN GENERAL.—No provision of the Commodity Exchange Act shall apply to, and the Commodity Futures Trading Commission shall not regulate, a hybrid instrument, unless the Commission determines, by or under a rule issued in accordance with this section, that—

(1) the action is necessary and appropriate in the public interest;

(2) the action is consistent with the Commodity Exchange Act and the purposes of the Commodity Exchange Act; and

(3) the hybrid instrument is not predominately a banking product under the predominance test set forth in section 405(b) of this Act.

(b) CONSULTATION.—Before commencing a rulemaking or making a determination pursuant to a rule issued under this title, the Commission shall consult with and seek the concurrence of the Board of Governors of the Federal Reserve System concerning—

(1) the nature of the hybrid instrument; and

(2) the history, extent, and appropriateness of the regulation of the hybrid instrument under the Commodity Exchange Act and under appropriate banking laws.

(c) OBJECTION TO COMMISSION REGULATION.—

(1) FILING OF PETITION FOR REVIEW.—The Board of Governors of the Federal Reserve System may obtain review of any rule or determination referred to in subsection (a) in the United States Court of Appeals for the District of Columbia Circuit by filing in the court, not later than 60 days after the date of publication of the rule or determination, a written petition requesting that the rule or determination be set aside. Any proceeding to challenge any such rule or determination shall be expedited by the court.

(2) TRANSMITTAL OF PETITION AND RECORD.—A copy of a petition described in paragraph (1) shall be transmitted as soon as possible by the Clerk of the court to an officer or employee of the Commodity Futures Trading Commission who shall be transmitted as soon as possible by the Clerk of the court to an officer or employee of the Commodity Futures Trading Commission, if any, who is designated for that purpose. Upon receipt of the petition, the Commission shall file with the designated officer or employee a copy of a petition described in paragraph (1) of this section, together with the record of the Commission's action to which the petition relates.

(2) TRANSMITTAL OF PETITION AND RECORD.—A copy of a petition described in paragraph (1) shall be transmitted as soon as possible by the Clerk of the court to an officer or employee of the Commodity Futures Trading Commission, if any, who is designated for that purpose. Upon receipt of the petition, the Commission shall file with the designated officer or employee a copy of a petition described in paragraph (1) of this section, together with the record of the Commission's action to which the petition relates.

(3) COURT REVIEW.—The court shall have jurisdiction, which shall be exercised by or under rules promulgated by the Commission, to hear and determine to affirm and enforce or set aside a rule or determination under review.

SEC. 407. EXCLUSION OF COVERED SWAP AGREEMENTS.

No provision of the Commodity Exchange Act (other than section 5b of such Act with respect to the clearing of swap agreements) shall apply to, and the Commodity Futures Trading Commission shall not regulate or exercise regulatory authority with respect to, a covered swap agreement offered, entered into, or provided by a bank.

SEC. 408. CONTRACT ENFORCEMENT.

(a) HYBRID INSTRUMENTS.—No hybrid instrument shall be void, voidable, or unenforceable, or no party to a hybrid instrument shall be entitled to rescind, or recover any payment made with respect to, a hybrid instrument under any provision of Federal or State law, based solely on the failure of the hybrid instrument to satisfy the predominance test set forth in section 405(b) of this Act or to comply with the terms or conditions of an exemption or exclusion from any provision of the Commodity Exchange Act or any regulation of the Commodity Futures Trading Commission.

(b) COVERED SWAP AGREEMENTS.—No covered swap agreement shall be void, voidable, or unenforceable, and no party to a covered swap agreement shall be entitled to rescind, or recover any payment made with respect to, a covered swap agreement under any provision of Federal or State law, based solely on the failure of the covered swap agreement to comply with the terms or conditions of an exemption or exclusion from any provision of the Commodity Futures Trading Commission or any regulation of the Commodity Futures Trading Commission.

(c) PREEMPT.—This title shall supersede and preempt any application of any State or local law that prohibits or regulates gaming or any operation of bucket shops (other than anti-fraud provisions of general applicability) in the case of—

(1) a hybrid instrument that is predominately a banking product; or

(2) a covered swap agreement.

MEDICARE, MEDICAID, AND SCHIP BENEFITS IMPROVEMENT AND PROTECTION ACT OF 2000

The conference agreement would enact the provisions of H.R. 5661, as introduced on December 1, 2000, Senate Bill 2000, as introduced on December 2, 1999, and the Medicare, Medicaid, and SCHIP Balanced Budget Reconciliation Act of 1999 (Public Law 106-113), as enacted into law by section 1001(a)(6) of Public Law 106-113.

(d) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendments to Social Security Act; references to other Acts; table of contents.

TITLE I—MEDICARE BENEFICIARY IMPROVEMENTS

Subtitle A—Improved Preventive Benefits

Sec. 101. Coverage of biennial screening pap smear and pelvic exams.

Sec. 102. Coverage of screening for glaucoma.

Sec. 103. Coverage of screening colonoscopy for average risk individuals.

Sec. 104. Modernization of screening mammography benefit.

Sec. 105. Coverage of medical nutrition therapy services for beneficiaries with diabetes or a renal disease.

Subtitle B—Other Beneficiary Improvements

Sec. 111. Acceleration of reduction of beneficiary copayment for hospital outpatient department services.

Sec. 112. Preservation of coverage of drugs and biologicals under part B of the medicare program.

Sec. 113. Elimination of time limitation on medicare benefits for immunosuppressive drugs.

Sec. 114. Impostion of billing limits on drugs.

Sec. 115. Waiver of 24-month waiting period for medicare coverage of individuals disabled with amyotrophic lateral sclerosis (ALS).

Subtitle C—Demonstration Projects and Studies

Sec. 121. Demonstration project for disease management for severely chronically ill medicare beneficiaries.

Sec. 122. Cancer prevention and treatment demonstration for ethnic and racial minorities.

Sec. 123. Study on medicare coverage of routine thyroid screening.

Sec. 124. MedPAC study on consumer coalitions.

Sec. 125. Study on limitation on State payment for medicare cost sharing affecting access to services for qualified medicare beneficiaries.

Sec. 126. Studies on preventive interventions in primary care for older Americans.

Sec. 127. MedPAC study and report on medicare coverage of cardiac and pulmonary rehabilitation therapy services.

Sec. 128. Lifestyle modification program demonstration.

TITLE II—RURAL HEALTH CARE IMPROVEMENTS

Subtitle A—Critical Access Hospital Provisions

Sec. 201. Clarification of no beneficiary cost-sharing for clinical diagnostic laboratory tests furnished by critical access hospitals.

Sec. 202. Assistance with fee schedule payment for professional services under all-payer capitation.

Sec. 203. Exception of critical access hospital swing beds from SNF PPS.

Sec. 204. Payment in critical access hospitals for emergency room on-call physicians.

Sec. 205. Treatment of ambulance services furnished by certain critical access hospitals.

Sec. 206. GAO study on certain eligibility requirements for critical access hospitals.

Subtitle B—Other Rural Hospitals Provisions

Sec. 211. Treatment of rural disproportionate share hospitals.
Sec. 212. Option to base eligibility for medicare dependent, small rural hospital program on discharges during 2 of the 3 most recently audited cost reporting periods.

Sec. 213. Extension of option to use rebased target amounts to all sole community hospitals.

Sec. 214. MedPAC and analysis of impact of volume on per unit cost of rural hospitals with psychiatric units.

Subtitle C—Other Rural Provisions

Sec. 221. Assistance for providers of ambulance services in rural areas.

Sec. 222. Payment for certain physician assistant services.

Sec. 223. Revision of medicare reimbursement for telehealth services.

Sec. 224. Expanding access to rural health clinics.

Sec. 225. MedPAC study on low-volume, isolated rural health care providers.

TITLE III—PROVISIONS RELATING TO PART A

Subtitle A—Inpatient Hospital Services


Sec. 302. Additional modification in transition for indirect medical education (IME) percentage adjustment.

Sec. 303. Decrease in reductions for disproportionate share hospital (DSH) payments.

Sec. 304. Wage index improvements.

Sec. 305. Payment for inpatient services of rehabilitation hospitals.

Sec. 306. Payment for inpatient services of psychiatric hospitals.

Sec. 307. Payment for inpatient services of long-term care hospitals.

Subtitle B—Adjustments to PPS Payments for Skilled Nursing Facilities


Sec. 312. Increase in nursing component of PPS Federal rate.

Sec. 313. Application of SNF consolidated billing requirement limited to part A covered stays.

Sec. 314. Adjustment of rehabilitation RUGs to correct anomaly in payment rates.

Sec. 315. Establishment of process for geographic reclassification.

Subtitle C—Hospice Care

Sec. 321. 5 percent increase in payment base.

Sec. 322. Clarification of physician certification.

Sec. 323. MedPAC report on access to, and use of, hospice benefit.

Subtitle D—Other Provisions

Sec. 331. Relief from medicare part A late enrollment penalty for group buy-in for State and local retirees.

TITLE IV—PROVISIONS RELATING TO PART B

Subtitle A—Hospital Outpatient Services

Sec. 401. Revision of hospital outpatient PPS payment update.

Sec. 402. Clarifying process and standards for determining eligibility of devices for pass-through payments under hospital outpatient PPS.

Sec. 403. Application of OPD PPS transitional corridor payments to certain hospitals that did not submit a 1996 cost report.

Sec. 404. Application of rules for determining provider-based status for certain entities.

Sec. 405. Treatment of children’s hospitals under prospective payment system.

Sec. 406. Inclusion of temperature monitored cryoablation in transitional pass-through for certain medical devices, drugs, and biologicals under medicare.

Subtitle B—Provisions Relating to Physicians' Services

Sec. 411. GAO studies relating to physicians' services.

Sec. 412. Physicians group practice demonstration.

Sec. 413. Study on enrollment procedures for groups that retain independent contractor physicians.

Subtitle C—Other Services

Sec. 421. 1-year extension of moratorium on therapy caps; report on standards for supervision of physical therapy assistants.

Sec. 422. Update in renal dialysis composite rate.

Sec. 423. Payment for ambulance services.

Sec. 424. Ambulatory surgical centers.

Sec. 425. Full update for durable medical equipment.

Sec. 426. Full update for orthotics and prosthetics.

Sec. 427. Establishment of special payment provisions and requirements for prosthetics and certain custom-fabricated orthotic items.

Sec. 428. Reimbursement of prosthetic devices and parts.

Sec. 429. Revised part B payment for drugs and biologicals and related services.

Sec. 430. Contract enhanced diagnostic procedures under hospital prospective payment system.

Sec. 431. Quality of care in community mental health centers.

Sec. 432. Payment of physician and nonphysician services in certain Indian providers.

Sec. 433. GAO study on coverage of surgical first assisting services of certified registered nurse first assistants.

Sec. 434. MedPAC study and report on medicare reimbursement for services provided by certain providers.

Sec. 435. MedPAC study and report on medicare coverage of services provided by certain nonphysician providers.

Sec. 436. GAO study and report on the costs of emergency and medical transportation services.

Sec. 437. GAO studies and reports on medicare payments.

Sec. 438. MedPAC study on access to outpatient pain management services.

TITLE V—PROVISIONS RELATING TO PART C (MEDICARE+CHOICE PROGRAM) AND OTHER MEDICARE MANAGED CARE PROVISIONS

Subtitle A—Medicare+Choice Payment Reforms

Sec. 501. Increase in minimum payment amount.

Sec. 502. Increase in minimum percentage increase.

Sec. 503. Phase-in of risk adjustment.

Sec. 504. Transition to revised Medicare+Choice payment rates.

Sec. 505. Revision of payment rates for ESRD patients enrolled in Medicare+Choice plans.

Sec. 506. Permitting premium reductions as additional benefits under Medicare+Choice plans.


Sec. 508. Expansion of application of Medicare+Choice new entry bonus.

Sec. 509. Report on inclusion of certain costs of the Department of Veterans Affairs and military facility services in calculating Medicare+Choice payment rates.

Subtitle B—Other Medicare+Choice Reforms

Sec. 511. Payment of additional amounts for new benefits covered during a four-year period.

Sec. 512. Change in distribution formula for Medicare+Choice-related nursing and allied health education costs.

Subtitle C—Changes in Medicare Coverage and Appeals Process

Sec. 513. Revisions to medicare appeals process.

Sec. 514. Revisions to medicare coverage process.

Subtitle D—Improving Access to New Technologies

Sec. 515. Reimbursement improvements for new clinical laboratory tests and durable medical equipment.

Sec. 516. Retention of HCPCS level III codes.

Sec. 517. Recognition of new medical technologies under inpatient hospital PPS.

Subtitle E—Other Provisions

Sec. 518. Increase in reimbursement for bad debt.

Sec. 519. Treatment of certain physician pathology services under medicare.

Sec. 520. Extension of advisory opinion authority.

Sec. 521. GAO study and report on the costs of Medicare+Choice program.

Sec. 522. Payment of physician and nonphysician services in certain Indian providers.


TITLE VI—PROVISIONS RELATING TO PART D (MEDICARE+CHOICE PROGRAM AND OTHER MEDICARE MANAGED CARE PROVISIONS

Subtitle A—Medicare+Choice Payment Reforms

Sec. 601. Increase in minimum payment amount.

Sec. 602. Increase in minimum percentage increase.

Sec. 603. Phase-in of risk adjustment.

Sec. 604. Transition to revised Medicare+Choice payment rates.

Sec. 605. Revision of payment rates for ESRD patients enrolled in Medicare+Choice plans.

Sec. 606. Permitting premium reductions as additional benefits under Medicare+Choice plans.


Sec. 608. Expansion of application of Medicare+Choice new entry bonus.

Sec. 609. Report on inclusion of certain costs of the Department of Veterans Affairs and military facility services in calculating Medicare+Choice payment rates.

Subtitle B—Other Medicare+Choice Reforms

Sec. 610. Payment of additional amounts for new benefits covered during a four-year period.

Sec. 611. Restriction on implementation of significant new regulatory requirements midyear.

Sec. 612. Timely approval of marketing material that follows model marketing language.

Sec. 613. Avoiding duplicative regulation.

Sec. 614. Election of uniform local coverage policy for Medicare+Choice plan covering multiple localities.

Sec. 615. Eliminating health disparities in cost Medicare+Choice program.

Sec. 616. Medicare+Choice program compatibility with employer or union group health plans.

Sec. 617. Special mail enrollment anti-discrimination provision for certain beneficiaries.
Title VIII—Other Provisions

Subtitle A—PACE Program

Section 104. Modernization of Screening Mammography Benefit

(a) In General.—Section 1861(pp) (42 U.S.C. 1395x(pp)) is amended—

(1) by inserting "and"

(2) by striking "at the end of subparagraph (S);"

(3) by inserting "and" at the end of subparagraph (T); and

(b) Effective Date.—The amendments made by this section shall apply to colorectal cancer screening services provided on or after July 1, 2001.

Title VII—Medicaid

Subtitle D—Diabetes

Section 1861(s)(2) (42 U.S.C. 1395m(d)) is amended—

(a) In General.—(1) Biennial screening PAP smear.—Section 1861(s)(2) (42 U.S.C. 1395x(nn)(2)) is amended by striking "3 years" and inserting "2 years".

(2) Biennial screening pelvic exam.—Section 1861(s)(2) (42 U.S.C. 1395x(nn)(2)) is amended by striking "3 years" and inserting "2 years".

(b) Effective Date.—The amendments made by this subsection shall apply to items and services furnished on or after January 1, 2002.

Title VI—Other Provisions

Subtitle F—Adjustment of Multiemployer Plan Benefits

Section 103. Coverage of Screening Colonoscopy for Average Risk Individuals.

(a) In General.—Section 1861(pp) (42 U.S.C. 1395x(pp)) is amended—

(1) in paragraph (1)(C), by striking "in the case of an individual at high risk for colorectal cancer, screening colonoscopy";

and

(b) in paragraph (2), by striking "in paragraph (1)(C), an" and inserting "an".

(c) Frequency Limits for Screening Colonoscopy.—Section 1834(c) (42 U.S.C. 1395m(c)) is amended to read as follows:

((c) Payment and Standards for Screening Mammography.—(1) In General.—With respect to expenses incurred for screening mammography (as defined in section 1861(jj)), payment may be made only—

(i) if the screening mammography is conducted consistent with the frequency permitted under paragraph (2); and

(ii) if the screening mammography is conducted in a facility that is legally authorized to furnish such services under State law.

(2) Biennial Screening PAP Smear and Pelvic Exam.—Section 1861(s)(2) (42 U.S.C. 1395m(s)(2)) is amended—

(a) In General.—(1) Biennial screening PAP smear.—Section 1861(s)(2) (42 U.S.C. 1395x(nn)(2)) is amended by striking "3 years" and inserting "2 years".

(b) Effective Date.—The amendments made by this subsection shall apply to items and services furnished on or after January 1, 2002.

Title IX—Other Provisions

Subtitle A—Improved Preventive Benefits

Title IX—Other Provisions

Subtitle B—Outreach to Eligible Low-Income Medicare Beneficiaries

Sec. 103. Coverage of Screening Colonoscopy for Average Risk Individuals.

(a) In General.—Section 1861(pp) (42 U.S.C. 1395x(pp)) is amended—

(1) in paragraph (1)(C), by striking "in the case of an individual at high risk for colorectal cancer, screening colonoscopy";

and

(b) in paragraph (2), by striking "in paragraph (1)(C), an" and inserting "an".

Sec. 104. Modernization of Screening Mammography Benefit.
resulting image with software to identify possible problem areas, in an amount equal to the limit that would otherwise be applied under section 1834(c)(3) of such Act (42 U.S.C. 1395f(c)(3)) for the year 2001, increased by $15.

B. BILATERAL DIAGNOSTIC MAMMOGRAPHY.—For a bilateral diagnostic mammography furnished during the period beginning on April 1, 2001, and ending on December 31, 2001, that uses a new technology described in subparagraph (A), payment for such mammography shall be the amount of payment provided for under such subparagraph increased by 40 percent.

C. ALLOCATION OF AMOUNTS.—The Secretary shall provide for an appropriate allocation of the amounts provided for under subparagraphs (A) and (B) between the professional and technical components.

D. IMPLEMENTATION OF PROVISION.—The Secretary of Health and Human Services may implement the provisions of this paragraph by program memorandum or otherwise.

2. CONSIDERATION OF NEW HCPCS CODE FOR NEW TECHNOLOGIES AFTER 2001.—The Secretary shall determine, for such mammographies performed after 2001, whether the assignment of a new HCPCS code is appropriate for mammography that is a new technology. If the Secretary determines that a new code is appropriate for such mammography, the Secretary shall provide for such new code for such tests furnished after 2001.

3. NEW TECHNOLOGY DESCRIBED.—For purposes of this subsection, a new technology with respect to a test or equipment is an advance in technology with respect to the test or equipment that results in the following:

A. A significant increase or decrease in the resources used in the test or in the manufacture of the equipment.

B. A significant improvement in the performance of the test or equipment.

C. A significant advance in medical technology that is expected to significantly improve the treatment of medicare beneficiaries.

D. NEW HCPCS CODE.—The term "HCPCS code" means a code under the Health Care Financing Administration Common Procedure Coding System (HCPCS).

SEC. 106. COVERAGE OF MEDICAL NUTRITION THERAPY SERVICES FOR BENEFICIARIES WITH DIABETES OR A RENAL DISEASE.

A. COVERAGE.—Section 1861(s)(2) (42 U.S.C. 1395x(s)(2)), as amended by section 102(a), is amended—

1. in subparagraph (T), by striking "and" at the end;

2. in subparagraph (U), by inserting "and" at the end; and

3. by adding at the end the following new subparagraph:

"[V] medical nutrition therapy services (as defined in subsection (V)(1)) in the case of a beneficiary with diabetes or a renal disease who—

(i) has not received diabetes outpatient self-management training services within a time period determined by the Secretary;

(ii) is not receiving maintenance dialysis for which payment is made under section 1881; and

(iii) meets other criteria determined by the Secretary after consideration of protocols established by dietitian or nutrition professional organizations;"

B. SERVICES DESCRIBED.—Section 1861 (42 U.S.C. 1395x), as amended by section 102(b), is amended by adding at the end the following:

"Medical Nutrition Therapy Services; Registered Dietitian Nutritionist.—The term "medical nutrition therapy services" means nutritional diagnostic, therapy, and counseling services for the purpose of disease management which are furnished by a registered dietitian or nutrition professional (as defined in paragraph (2)) pursuant to a referral by a physician (as defined in subsection (r)(2))."

C. REGISTRATION.—Section 1861 (42 U.S.C. 1395x), as amended by section 102(c), is amended—

1. by striking "and" before section 1813(b)(7); and

2. by inserting before the semicolon at the end the following: "(V) medical nutrition therapy services (as defined in subsection (V)(1)) in the case of a beneficiary with diabetes or a renal disease who—

(i) has not received diabetes outpatient self-management training services within a time period determined by the Secretary;

(ii) is not receiving maintenance dialysis for which payment is made under section 1881; and

(iii) meets other criteria determined by the Secretary after consideration of protocols established by dietitian or nutrition professional organizations;"

D. AMOUNT.—In no case shall the copayment amount for a procedure performed after April 1, 2001, exceed the amount of payment provided for under such subparagraph increased by 25 percent.

E. EFFECTIVE DATE.—The provisions made by this section shall apply to services furnished on or after January 1, 2002.

F. STUDY.—Not later than July 1, 2003, the Secretary of Health and Human Services shall submit to Congress a report on such evaluation and the extent to which the reductions in beneficiary coinsurance resulting from this amendment have resulted in actual savings to medicare beneficiaries.

SEC. 112. PRESERVATION OF COVERAGE OF DRUGS AND BIOLOGICALS UNDER PART B OF THE MEDICARE PROGRAM.

A. IN GENERAL.—Section 1861(s)(2) (42 U.S.C. 1395s(s)(2)), is amended, in each of subparagraphs (A) and (B), by striking "and biologicals" and inserting "and biologicals which cannot be determined in accordance with regulations, be self-administered".

B. EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to drugs and biologicals administered on or after the date of the enactment of this Act.

SEC. 113. ELIMINATION OF TIME LIMITATION ON MEDICARE BENEFITS FOR IMMUNOLOGICAL AND BIOLICAL THERAPIES.

A. IN GENERAL.—Section 1861(s)(2)(I) (42 U.S.C. 1395s(s)(2)(I)) is amended by striking "but only" and all that follows up to the semicolon at the end.

B. CONFORMING AMENDMENTS.—

1. (EXTENDED COVERAGE.—Section 1832 (42 U.S.C. 1395k) is amended—

A. by striking subsection (b); and

B. by redesignating subsection (c) as subsection (b).

C. PASS-THROUGH REPORT.—Section 227 of BBRA is amended by striking subsection (d).

D. EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to drugs furnished on or after the date of the enactment of this Act.

SEC. 114. IMPOSITION OF BILLING LIMITS ON DRUGS.

A. IN GENERAL.—Section 1842(o) (42 U.S.C. 1395t(o)) is amended by adding at the end the following new paragraph:

"(3)(A) Payment for a charge for any drug or biological for which payment may be made under this part may be made only on an assignment-related basis.

B. THE PROVISIONS OF SUBSECTION (B) ARE APPLICABLE TO SERVICES FURNISHED BY A PROVIDER WHO IS THE MANUFACTURER OF THE DRUG OR BIOLOGICAL.

C. EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to drugs furnished on or after January 1, 2005.

SEC. 115. WAIVER OF 24-MONTH WAITING PERIOD FOR MEDICARE BENEFITS FOR INDIVIDUALS DISABLED WITHAMYOTROPHIC LATERAL SCLEROSIS (ALS).

A. IN GENERAL.—Section 226 (42 U.S.C. 426) is amended—

1. by striking "(3)(A) Payment for a charge for any drug or biological for which payment may be made under this part may be made only on an assignment-related basis.

2. by the provisions of subsection (B) which are applicable to services furnished by a practitioner described in subsection (b)(18)(C).

3. EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items furnished on or after January 1, 2001.

SEC. 116. WAIVER OF 24-MONTH WAITING PERIOD FOR MEDICARE BENEFITS FOR INDIVIDUALS DISABLED WITH AMYOTROPHIC LATERAL SCLEROSIS (ALS).

A. IN GENERAL.—Section 226 (42 U.S.C. 426) is amended—

1. by striking "(3)(A) Payment for a charge for any drug or biological for which payment may be made under this part may be made only on an assignment-related basis.

2. by the provisions of subsection (B) which are applicable to services furnished by a practitioner described in subsection (b)(18)(C).

3. EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items furnished on or after January 1, 2001.

SEC. 117. WAIVER OF 24-MONTH WAITING PERIOD FOR MEDICARE BENEFITS FOR INDIVIDUALS DISABLED WITH AMYOTROPHIC LATERAL SCLEROSIS (ALS).
SEC. 121. DEMONSTRATION PROJECT FOR DISABILITY MANAGEMENT ORGANIZATIONS.

(a) In general. The Secretary of Health and Human Services shall conduct demonstration projects (in this section referred to as the "project") to demonstrate the impact on costs and health outcomes of applying disease management to Medicare beneficiaries with diagnosed, advanced-stage congestive heart failure, diabetes, or coronary heart disease, in no case may the number of participants in the project exceed 30,000 at any time.

(b) Voluntary participation. The Secretary shall conduct such demonstration projects in a manner as to be voluntary for beneficiaries.

(c) Effectiveness date. The Secretary shall submit to Congress a report regarding the demonstration projects.

(d) Apply to enrollees. The Secretary shall waive such provisions of title XVIII of the Social Security Act as may be necessary to provide for payment for services under the project in accordance with subsection (a).

(e) Duration. The project shall last for not longer than 3 years.

(f) Waiver. The Secretary shall waive such provisions of title XVIII of the Social Security Act as may be necessary to provide for payment for services under the project in accordance with subsection (a).

(g) Report. The Secretary shall submit to Congress an interim report on the project not later than 2 years after the date it is first implemented and a final report on the project not later than 6 months after the date of its completion. Such reports shall include information on the impact of the project on costs and health outcomes and recommendations on the cost-effectiveness of extending or expanding the project.

(h) Initial design. Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress a report regarding the demonstration projects.

(i) Initial report. The Secretary shall waive compliance with the requirements of title XVIII of the Social Security Act with respect to the demonstration projects.

(j) Initial design. The Secretary shall submit to Congress a report regarding the demonstration projects for the purpose of developing models and evaluating methods that—

(1) A description of the demonstration projects;

(2) The evaluation of—

(i) the cost-effectiveness of the demonstration projects;

(ii) the quality of the health care services provided to target individuals under the demonstration projects; and

(iii) beneficiary and health care provider satisfaction with the demonstration projects.

(k) Expansion of projects; implementation of demonstration project results. If the initial report under subsection (c) contains an evaluation that demonstration projects—

(1) reduce expenditures under the Medicare program under title XVIII of the Social Security Act; or

(2) do not increase expenditures under the Medicare program and reduce racial and ethnic health disparities in the quality of health care services provided to target individuals and increase satisfaction of beneficiaries and health care providers, the Secretary shall continue the existing demonstration projects and may expand the number of demonstration projects.

(l) Report to Congress. Not later than 2 years after the date the Secretary submits the initial design of demonstration projects, and biennially thereafter, the Secretary shall submit to Congress a report regarding the demonstration projects.

(m) Contents of report. Each report under paragraph (1) shall include the following:

(A) A description of the demonstration projects;

(B) The evaluation of—

(i) the cost-effectiveness of the demonstration projects;

(ii) the quality of the health care services provided to target individuals under the demonstration projects; and

(iii) beneficiary and health care provider satisfaction with the demonstration projects.

(C) Any other information regarding the demonstration projects that the Secretary determines to be appropriate.

(d) Waiver authority. The Secretary shall waive compliance with the requirements of title XVIII of the Social Security Act to such extent and for such period as the Secretary determines is necessary to conduct demonstration projects.

(e) Funding. The Secretary shall provide for the transfer from the Federal Hospital Insurance Trust Fund and the Federal Supplemental Medical Insurance Trust Fund under title XVIII of the Social Security Act, in such proportions as the Secretary determines to be appropriate, of such funds as are necessary for the conduct or carrying out the demonstration projects.

(B) Territory projects. In the case of a demonstration project described in subsection (b)(2)(B), amounts shall be available only as provided in any Federal law making appropriations for the territories.

(2) Limitation. In conducting demonstration projects, the Secretary shall ensure that the payments made under this section do not exceed the sum of the amount which the Secretary would have paid under the program for demonstration projects.
the prevention and treatment of cancer if the appropriate -

(1) the project shall include no fewer than 1,800 medicare beneficiaries who complete under the project, the Secretary shall submit to Congress an initial report on the study conducted under paragraph (1). (2) by subsection (b)(2) shall apply as if included in the enactment of section 403(d)(2) of BBRA (113 Stat. 1301A±371) as amended by striking the amendment made by subsection (a) shall apply with respect to such items and services furnished on or after July 1, 2001.

SEC. 202. EXEMPTION OF CRITICAL ACCESS HOSPITALS FROM THE EFFECTIVE DATE ACT.

(a) IN GENERAL.—Section 1834(g) (42 U.S.C. 1395w-22) is amended by adding at the end the following new paragraph:

(4) NO BENEFICIARY COST-SHARING FOR CLINICAL DIAGNOSTIC LABORATORY SERVICES.—No cost-sharing or which are furnished on or after the date of the enactment of this Act shall apply with respect to clinical diagnostic laboratory services furnished to medicare beneficiaries who are members or otherwise affiliated with the group of medicare beneficiaries with similar health conditions who are not enrolled under such program.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after the date of the enactment of this Act.
(5) by adding at the end the following new subparagraph:

"(C) Exemption from PPS of swing-bed services furnished in critical access hospitals.—In determining the amount paid shall be the amounts determined under this section on the basis of the reasonable costs of such services (as determined under section 1861(v))", (C) EFFECTIVE DATE.—The amendments made by this section shall apply to cost reporting periods beginning on or after October 1, 2001.

SEC. 205. TREATMENT OF AMBULANCE SERVICES FURNISHED BY CERTAIN CRITICAL ACCESS HOSPITALS

(a) IN GENERAL.—Section 1834(l) (42 U.S.C. 1395m(l)) is amended by adding at the end the following new clause:

"(8) services furnished by critical access hospitals.—Notwithstanding any other provision of this section, the Secretary shall pay the reasonable costs incurred in furnishing ambulance services if such services are furnished—

"(A) by a critical access hospital (as defined in section 1861(mm)(1)), or

"(B) by an entity that is owned and operated by a critical access hospital, but only if the critical access hospital or entity is the only provider or supplier of ambulance services that is located within a 35-mile drive of such critical access hospital.";

(b) CONFORMING AMENDMENT.—Section 1833(a)(1)(R) (42 U.S.C. 1395a(a)(1)(R)) is amended—

(1) by striking "ambulance service," and inserting "ambulance services, (i)"; and

(2) by inserting before the comma at the end the following: "and (ii) with respect to ambulance services furnished by critical access hospitals pursuant to an agreement entered into under section 1886(c) that—

"(A) the feasibility of having a distinct part unit as part of a critical access hospital for purposes of the Medicare program under title XVIII of such Act;

"(B) the effect of seasonal variations in patient admissions on critical access hospital eligibility requirements with respect to limitations on average annual length of stay and number of beds.

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply to cost reporting periods beginning on or after the date of the enactment of this Act.

SEC. 206. GAO STUDY ON CERTAIN ELIGIBILITY REQUIREMENTS FOR CRITICAL ACCESS HOSPITALS

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the eligibility requirements for critical access hospitals under section 1820(c) of the Social Security Act (42 U.S.C. 1395i-4(c)) with respect to limitations on average length of stay and number of beds in such hospitals, including such hospitals that—

"(1) are RURAL HOSPITALS—or critical access hospitals furnished under an agreement entered into under this section on the basis of the reasonable costs of such services (as determined under section 1861(v))", (C) EFFECTIVE DATE.—The amendments made by this section shall apply to cost reporting periods beginning on or after the date of the enactment of this Act.

SEC. 204. PAYMENT IN CRITICAL ACCESS HOSPITALS FOR EMERGENCY ROOM ON-CALL PHYSICIANS

(a) IN GENERAL.—Section 1834(g) (42 U.S.C. 1395m(g), as amended by section 201(a)), is further amended by adding at the end the following new subparagraph:

"(5) Coverage of costs for emergency room on-call physicians.—In determining the reasonable costs of outpatient critical access hospital services under paragraphs (1) and (2)(A), the Secretary shall recognize as allowable costs, amounts (as defined by the Secretary for reasonable compensation and related costs for emergency room physicians who are on-call as defined by the Secretary) but who are not present on the premises of the critical access hospital involved and are not otherwise furnishing physicians' services and are not on-call at any other provider or facility.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to cost reporting periods beginning on or after October 1, 2001.

SEC. 205. TREATMENT OF RURAL DISPROPORTIONATE SHARE HOSPITALS

(a) APPLICATION OF UNIFORM THRESHOLDS.—Section 1886(d)(5)(F) (42 U.S.C. 1395ww(d)(5)(F)) is amended—

(1) in clause (i), by striking "ambulance service," and in-

serting "ambulance services, (i)"; and

(2) in subclause (II), by inserting "(or 15 percent, for discharges occurring on or after April 1, 2001) after "30 percent":

"(C) Adjustment of Payment Formulas.—(1) Sole Community Hospitals.—Section 1886(d)(5)(F)(ii) (42 U.S.C. 1395ww(d)(5)(F)(ii)) is amended—

(A) in clause (iv)(VI), by inserting after "10 percent":

"(2) by adding at the end the following new subparagraph:

"(x) For purposes of clause (iv)(VI) (relating to sole community hospitals), in the case of a hospital for a cost reporting period with a disproportionate patient percentage (as defined in clause (vii)) that—

"(I) is less than 19.3, the disproportionate share adjustment percentage is determined in accordance with the following formula: (P-19.3)(15)(.65) + 2.5;

"(II) is equal to or exceeds 19.3, but is less than 30.0, such adjustment percentage is equal to 25 percent plus the percent determined in accordance with clause (vii);

"(III) is equal to or exceeds 30.0, such adjustment percentage is equal to 5.25 percent plus the percent determined in accordance with clause (vii); and

(B) by adding at the end the following new clause:

"(x) For purposes of clause (iv)(VI) (relating to rural referral centers, in the case of a hospital for a cost reporting period with a disproportionate patient percentage (as defined in clause (vii)) that—

"(1) in the matter preceding subclause (I), by striking "that for its cost reporting period beginning on or after April 1, 2001" and inserting "there shall be substituted for the amount otherwise
determined under subsection (d)(5)(D)(ii), if such substitution results in a greater amount of payment under this section for the hospital’’;

(2) in clause (i), by striking ‘‘target amount’’ and all that follows through ‘‘target amount’’ and inserting ‘‘the amount otherwise applicable to the hospital under subsection (d)(5)(D)(ii) (referred to in this section as the ‘‘subsection (d)(5)(D)(ii) amount’’); and

(3) in each of subclauses (II) and (III), by striking ‘‘paragraph (C) target amount’’ and inserting ‘‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’.

SEC. 214. MCDAP ANALYSIS OF IMPACT OF VOLUME ON PER UNIT COST OF RURAL HOSPITALS WITH PSYCHIATRIC UNITS.

The Medicare Payment Advisory Commission, in its study conducted pursuant to subsection (a), shall modify, by substituting in section 1886(e)(1)(B) of title 42, United States Code, the phrase ‘‘(B) O Riginating Site’’ by inserting ‘‘or’’ after the semicolon at the end and inserting ‘‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’.

SEC. 215. TELESECURITY SERVICES FURNISHED IN RURAL AREAS.

SEC. 216. TELEHEALTH SERVICES.

SEC. 217. DEFINITIONS.

SEC. 218. MCDAP ANALYSIS OF IMPACT OF VOLUME ON PER UNIT COST OF RURAL HOSPITALS WITH PSYCHIATRIC UNITS.

SEC. 219. MEDICAID REDUCTION IN PAYMENT FOR PROVIDERS OF AMBULANCE SERVICES IN RURAL AREAS.

SEC. 220. EXPANSION OF MEDICARE PAYMENT FOR TELEHEALTH SERVICES.

SEC. 221. ASSESSMENT OF THE COSTS OF AMBULANCE SERVICES IN RURAL AREAS.

SEC. 222. PAYMENT FOR CERTAIN PHYSICIAN ASSISTANT SERVICES.

SEC. 223. REVISION OF MEDICARE REIMBURSEMENT FOR TELEHEALTH SERVICES.

(1) the method of determining the rate for services furnished on and after January 1, 2001, as follows:

(II) the method of determining the rate for services furnished on and after January 1, 2001, as follows:

The Medicare Payment Advisory Commission, in its report under subsection (b) of such section a recommendation on whether special treatment for such hospitals may be warranted.

(2) in its report under subsection (b) of such section a recommendation on whether special treatment for such hospitals may be warranted.

Subtitle C—Other Rural Provisions

SEC. 224. MODIFICATION OF OFFICE OF MEDICAL ADDITIONS TO OFFICE OF MEDICAL ADDITIONS.

SEC. 225. PROVISIONS OF SECTIONS 1844(b)(1) AND 1844(b)(2) TAKING EFFECT AS IF INCLUDED IN SEC. 224.

SEC. 226. PAYMENT FOR CERTAIN PHYSICIAN ASSISTANT SERVICES.

SEC. 227. REVISION OF MEDICARE REIMBURSEMENT FOR TELEHEALTH SERVICES.

SEC. 228. ASSESSMENT OF THE COSTS OF AMBULANCE SERVICES IN RURAL AREAS.

SEC. 229. EXPANSION OF MEDICARE PAYMENT FOR TELEHEALTH SERVICES.

SEC. 230. DEFINITIONS.

SEC. 231. ASSESSMENT OF THE COSTS OF AMBULANCE SERVICES IN RURAL AREAS.

SEC. 232. PAYMENT FOR CERTAIN PHYSICIAN ASSISTANT SERVICES.

SEC. 233. REVISION OF MEDICARE REIMBURSEMENT FOR TELEHEALTH SERVICES.

SEC. 234. DEFINITIONS.

SEC. 235. PROVISIONS OF SECTIONS 1844(b)(1) AND 1844(b)(2) TAKING EFFECT AS IF INCLUDED IN SEC. 224.

SEC. 236. PAYMENT FOR CERTAIN PHYSICIAN ASSISTANT SERVICES.

SEC. 237. REVISION OF MEDICARE REIMBURSEMENT FOR TELEHEALTH SERVICES.

SEC. 238. ASSESSMENT OF THE COSTS OF AMBULANCE SERVICES IN RURAL AREAS.

SEC. 239. EXPANSION OF MEDICARE PAYMENT FOR TELEHEALTH SERVICES.

SEC. 240. DEFINITIONS.

SEC. 241. ASSESSMENT OF THE COSTS OF AMBULANCE SERVICES IN RURAL AREAS.

SEC. 242. PAYMENT FOR CERTAIN PHYSICIAN ASSISTANT SERVICES.

SEC. 243. REVISION OF MEDICARE REIMBURSEMENT FOR TELEHEALTH SERVICES.

(1) S TUDY. — The Secretary of Health and Human Services, as defined in section 1861(mm)(1), shall conduct, within 180 days after the date of enactment of this Act.

(2) by striking `‘originate’’ and all that follows through `‘otherwise applicable’’ and inserting `‘the amount of the rate increase provided under such amendment shall be equal to $1.25 per mile."

(3) by inserting before the semicolon at the end and inserting a comma.

(4) in the manner provided under section 1834(l)(2)(D).

(5) by striking `‘originating site’’ and all that follows through `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’ and inserting `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’.

(6) in the manner provided under section 1834(l)(2)(D).

(7) by striking `‘originating site’’ and all that follows through `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’ and inserting `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’.

(8) in the manner provided under section 1834(l)(2)(D).

(9) by striking `‘originating site’’ and all that follows through `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’ and inserting `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’.

(10) by striking `‘originating site’’ and all that follows through `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’ and inserting `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’.

(11) by striking `‘originating site’’ and all that follows through `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’ and inserting `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’.

(12) by striking `‘originating site’’ and all that follows through `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’ and inserting `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’.

(13) by striking `‘originating site’’ and all that follows through `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’ and inserting `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’.

(14) by striking `‘originating site’’ and all that follows through `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’ and inserting `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’.

(15) by striking `‘originating site’’ and all that follows through `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’ and inserting `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’.

(16) by striking `‘originating site’’ and all that follows through `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’ and inserting `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’.

(17) by striking `‘originating site’’ and all that follows through `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’ and inserting `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’.

(18) by striking `‘originating site’’ and all that follows through `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’ and inserting `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’.

(19) by striking `‘originating site’’ and all that follows through `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’ and inserting `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’.

(20) by striking `‘originating site’’ and all that follows through `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’ and inserting `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’.

(21) by striking `‘originating site’’ and all that follows through `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’ and inserting `‘the amount that such hospital would have been paid under this section if such hospital were to provide the additional service specified by the Secretary’’.
(B) practitioners that may be reimbursed under such section for furnishing telehealth services that are in addition to the practitioners that may be reimbursed for such services under such section.

(C) geographic areas in which telehealth services may be reimbursed that are in addition to the geographic areas where such services may be reimbursed under such section.

(2) Report.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under paragraph (1) together with such recommendations for legislation that the Secretary determines are appropriate.

(c) EFFECTIVE DATE.—The amendments made by subsection (b) and (c) shall be effective for services furnished on or after October 1, 2001.

SEC. 224. EXPANDING ACCESS TO RURAL HEALTH CARE PROVIDERS.

(a) IN GENERAL.—The matter in section 1833(f) (42 U.S.C. 1395fff) preceding paragraph (1) is amended by striking “rural hospitals” and inserting “rural health care providers.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after July 1, 2001.

SEC. 225. MEDPAC STUDY ON LOW-VOLUME, ISOLATED RURAL HEALTH CARE PROVIDERS.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on the effect of low patient and procedure volume on the financial status of low-volume, isolated rural health care providers participating in the Medicare program under title XVIII of the Social Security Act.

(b) REPORT.—Not later than 10 months after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a) indicating—

(1) whether low-volume, isolated rural health care providers are having, or may have, significantly decreased Medicare margins or other financial difficulties resulting from any of the payment methodologies described in subsection (c);

(2) whether the status as a low-volume, isolated rural health care provider should be designated under the Medicare program and any criteria that should be used to qualify for such a status; and

(3) any changes in the payment methodologies described in subsection (c) that are necessary to provide appropriate reimbursement under the Medicare program to low-volume, isolated rural health care providers (as designated pursuant to paragraph (2)).

(c) PAYMENT METHODOLOGIES DESCRIBED.—The payment methodologies described in this subsection are the following:

(1) The prospective payment system for hospital outpatient department services under section 1833(l) of the Social Security Act (42 U.S.C. 1395wl).

(2) The fee schedule for ambulance services under section 1834(i) of such Act (42 U.S.C. 1395mm(i)).

(3) The prospective payment system for inpatient hospital services under section 1886 of such Act (42 U.S.C. 1395w).

(4) The prospective payment system for routine service costs of skilled nursing facilities under section 1888(e) of such Act (42 U.S.C. 1395uy(e)).

(5) The prospective payment system for home health services under section 1905 of such Act (42 U.S.C. 1395ff).

TITLE III—PROVISIONS RELATING TO COMBAT INJURIES

Subtitle A—Inpatient Hospital Services

SEC. 301. REVISION OF ACUTE CARE HOSPITAL REIMBURSEMENT PAYMENT UPDATE FOR 2001.

(a) IN GENERAL.—Section 1886(b)(3)(B)(i)(II) (42 U.S.C. 1395ww(b)(3)(B)(ii)) is amended—

(1) in subsection (VIII), by striking “minus 1.1 percentage points for hospitals (other than sole community hospitals) in all areas, and the market basket percentage increase for sole community hospitals,” and inserting “for hospitals in all areas;”;

(2) in subclause (XVIII)—

(A) by striking “minus 1.1 percentage points” and inserting “minus 0.55 percentage points;” and

(B) by striking “and” at the end;

(3) by redesignating subclause (XVIII) as subclause (XIX);

(4) in subclause (X), as so redesignated, by striking “fiscal year 2003” and inserting “fiscal year 2004”; and

(5) by inserting, after subclause (XVII) the following new subclause:

“(XVIII) for fiscal year 2003, the market basket percentage increase minus 0.55 percentage points for hospitals (other than sole community hospitals),”;

(b) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to discharges occurring on or after October 1, 2000, and before April 1, 2001. Such amendments shall be effective for discharges occurring on or after October 1, 2001.

SEC. 302. ADDITIONAL MODIFICATION IN TRANSITION FOR INDIRECT MEDICAL EDUCATION (IME) PERCENTAGE ADJUSTMENT.

(a) IN GENERAL.—Section 1886(d)(5)(B)(ii) (42 U.S.C. 1395ww(d)(5)(B)(ii)) is amended—

(1) in subsection (V) by striking “and” at the end;

(2) by redesignating subsection (VI) as subclause (VII);

(3) in subclause (VII) as so redesignated, by striking “2001” and inserting “2002”;

and

(4) by inserting after subclause (V) the following new subclause:

“(VI) during fiscal year 2002, ‘c’ is equal to 1.6 and”;

(b) SPECIAL RULE FOR PAYMENT FOR FISCAL YEAR 2001.—Notwithstanding paragraph (5)(B)(ii)(V) of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(ii)(V)), for purposes of making payments for subsection (d) hospitals (as defined in paragraph (1)(B) of such section) with indirect costs of medical education, the indirect teaching adjustment factor referred to in paragraph (5)(B)(ii)(V) of such section shall be determined for fiscal year 2001, and before October 1, 2001, as if “c” in paragraph (5)(B)(ii)(V) of such section equalled 1.66 rather than 1.54.

(c) CONFORMING AMENDMENT RELATING TO DETERMINATION OF STANDARDIZED AMOUNT.—Section 1886(d)(2)(C)(ii) (42 U.S.C. 1395ww(d)(2)(C)(ii)) is amended by inserting “or” of subparagraph (C) after the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000” after “Balanced Budget Refinement Act of 1999”;

(d) CLERICAL AMENDMENTS.—Section 1886(d)(5)(B) (42 U.S.C. 1395ww(d)(5)(B)), as amended by subsection (a), is further amended by making the insertion of each of the following 2 ems to the:

(1) Clauses (iii), (V) and (vi);

(2) Subclauses (I) (II), (III), (IV), (V), and (VI) of clause (ii);

(3) Subclauses (I) and (II) of clause (vi) and the flush sentence at the end of such clause.

SEC. 303. DECREASE IN REDUCTIONS FOR DISPROPORTIONATE SHARE HOSPITAL (DSH) PAYMENTS.

(a) IN GENERAL.—Section 1886(d)(5)(F)(i)(x) (42 U.S.C. 1395ww(d)(5)(F)(i)(x)) is amended—

(1) in clause (vii), by striking “and” at the end;

(2) by redesignating subsection (vii)(i) as subsection (vi)(i) and inserting “and” at the end; and

(3) by striking “percent” and inserting “percent”.

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on the voluntary process utilized by the Secretary of Health and Human Services under section 1848 of the Social Security Act (42 U.S.C. 1395w-4) for purposes of computing and applying a disproportionate share hospital (DSH) adjustment factor under which an appropriate statewide entity may apply to have all the geographic areas in a State treated as a single geographic area for purposes of computing and applying the area wage index under section 1886(d)(3)(E) of such Act (42 U.S.C. 1395ww(d)(3)(E)). Such process shall be established by October 1, 2001, for reclassification beginning fiscal year 2003.

(1) In general.ÐThe Secretary of Health and Human Services shall provide for the collection of data every 3 years on occupational mix for employed full-time employees of hospitals (as defined in section 1886(d)(1)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(D)) and for each cost reporting period to which such payment methodology applies.''.

(2) ELECTION TO APPLY FULL PROSPECTIVE PAYMENT SYSTEM.ÐIn developing the prospective payment system for the DSH program under title XVIII of such Act required under section 123 of BBRA, the Secretary of Health and Human Services, in clause (ii) of such section, may take into account any payment adjustment resulting from an election permitted under paragraph (1) after "2002;''.

(3) MODIFICATION OF REQUIREMENT.ÐIn developing the prospective payment system for the DSH program under title XVIII of such Act required under section 123 of BBRA, the Secretary of Health and Human Services shall take into account any payment adjustment resulting from an election permitted under paragraph (1) after '2002;'.

(4) EFFECTIVE DATE.ÐThe amendments made by this section take effect as if included in the enactment of BBA.

SEC. 306. PAYMENT FOR INPATIENT SERVICES OF PSYCHIATRIC HOSPITALS.

With respect to hospitals described in clause (i) of section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)) and psychiatric and general hospitals described in clause (v) of such section, in making incentive payments to such hospitals under section 1886(b)(1)(A) of such Act (42 U.S.C. 1395ww(b)(1)(A)) for cost reports beginning on or after October 1, 2000, and before October 1, 2001, the Secretary of Health and Human Services, in clause (ii) of such section, shall increase by clause (i).''.

SEC. 307. PAYMENT FOR INPATIENT SERVICES OF LONG-TERM CARE HOSPITALS.

(a) INCREASED TARGET AMOUNTS AND CAPS FOR LONG-TERM CARE HOSPITALS BEFORE IMPLEMENTATION OF THE PROSPECTIVE PAYMENT SYSTEM.Ð

(1) In general.ÐSection 1886(b)(3) (42 U.S.C. 1395ww(b)(3)) is amended by inserting "(A) in subparagraph (H)(iii)(III), by inserting "subject to subparagraph (J)" after "2002;''.

(2) By adding at the end the following new subparagraph:--

(b) IMPLEMENTATION OF PROSPECTIVE PAYMENT SYSTEM FOR LONG-TERM CARE HOSPITALS.---

(1) MODIFICATION OF REQUIREMENT.ÐIn developing the prospective payment system for long-term care hospital services provided in long-term care hospitals described in section 1886(d)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(iv)) under the medicare program under title XVIII of such Act, the Secretary of Health and Human Services shall examine the feasibility and the impact of basing payment under such a system on the use of existing (or refined) hospital diagnosis-related groups (DRGs) that have been modified to account for different resource use of long-term care hospital patients as well as the use of the most recently available hospital discharge data. The Secretary shall examine and may provide for appropriate adjustments to the long-term hospital payment methodology, including adjustment to DRG weights, area wage adjustments, geographic reclassification, outliers, updates, and a disproportionate share adjustment consistent with section 1886(b)(1)(A) of the Social Security Act (42 U.S.C. 1395ww(b)(1)(A)).

(2) Default implementation of system based on existing DRG methodology.ÐIf the Secretary is unable to implement the prospective payment system under section 123 of the BBA by October 1, 2002, the Secretary shall implement a prospective payment system for such services using the payment methodology followed by a system using existing hospital diagnosis-related groups (DRGs), modified where feasible to account for resource use of long-term care hospital patients using available hospital discharge data for such services furnished on or after that date.---

(a) Assistance with administrative costs associated with completion of patient ascertainment.ÐIn developing the prospective payment system for long-term care hospitals described in title XVIII of such Act (42 U.S.C. 1395ww et seq.), the Secretary shall provide for the collection of data for fiscal year 2003 and any succeeding fiscal years, except that the Secretary shall establish procedures under which a subsection (d) hospital may elect to terminate such collection for any subsequent fiscal year.

(ec) Clarification.ÐParagraph (3)(B) of such section is amended by inserting "or, in the case of a facility making an election under subparagraph (F)" after "in a cost reporting period before".

(2) Illegal activity.ÐA facility participating in the Medicare program under title XVIII of such Act (42 U.S.C. 1395 et seq.) shall not be considered.
SEC. 311. ELIMINATION OF REDUCTION IN SKILLED NURSING FACILITY (SNF) PAYMENT FOR SERVICES SPECIFIED IN SECTION 1888(b).

(a) In General.—Section 1888(b)(4)(E)(iii) (42 U.S.C. 1395y(e)(4)(E)(iii)) is amended—

(1) by redesignating subclauses (II) and (III) as subclauses (IV) and (V), respectively;

(2) in subclause (III), as so redesignated—

(A) by striking ‘‘each of fiscal years 2001 and 2002’’ and inserting ‘‘each of fiscal years 2002 and 2003’’;

(B) by striking ‘‘minus 1 percentage point’’ and inserting ‘‘minus 0.5 percentage points’’; and

(C) by inserting after subclause (I) the following new subclause:

‘‘(II) for fiscal year 2001, the rate computed for the previous fiscal year increased by the skilled nursing facility market basket percentage change for the fiscal year’’;

(b) Special Rule for Payment for Fiscal Year 2001.—Notwithstanding the amendments made by subsection (a), for purposes of making payments for covered skilled nursing facility services under section 1888(e) of the Social Security Act (42 U.S.C. 1395y(e)) for fiscal year 2001, the base rate referred to in paragraph (4)(E)(i)(II) of such section—

(1) for the period beginning on October 1, 2000, and ending on March 31, 2001, shall be the rate determined in accordance with the law as in effect on the day before the date of the enactment of this Act; and

(2) for the period beginning on April 1, 2001, and ending on September 30, 2001, shall be the rate that would have been determined under such section if ‘‘plus 1 percentage point’’ had been substituted for ‘‘minus 1 percentage point’’ under such paragraph (as in effect on the day before the date of the enactment of this Act).

(c) Relation to Temporary Increase in BBA 133.—The increases provided under section 101 of BBA 133 (113 Stat. 1501A–325) shall be in addition to any increase resulting from the amendments made by subsection (a).

(d) GAO Report on Adequacy of SNF Payment Rates.—Not later than July 1, 2002, the Comptroller General of the United States shall submit to Congress a report on the adequacy of payments for covered skilled nursing facility services and the extent to which Medicare contributes to the financial viability of such facilities. Such report shall take into account the role of private payment and case-mix adjustment in the financial performance of these facilities, and shall include an analysis (by specific RUG classification) of the number and characteristics of such facilities.

(e) HCFA Study of Classification Systems for SNF Residents.—

(1) Study.—The Secretary of Health and Human Services shall conduct a study of the different systems for categorizing patients in Medicare skilled nursing facilities in a manner that accounts for the relative resource utilization of different patient types.

(2) Report.—Not later than January 1, 2005, the Secretary shall submit to Congress a report on the study conducted under subsection (a). Such report shall include such recommendations regarding changes in law as may be appropriate.

SEC. 312. INCREASE IN NURSING COMPONENT OF FFS FEDERAL RATE.

(a) In General.—The Secretary of Health and Human Services shall increase by 16.66 percent the nursing component of the case-mix adjusted Federal payment rate specified in Tables 3 and 4 of the final rule published in the Federal Register by the Health Care Financing Administration on July 31, 2000 (65 Fed. Reg. 46770) as a percentage of the Federal per diem rate referred to in paragraph (1) of such section, for services furnished on or after April 1, 2001, and before October 1, 2002.

(b) GAO Audit of Nursing Staff Ratios.—

(1) Audit.—The Comptroller General of the United States shall conduct an audit of nursing staffing ratios in a representative sample of Medicare skilled nursing facilities. Such sample shall cover selected States and shall include broad representation with respect to size, ownership, location, and Medicare volume. Such audit shall include a review of all payroll records and Medicaid cost reports of individual facilities.

(2) Report.—Not later than August 1, 2002, the Comptroller General shall submit to Congress a report on the audits conducted under paragraph (1). Such report shall include an assessment of the impact of the increased payments for Medicare skilled nursing facility staffing rates and shall make recommendations as to whether increased payments under subsection (a) should be continued.

SEC. 313. APPLICATION OF SNF CONSOLIDATED BILLING REQUIREMENT LIMITED TO PART A COVERED SERVICES.

(a) In General.—Section 1862(a)(18) (42 U.S.C. 1395a(l)(18)) is amended by striking ‘‘or of a part of a facility that includes a skilled nursing facility (as determined under regulations in effect on August 1, 2000)’’ and inserting ‘‘or of a part of a facility that includes a skilled nursing facility (as determined under regulations)’’; and

(b) Conforming Amendments.—(1) Section 1841(b)(6)(E) (42 U.S.C. 1395u(b)(6)(E)) is amended—

(A) by inserting ‘‘by, or under arrangements made by, a skilled nursing facility’’ after ‘‘furnished’’;

(B) by striking ‘‘or of a part of a facility that includes a skilled nursing facility (as determined under regulations)’’; and

(C) by striking in paragraph (2) with respect to whether or not the item or service was furnished by the facility, by others under arrangement with them by the facility, under any other contract or consulting arrangement, or otherwise.

(2) Section 1842(t) (42 U.S.C. 1395u(t)) is amended by striking ‘‘by a physician’’ and ‘‘or of a part of a facility that includes a skilled nursing facility (as determined under regulations)’’.

(3) Section 1866(a)(2)(H)(III)(i) (42 U.S.C. 1395cc(a)(2)(H)(III)(i)) is amended by inserting after ‘‘who is a resident of the skilled nursing facility’’ the following: ‘‘during a period in which the resident is provided covered post-hospital extended care services (or, for services described in section 1861(s)(2)(I), which are furnished to such an individual without regard to such period)’’.

(c) Effective Date.—The amendments made by paragraph (1) shall apply to services furnished on or after April 1, 2001.

SEC. 314. ADJUSTMENT OF REHABILITATION RUGS TO CORRECT ANOMALY IN PAYMENT BASE.

(a) Adjustment for Rehabilitation Rugs.—

(1) In General.—For purposes of computing payments for covered skilled nursing facility services under paragraph (1) of section 1888(e) (42 U.S.C. 1395y(e)(1)) for services furnished on or after April 1, 2001, and before the date described in section 101(c)(2) of BBA 133 (113 Stat. 1501A–324), the Secretary of Health and Human Services shall increase by 6.7 percent the adjusted Federal per diem rate otherwise determined under paragraph (4) of such section (but for this section) for covered skilled nursing facility services for RUG–III rehabilitation groups described in paragraph (2) furnished to an individual during such period in which such individual is classified in such a RUG–III category.

(b) Correction With Respect to Rehabilitation Rugs.—

(1) In General.—Section 101(b) of BBA 133 (113 Stat. 1501A–324) is amended by striking ‘‘CA1, RMC, RMB, and RMB’’ and inserting ‘‘and CA1’’.

(2) Effective Date.—The amendment made by paragraph (1) shall apply to services furnished on or after April 1, 2001.

(c) Review by Office of Inspector General.—The Inspector General of the Department of Health and Human Services shall review the procedures established under subsection (a) and shall submit a report to the Congress not later than one year after the date of enactment of the Act.
with respect to the monthly premium for benefits under this part for an individual who is a member of such group shall be reduced by the total amount of taxes paid under section 3101(b) of the Internal Revenue Code of 1986 by such individual and under section 3111(b) by the employers of such individual on behalf of such individual with respect to employment (as defined in section 3301).”

(18) For purposes of this paragraph, the term ‘qualified State or local government retiree group’ means all of the individuals who retire prior to a specified date that is before January 1, 2001, from employment in one or more occupations or other broad classes of employees of—

(i) a political subdivision of the State;

(ii) an agency or instrumentality of the State or political subdivision of the State.’’.  

(19) Effective Date.—The amendments made by subsection (a) shall apply to premiums for months beginning after January 1, 2002.

Title IV—Provisions Relating to Medicare Part B

Subtitle A—Hospital Outpatient Services

Section 401. Revision of Hospital Outpatient PPS Payment Update


(b) Adjustment for Case Mix Changes.—

(1) In general.—Section 1833(t)(3)(C)(ii) (42 U.S.C. 1395l(t)(3)(C)(ii)) is amended—

(A) by redesignating clause (iii) as clause (iv); and

(B) by inserting after clause (iii) the following new clause:

(iii) Adjustment for Service Mix Changes.—Insofar as the Secretary determines that the adjustments for service mix under paragraph (2) for a previous year (or estimates that such adjustments for a future year) did (or are likely to) result in a change in aggregate payments under subsection (d) for a previous year (or estimates that such adjustments for service mix under paragraph (2) for a previous year (or estimates that such adjustments for a future year) did (or are likely to) result in a change in aggregate payments under this subsection during the year that are a result of changes in the coding or classification of covered OPD services that do not reflect real changes in service mix, the Secretary may adjust the conversion factor computed under this subparagraph for subsequent years so as to eliminate the effect of such coding or classification changes.

(2) Effective Date.—The amendments made by subsection (a) apply to payments for services furnished on or after January 1, 2001, and before April 1, 2001, that were included in the target amount under section 1833(p)(3)(D)(v) for the period of at least 2 years, but not more than 3 years, that begins—

(i) in the case of a category established under clause (i), on the first date on which payment was made under this paragraph for any device described by such category (including payments made during the period before April 1, 2001, that were included in the target amount under section 1833(p)(3)(D)(v) for the period of at least 2 years, but not more than 3 years, that begins—

(ii) in the case of any other category, on the first date on which payment is made under this paragraph for any medical device that is described by such category.

(ii) Requirements Treated as Met.—A medical device shall be treated as meeting the requirements of subsection (l) of such subparagraph if—

(i) the device is described by a category established and in effect under clause (i) of such subparagraph, if—

(ii) the device is described by a category established and in effect under clause (ii) and an application under section 515 of the Federal Food, Drug, and Cosmetic Act has been approved with respect to the device, or the device has been cleared for market under section 510(k) of such Act, or the device is exempt from the requirements of section 510(k) of such Act pursuant to subsection (l) or (m) of section 510(k) of such Act or section 520(g) of such Act.
Nothing in this clause shall be construed as requiring an application or prior approval (other than that described in clause (ii)) in order for a covered device described by a category to qualify for this paragraph.

"(III) MODIFIED LIMITATION—

(ii) DRUGS AND BIOLOGICALS.—The payment under this paragraph with respect to a drug or biological described in clause (i), (ii), or (iii) of subparagraph (A) and in the case of a drug or biological described in subparagraph (A)(iv) and for which payment under this paragraph is made as an outpatient hospital service before such first date; or (iii) in the case of a drug or biological described in subparagraph (A)(iv) not described in subclause (i), on the first date on which payment is made under this paragraph for the drug or biological as an outpatient hospital service.

(iii) MEDICAL DEVICES.—Payment shall be made under this paragraph with respect to a medical device only if such device—

(A) is described by a category of medical devices established and in effect under subparagraph (B); and

(B) has been included in such program memoranda but is not included in a program memorandum for any period before a determination is made under paragraph (4) of section 1833(t)(6)(A)(i) on the first date this subsection is implemented under subparagraph (A) on the first date this Act is implemented.

(c) TRANSITION.—

(1) IN GENERAL.—In the case of a medical device provided as part of a service (or group of services) furnished during the period before initial categories are implemented under subparagraph (B) of section 1833(t)(6)(A) of the Social Security Act (42 U.S.C. 1395l(t)(6)(A)), the requirements, limitations, and exclusions specified in subparagraphs (A)(iv) and (h) of section 1436.65 of title 42, Code of Federal Regulations, shall not apply to such facility or organization in relation to such hospital or critical access hospital.(2) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act.

(d) DEFINITIONS.—For purposes of this section, the terms "hospital" and "critical access hospital" have the meanings given such terms in subsections (e) and (mm)(1), respectively, of section 1861 of the Social Security Act (42 U.S.C. 1395a).

SEC. 405. TREATMENT OF CHILDREN’S HOSPITALS UNDER PROSPECTIVE PAYMENT SYSTEM.

(a) IN GENERAL.—Section 1833(t)(7)(F)(ii) (42 U.S.C. 1395l(t)(7)(F)(ii)) is amended by inserting "and children’s hospitals" after "cancer hospitals"; and (b) EFFECTIVE DATE.—The amendments made by this section take effect as if included in the enactment of B.B.A.

SEC. 406. APPLICATION OF GENERAL RULES FOR DETERMINING PROVIDER-BASED STATUS FOR CERTAIN ENTITIES.

(a) GRANDFATHER.—Notwithstanding any other provision of law, effective October 1, 2000, for purposes of provider-based status under title XVIII of the Social Security Act—

(1) any facility or organization that is treated as provider-based in relation to a hospital or critical access hospital under such title as of such date shall continue to be treated as provider-based in relation to such hospital or critical access hospital under such title until October 1, 2001; and

(2) the requirements, limitations, and exclusions specified in section 1833(t)(7)(F)(ii) of title 42, Code of Federal Regulations, shall not apply to such facility or organization in relation to such hospital or critical access hospital.

(b) CONTINUING CRITERIA FOR MEETING GEOGRAPHIC LOCATION REQUIREMENT.—Except as provided in subsections (a)(i) and (ii) and (h) of section 1436.65 of title 42, Code of Federal Regulations, the facility or organization shall be treated as satisfying any of the requirements and standards for geographic location in relation to a hospital or critical access hospital if the facility or organization—

(1) satisfies the requirements of section 1436.65(d)(7) of title 42, Code of Federal Regulations; or

(2) is located not more than 35 miles from the main campus of the hospital or critical access hospital.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act.

(d) TRANSITION.—

(1) IN GENERAL.—In the case of a medical device provided as part of a service (or group of services) furnished during the period before initial categories are implemented under subparagraph (B) of section 1833(t)(6)(A) of the Social Security Act (42 U.S.C. 1395l(t)(6)(A)), the requirements, limitations, and exclusions specified in subparagraphs (A)(iv) and (h) of section 1436.65 of title 42, Code of Federal Regulations, shall not apply to such facility or organization in relation to such hospital or critical access hospital.

(2) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act.

(3) APPLICABILITY.—For purposes of this section—

(A) the term "critical access hospital" has the meaning given such term in subsection (e) of section 1861 of the Social Security Act (42 U.S.C. 1395a); and

(B) the term "hospital" includes a critical access hospital.

(e) DEFINITIONS.—For purposes of this section, the term "critical access hospital" includes an initial category.

(f) ANNUAL REPORT TO CONGRESS.—The Secretary of Health and Human Services shall annually report to Congress a study and include such recommendations as the Secretary determines appropriate in such report on such study and include such recommendations as the Secretary determines appropriate.

(g) TRANSITION.—The amendments made by this section take effect as if included in the enactment of B.B.A.

Subtitle B—Provisions Relating to Physicians’ Services

Title IIIA. GAO STUDIES RELATING TO PHYSICIAN’S SERVICES.

(a) STUDY OF SPECIALIST PHYSICIAN’S SERVICES FURNISHED IN PHYSICIAN’S OFFICE AND HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

(1) STUDY.—The Comptroller General of the United States shall study a conduct a study to examine the appropriateness of the physician’s office and hospital outpatient department services.

(a) IN GENERAL.—Section 1833(t)(6)(A)(i) (42 U.S.C. 1395l(t)(6)(A)(i)) is amended by inserting "or at a critical access hospital if the facility or organization is treated as provider-based in relation to a hospital or critical access hospital" after "cancer hospitals"; and (b) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of B.B.A.

Title III. MEDICAL DEVICES, DRUGS, AND BIOLOGICALS UNDER OPP PPDR.

(a) IN GENERAL.—Section 1833(t)(6)(A)(i) (42 U.S.C. 1395l(t)(6)(A)(i)) is amended by inserting "or temperature monitored cryoablation" after "device of brachytherapy"; and (b) EFFECTIVE DATE.—The amendments made by this section take effect on or after April 1, 2001.

Subtitle B—Provisions Relating to Physicians’ Services

Title II. HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

(a) STUDY OF SPECIALIST PHYSICIAN’S SERVICES AND HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

(a) OVERALL STUDY.—The Comptroller General of the United States shall conduct a study to examine the appropriateness of the physician’s office and hospital outpatient department services.

(1) STUDY.—The Secretary of Health and Human Services shall conduct a study on the safety of performing procedures in physician’s offices and hospital outpatient departments.

(2) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act.

(3) REPORT.—Not later than July 1, 2001, the Comptroller General shall submit to Congress a report on such study and include such recommendations as the Comptroller General determines appropriate in such report.

(b) STUDY OF THE RESOURCE-BASED PRACTICE EXPENSE SYSTEM.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the re-
(A) improvements in the process for acceptance and use of practice expense data under section 122 of BBRA; (B) any change or adjustment that is appropriate to provide full access to a spectrum of care for beneficiaries under the medicare program; and (C) the appropriateness of payments to physicians.

SEC. 412. PHYSICIAN GROUP PRACTICE DEMONSTRATION.

(a) In general.—Title XVIII is amended by inserting after section 1866 the following new sections:

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(b) Definitions.—For purposes of this section, terms have the following meanings:

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(c) Payment for services furnished by members of the health care group to such beneficiaries shall (where determined appropriate by the Secretary) be made to a single entity.

(d) Payment in full.—A health care group participating in the demonstration under this section shall (where determined appropriate by the Secretary) be made to a single entity.

(e) Data reporting.—A health care group participating in the demonstration under this section shall report to the Secretary such data, at such times and in such format as the Secretary requires, for purposes of monitoring and evaluation of the demonstration under this section.

(f) Patients within scope of demonstration.—(1) In general.—The Secretary shall specify, in accordance with this subsection, the criteria for identifying those patients of a health care group who shall be considered within the scope of the demonstration for purposes of application of subsection (d) and for assessment of the effectiveness of the group in achieving the objectives of this section.

(2) Other criteria.—The Secretary may establish additional criteria for inclusion of beneficiaries within a demonstration under this section, which may include contact with physicians in the group or other factors or criteria that the Secretary finds to be appropriate.

(g) Notice requirements.—In the case of each beneficiary determined to be within the scope of a demonstration under this section with respect to a specific health care group, the Secretary shall ensure that such beneficiary is notified of the incentives, and of any waivers of coverage or payment rules, applicable to such group under such demonstration.

(h) Incentive bonus.—The Secretary shall establish for each health care group participating in a demonstration under this section:

(i) a base expenditure amount, equal to the average total payments under parts A and B for patients served by the health care group on a fee-for-service basis, in a base period determined by the Secretary; and

(j) an annual per capita expenditure target for patients determined to be within the scope of the demonstration, reflecting the base expenditure amount adjusted for risk and expected growth rates.

(k) Additional bonus.—The Secretary shall pay to each participating health care group (subject to paragraph (4)) a bonus for each year under the demonstration equal to a portion of the medicare savings realized for such year relative to the performance target.

(l) Additional bonus for process and outcome improvements.—At such time as the Secretary has established appropriate criteria based on evidence the Secretary determines to be sufficient, the Secretary shall also pay to a participating health care group (subject to paragraph (4)) a bonus for each year under the demonstration to the extent in which the Secretary determines that the group has demonstrated improvements in outcomes.

(m) Limitation.—The Secretary shall limit bonus payments as necessarily and as necessary to ensure that the aggregate expenditures under this title (inclusive of bonus payments) with respect to patients within the scope of the demonstration projects under this section were not implemented.

(n) Provision for administration of demonstration program.—Sec. 1866a. (a) General administrative authority.

(1) Beneficiary eligibility.—Except as otherwise provided by the Secretary, an individual shall only be eligible to receive benefits under the program under section 1866a (in this section referred to as the ‘demonstration program’) if such individual—

(A) is enrolled under the program under part B and entitled to benefits under part A; and

(B) is enrolled in a Medicare+Choice plan under part C, an eligible organization under a contract under section 1876 (or a similar organization operating under a demonstration project authorized pursuant to such agreement under section 1833(a)(1)(A), or a PACE program under section 1894.

(2) Secretary’s discretion as to scope of program.—The Secretary may limit the implementation of the demonstration program to—

(A) a geographic area (or areas) that the Secretary determines to be suitable for implementation; or

(B) a subgroup (or subgroups) of beneficiaries or individuals and entities furnishing items or services (otherwise eligible to participate in the program), selected on the basis of the number of such participants that the Secretary finds consistent with the effective and efficient implementation of the program;

(3) Eligible contractors.—The Secretary may contract for the administration of the program through a contract with a program administrator in accordance with the provisions of this subsection.

(4) Scope of program administrator contracts.—The Secretary may enter into such contracts on a regional or national basis.

(5) Payment in full.—An individual or entity furnishing services under the demonstration program shall be entitled to a review by the program administrator (or, if the Secretary has not contracted with a program administrator, by the Secretary) of a decision not to enter into, or to terminate, or not to renew, an agreement with the entity to provide health care items or services under the program.

(6) Administrative review of decisions affecting individuals and entities furnishing services.—An individual or entity furnishing services under the demonstration program shall be entitled to a review by the program administrator (or, if the Secretary has not contracted with a program administrator, by the Secretary) of a decision not to enter into, or to terminate, or not to renew, an agreement with the entity to provide health care items or services under the program.

(7) Secretary’s review of marketing materials.—An agreement with an individual or entity furnishing services under the demonstration program shall require the individual or entity to guarantee that it will not distribute materials that market items or services under the program without the Secretary’s prior review and approval.

(8) Payment in full.—(A) In general.—Except as provided in subparagraph (B), an individual or entity receiving payment from the Secretary under a contract or agreement under the demonstration program shall agree to accept such payment as payment in full and such payment shall be in lieu of any payments to which the individual or entity would otherwise be entitled under this title.

(B) Collection of deductibles and coinsurance.—Such individual or entity shall collect any applicable deductible or coinsurance amount from a beneficiary.

(9) Contracts for program administration.—(A) In general.—The Secretary may administer the demonstration program through a contract with a program administrator in accordance with the provisions of this subsection.

(B) Programs managed by plans or providers.—The Secretary may enter into such contracts for a limited geographic area, or on a regional or national basis.

(C) Eligible contractors.—The Secretary may contract for the administration of the program through a contract with a program administrator in accordance with the provisions of this subsection.

(D) Payment in full.—(A) In general.—Except as provided in subparagraph (B), an individual or entity receiving payment from the Secretary under a contract or agreement under the demonstration program shall agree to accept such payment as payment in full and such payment shall be in lieu of any payments to which the individual or entity would otherwise be entitled under this title.

(B) Collection of deductibles and coinsurance.—Such individual or entity shall collect any applicable deductible or coinsurance amount from a beneficiary.

(10) Program standards and criteria.—The Secretary shall establish performance standards for the demonstration program including, as applicable, standards for the delivery of care items and services, cost-effectiveness, beneficiary satisfaction, and such other factors as the Secretary finds appropriate. The eligibility of beneficiaries or entities referred to in paragraph (9) shall only be eligible to receive benefits under the demonstration program if the Secretary determines that the entity furnishes services under the demonstration program shall be entitled to a review by the program administrator (or, if the Secretary has not contracted with a program administrator, by the Secretary) of a decision not to enter into, or to terminate, or not to renew, an agreement with the entity to provide health care items or services under the program.

(b) Administration by contract.—Except as otherwise specifically provided, the Secretary may administer the program under this section in accordance with section 1866a.

(3) Definitions.—For purposes of this section, terms have the following meanings:

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(b) Eligibility criteria.—(1) In general.—The Secretary is authorized to establish criteria for health care groups eligible to participate in a demonstration under this section, including criteria relating to numbers of health care professionals in, and of patients served by, the group, scope of services provided, and quality of care.

(2) Payment method.—A health care group participating in the demonstration under this section shall agree with respect to services furnished to beneficiaries within the scope of the demonstration (as determined under subsection (c))—

(A) to be paid on a fee-for-service basis; and

(B) that payment with respect to all such services furnished by members of the health care group (except under an agreement under subsection (a) which (determined appropriate by the Secretary) be made to a single entity.

(3) Data reporting.—A health care group participating in the demonstration under this section shall report to the Secretary such data, at such times and in such format as the Secretary finds appropriate by the Secretary (or, if the Secretary has not contracted with a program administrator, by the Secretary) to ensure that the aggregate expenditures under this title (inclusive of bonus payments) with respect to patients within the scope of the demonstration projects under this section were not implemented.

(4) Provision for administration of demonstration program.—Sec. 1866a. (a) General administrative authority.

(1) Beneficiary eligibility.—Except as otherwise provided by the Secretary, an individual shall only be eligible to receive benefits under the program under section 1866a (in this section referred to as the ‘demonstration program’) if such individual—

(A) is enrolled under the program under part B and entitled to benefits under part A; and

(B) is enrolled in a Medicare+Choice plan under part C, an eligible organization under a contract under section 1876 (or a similar organization operating under a demonstration project authorized pursuant to such agreement under section 1833(a)(1)(A), or a PACE program under section 1894.
and makes payments for health care items and services furnished under this title; or

(8) any other entity with substantial experience in managing the type of program concerned.

(4) CONTRACT AWARD, DURATION, AND RENEWAL.—

(A) IN GENERAL.—A contract under this subsection shall be for an initial term of up to three years, renewable for additional terms of up to three years.

(B) NONCOMPETITIVE AWARD AND RENEWAL FOR ENTITIES ADMINISTERING PART A OR PART B PAYMENTS.—The Secretary may enter or renew a contract under this subsection with an entity described in paragraph (3)(A) without regard to the requirements of section 5 of title 41, United States Code.

(5) APPLICABILITY OF FEDERAL ACQUISITION REGULATIONS.—The Federal Acquisition Regulation shall apply to program administration contracts under this subsection.

(6) PERFORMANCE STANDARDS.—The Secretary shall establish performance standards for the program administrator including, as applicable, standards for the quality and cost-effectiveness of the program administered, and such other factors as the Secretary finds appropriate.

(7) FUNCTIONS OF PROGRAM ADMINISTRATOR.—A program administrator shall perform all of the following functions, as specified by the Secretary:

(A) AGREEMENTS WITH ENTITIES FURNISHING HEALTH CARE ITEMS AND SERVICES.—Determine the qualifications of entities seeking to enter into or renew agreements to provide services under the demonstration program, and as appropriate enter into, renew (or refuse to enter into or renew) such agreements on behalf of the Secretary.

(B) ESTABLISHMENT OF PAYMENT RATES.—Negotiate or otherwise establish, subject to the Secretary's approval, payment rates for covered items or services furnished under the program.

(C) PAYMENT OF CLAIMS OR FEES.—Administer payments for health care items or services furnished under the program.

(D) PAYMENT OF BONUSES.—Using such guidelines as the Secretary shall establish, subject to the approval of the Secretary, make bonuses available in subsection (c)(2)(A)(ii) to entities furnishing items or services for which payment may be made under the program.

(E) OVERSIGHT.—Monitor the compliance of individuals and entities with agreements under the program with the conditions of participation.

(F) ADMINISTRATIVE REVIEW.—Conduct reviews of adverse determinations specified in subsection (a)(6).

(G) REVIEW OF MARKETING MATERIALS.—Conduct a review of marketing materials proposed by an entity furnishing services under the program.

(H) ADDITIONAL FUNCTIONS.—Perform such other functions as the Secretary may specify.

(8) LIMITATION OF LIABILITY.—The provisions of section 1157(b) shall apply with respect to activities of contractors and their officers, employees, and agents under a contract under this subsection.

(9) INFORMATION SHARING.—Notwithstanding section 1157(b) of title 5, United States Code, the Secretary is authorized to disclose to an entity with a program administration contract under this subsection such information (including contractor data on individuals receiving health care items and services under the program as the entity may require to carry out its responsibilities under the contract.)

(10) PROGRAM AGREEMENTS AND PROGRAM ADMINISTRATION CONTRACTS.—

"(1) RECORDS, REPORTS, AND AUDITS.—The Secretary is authorized to require entities with agreements to provide health care items or services under the demonstration program, and entities or individuals seeking to enter into or renew (or refuse to enter into or renew) such agreements, to maintain adequate records, to afford the Secretary access to such records (including for audit purposes), and to furnish such reports and other materials (including audited financial statements and performance data) as the Secretary may require for purposes of implementation, oversight, and evaluation of the program's performance, and for such purposes as the Secretary finds appropriate.

"(2) BONUSES.ÑNotwithstanding any other provision of law, subject to subparagraph (B)(iii), the Secretary may make bonus payments under the demonstration program from the Federal Health Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in amounts that do not exceed the amounts authorized under the program in accordance with this Act.

"(A) PAYMENTS TO PROGRAM ADMINISTRATORS.—The Secretary may make bonus payments under the program to program administrators.

"(B) PAYMENTS TO ENTITIES FURNISHING SERVICES.—

"(i) IN GENERAL.—Subject to clause (ii), the Secretary may make bonus payments to individuals or entities furnishing items or services for which payment may be made under the demonstration program to the program administrator to make such bonus payments in accordance with such guidelines as the Secretary shall establish and subject to the Secretary's approval.

"(ii) LIMITATIONS.—The Secretary may condition such payments on the achievement of such standards related to efficiency, improvement in processes or outcomes of care, or such other factors as the Secretary determines to be appropriate.

"(3) ANTIDISCRIMINATION LIMITATION.—The Secretary shall not enter into an agreement with an entity to provide health care items or services under the demonstration program, or with an entity that retains independent contractor physicians for such purposes, that retains independent contractor physicians for such purposes.

"(4) ESTABLISHMENT OF PAYMENT RATES.—Through negotiation or otherwise, the Secretary shall establish payment rates for covered health care items and services furnished under the program.

"(5) DETERMINATION OF PAYMENT RATES.—The Secretary shall establish such performance standards for the program administrator including, as applicable, standards for the quality and cost-effectiveness of the program administered, and such other factors as the Secretary finds appropriate.

"(6) ADDITIONAL FUNCTIONS.—The Secretary shall establish such performance standards for the program administrator including, as applicable, standards for the quality and cost-effectiveness of the program administered, and such other factors as the Secretary finds appropriate.

"(7) DISAGREEMENT.—In the event of a disagreement with the Secretary on the payment rates, the Secretary may make a determination within 90 days of receipt of the recommendation of the independent contractor physician group.

"(8) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall report to Congress on the use of authorities under this section.

(11) INFORMATION SHARING.—Notwithstanding section 1157(b) of title 5, United States Code, the Secretary is authorized to disclose to an entity with a program administration contract under this subsection such information (including contractor data on individuals receiving health care items and services under the program as the entity may require to carry out its responsibilities under the contract) as the Secretary finds appropriate.

(12) ADDITIONAL FUNCTIONS.—The Secretary shall establish such performance standards for the program administrator including, as applicable, standards for the quality and cost-effectiveness of the program administered, and such other factors as the Secretary finds appropriate.

(13) DISAGREEMENT.—In the event of a disagreement with the Secretary on the payment rates, the Secretary may make a determination within 90 days of receipt of the recommendation of the independent contractor physician group.

(14) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall report to Congress on the use of authorities under this section.

(15) INFORMATION SHARING.—Notwithstanding section 1157(b) of title 5, United States Code, the Secretary is authorized to disclose to an entity with a program administration contract under this subsection such information (including contractor data on individuals receiving health care items and services under the program as the entity may require to carry out its responsibilities under the contract) as the Secretary finds appropriate.

(16) ADDITIONAL FUNCTIONS.—The Secretary shall establish such performance standards for the program administrator including, as applicable, standards for the quality and cost-effectiveness of the program administered, and such other factors as the Secretary finds appropriate.

(17) DISAGREEMENT.—In the event of a disagreement with the Secretary on the payment rates, the Secretary may make a determination within 90 days of receipt of the recommendation of the independent contractor physician group.

(18) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall report to Congress on the use of authorities under this section.

(19) INFORMATION SHARING.—Notwithstanding section 1157(b) of title 5, United States Code, the Secretary is authorized to disclose to an entity with a program administration contract under this subsection such information (including contractor data on individuals receiving health care items and services under the program as the entity may require to carry out its responsibilities under the contract) as the Secretary finds appropriate.

(20) ADDITIONAL FUNCTIONS.—The Secretary shall establish such performance standards for the program administrator including, as applicable, standards for the quality and cost-effectiveness of the program administered, and such other factors as the Secretary finds appropriate.

(21) DISAGREEMENT.—In the event of a disagreement with the Secretary on the payment rates, the Secretary may make a determination within 90 days of receipt of the recommendation of the independent contractor physician group.

(22) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall report to Congress on the use of authorities under this section.

(23) INFORMATION SHARING.—Notwithstanding section 1157(b) of title 5, United States Code, the Secretary is authorized to disclose to an entity with a program administration contract under this subsection such information (including contractor data on individuals receiving health care items and services under the program as the entity may require to carry out its responsibilities under the contract) as the Secretary finds appropriate.

(24) ADDITIONAL FUNCTIONS.—The Secretary shall establish such performance standards for the program administrator including, as applicable, standards for the quality and cost-effectiveness of the program administered, and such other factors as the Secretary finds appropriate.

(25) DISAGREEMENT.—In the event of a disagreement with the Secretary on the payment rates, the Secretary may make a determination within 90 days of receipt of the recommendation of the independent contractor physician group.

(26) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall report to Congress on the use of authorities under this section.

(27) INFORMATION SHARING.—Notwithstanding section 1157(b) of title 5, United States Code, the Secretary is authorized to disclose to an entity with a program administration contract under this subsection such information (including contractor data on individuals receiving health care items and services under the program as the entity may require to carry out its responsibilities under the contract) as the Secretary finds appropriate.

(28) ADDITIONAL FUNCTIONS.—The Secretary shall establish such performance standards for the program administrator including, as applicable, standards for the quality and cost-effectiveness of the program administered, and such other factors as the Secretary finds appropriate.

(29) DISAGREEMENT.—In the event of a disagreement with the Secretary on the payment rates, the Secretary may make a determination within 90 days of receipt of the recommendation of the independent contractor physician group.

(30) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall report to Congress on the use of authorities under this section.

(31) INFORMATION SHARING.—Notwithstanding section 1157(b) of title 5, United States Code, the Secretary is authorized to disclose to an entity with a program administration contract under this subsection such information (including contractor data on individuals receiving health care items and services under the program as the entity may require to carry out its responsibilities under the contract) as the Secretary finds appropriate.

(32) ADDITIONAL FUNCTIONS.—The Secretary shall establish such performance standards for the program administrator including, as applicable, standards for the quality and cost-effectiveness of the program administered, and such other factors as the Secretary finds appropriate.

(33) DISAGREEMENT.—In the event of a disagreement with the Secretary on the payment rates, the Secretary may make a determination within 90 days of receipt of the recommendation of the independent contractor physician group.

(34) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall report to Congress on the use of authorities under this section.
(1) DEVELOPMENT.—The Secretary of Health and Human Services shall submit to Congress a report on the study conducted under paragraph (1).

(b) SPECIAL RULE FOR PAYMENT FOR 2001.—Notwithstanding the amendment made by subsection (a)(1), for purposes of making payments under section 1834(l) of the Social Security Act (42 U.S.C. 1395m(l)(3)) for ambulance services furnished during 2001, the composite rate payment determined under paragraph (2) of such section for all services billed by a facility during 2001, and before January 1, 2001, shall be the composite rate payment determined under such paragraph (2) of such section for all services billed by a facility during 2000, and before January 1, 2000.

(2) REPORT.—Not later than January 1, 2003, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1).
(a) in GENERAL.—Section 1834(h)(1) (42 U.S.C. 1395m(h)(1)) is amended by adding at the end the following:

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``(D) The potential for fraud and abuse under the medicare program if payment were provided for orthotics used as a component of durable medical equipment only when made under the special payment provision for certain prosthetics and custom-fabricated orthotics under section 1834(h)(1)(F) of the Social Security Act, as added by subsection (a) and furnished by qualified practitioners under that section.
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(b) CONSULTATION.—In conducting the study under subparagraph (A), the Comptroller General shall consult with physicians, providers of services, and suppliers of orthotics and prosthetics under the medicare program under title X VIII of such Act, as well as other organizations in the distribution of such drugs and biologicals to such physicians, providers of services, and suppliers.

(2) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1).

SEC. 428. REPLACEMENT OF PROSTHETIC DEVICES AND PARTS.

(a) in GENERAL.—Section 1834(h)(1) (42 U.S.C. 1395m(h)(1)), as amended by section 427(a), is further amended—

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

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``(G) REPLACEMENT OF PROSTHETIC DEVICES AND PARTS.—
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(II) An irreparable change in the condition of the device, requires repairs and the cost of such repairs would be more than 60 percent of the cost of a replacement device, or, as the case may be, of the part being replaced.
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(III) CONFIRMATION MAY BE REQUIRED IF DEVICE OR PART IS LESS THAN 3 YEARS OLD.—If a physician determines that a replacement device, or a replacement part, is necessary pursuant to clause (i), such determination shall be controlling and
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(IV) such replacement device or part shall be deemed to be reasonable and necessary for purposes of sections of the medicare program unless that if the device, or part, being replaced is less than 3 years old (calculated from the date on which the beneficiary began to use the device or part), the Secretary may also require continuing the condition for which the beneficiary is deemed to be reasonable and necessary for purposes of section 1862(a)(1)(A); (v) the method and amount of reimbursement for similar drugs and biologicals made by large group health plans; and (vi) as a result of any revised payment methodology, the potential for patients to receive inpatient or outpatient hospital services and reimbursement for drugs and biologicals are acquired by physicians under section 1834(h)(1)(F) of the Social Security Act, as added by subsection (a) and furnished by qualified practitioners under that section.
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(b) EFFECTIVE DATE.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate revised regulations to carry out the amendment made by subsection (a) using a negotiated rulemaking process under subchapter III of title 5, United States Code.

SEC. 429. REVISED PART B PAYMENT FOR DRUGS AND BIOLOGICALS AND RELATED SERVICES.

(a) RECOMMENDATIONS FOR REVISED PAYMENT METHODOLOGY FOR DRUGS AND BIOLOGICALS.—

(I) STUDY.—

(A) in GENERAL.—The Comptroller General of the United States shall conduct a study on the delivery of drug therapies by hospital outpatient departments.

(B) IMPLEMENTATION OF NEW PAYMENT METHODOLOGY FOR DRUGS AND BIOLOGICALS AND RELATED SERVICES, and suppliers of orthotics and prosthetics under subparagraph (A), the Comptroller General shall consult with physicians, providers of services, and suppliers of orthotics and prosthetics under the medicare program under title X VIII of such Act, as well as other organizations in the distribution of such drugs and biologicals to such physicians, providers of services, and suppliers.

(2) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under this subparagraph.

SEC. 430. PAYMENT FOR DRUGS AND BIOLOGICALS AND RELATED SERVICES.

(a) in GENERAL.—Section 1834(h)(1) (42 U.S.C. 1395m(h)(1)), as amended by section 427(a), is further amended—

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

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``(G) REPLACEMENT OF PROSTHETIC DEVICES AND PARTS.—
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(II) An irreparable change in the condition of the device, requires repairs and the cost of such repairs would be more than 60 percent of the cost of a replacement device, or, as the case may be, of the part being replaced.
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(III) CONFIRMATION MAY BE REQUIRED IF DEVICE OR PART IS LESS THAN 3 YEARS OLD.—If a physician determines that a replacement device, or a replacement part, is necessary pursuant to clause (i), such determination shall be controlling and
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(IV) such replacement device or part shall be deemed to be reasonable and necessary for purposes of sections of the medicare program unless that if the device, or part, being replaced is less than 3 years old (calculated from the date on which the beneficiary began to use the device or part), the Secretary may also require continuing the condition for which the beneficiary is deemed to be reasonable and necessary for purposes of section 1862(a)(1)(A); (v) the method and amount of reimbursement for similar drugs and biologicals made by large group health plans; and (vi) as a result of any revised payment methodology, the potential for patients to receive inpatient or outpatient hospital services and reimbursement for drugs and biologicals are acquired by physicians under section 1834(h)(1)(F) of the Social Security Act, as added by subsection (a) and furnished by qualified practitioners under that section.
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(b) EFFECTIVE DATE.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate revised regulations to carry out the amendment made by subsection (a) using a negotiated rulemaking process under subchapter III of title 5, United States Code.

(c) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on HCFA ruling 88-38 and its effect on the current medicare payment methodology for drugs and biologicals under the medicare program and the medical costs incurred in the administration, handling, or storage of certain categories of drugs and biologicals, if appropriate, and

(ii) proposals for new payments to providers of services or suppliers for such costs, if appropriate.

(2) REPORT.—The study conducted under paragraph (1) shall be submitted to the Secretary of Health and Human Services by the Comptroller General not later than 6 months after the date of the enactment of this Act.

SEC. 431. PROHIBITION ON PRESCRIPTION OF DRUGS AND BIOLOGICALS FOR MEDICARE BENEFICIARIES.

(a) in GENERAL.—The Comptroller General shall provide specific recommendations for revised payment methodologies for drugs and biologicals and for related services under the medicare program.

(b) IMPLEMENTATION OF NEW PAYMENT METHODOLOGY.—

(I) STUDY.—The Comptroller General shall conduct a study on the delivery of drug therapies by hospital outpatient departments.

(II) IMPLEMENTATION OF NEW PAYMENT METHODOLOGY.—

(A) in GENERAL.—The Comptroller General shall submit to Congress and to the Secretary of Health and Human Services a report on the study conducted under this subparagraph.

(b) IMPLEMENTATION OF NEW PAYMENT METHODOLOGY.—

(I) STUDY.—The Comptroller General shall conduct a study on the delivery of drug therapies by hospital outpatient departments.

SECTION 1931(c)(1) of the Public Health Service Act, and (II) the effective and efficient furnishing of such services; and (III) the compliance of such entity with the criteria described in section 1842(o) of the Social Security Act (42 U.S.C. 1395w-13(a)(1)) until such time as the Secretary has reviewed the report submitted under subsection (a)(2).

SEC. 430. CONTRAST ENHANCED DIAGNOSTIC PROCEDURES UNDER HOSPITAL PROSPECTIVE PAYMENT SYSTEM.

(a) SEPARATE CLASSIFICATION.—Section 1833(t)(2) (42 U.S.C. 1395l(t)(2)) is amended—

(1) by striking "and" at the end of subparagraph (E); and

(2) by striking the period at the end of subparagraph (F) and inserting "and"

(b) CONFORMING AMENDMENTS.—

(1) COVERAGE AMENDMENT.—Section 1862(a)(3)(B) (42 U.S.C. 1395u(b)(6)) is amended—

(A) by striking the second comma after "1861(aa)(1)"; and

(B) by inserting in the case of services for which payment is made under section 1880(e)(2) that are furnished in or at the direction of a hospital or clinic to which section 1880(e) applies, payment shall be made to such hospital or clinic.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made on or after July 1, 2001.

SEC. 431. QUALIFICATIONS FOR COMMUNITY MEDICAL HEALTH CENTERS.

(a) MEDICARE PROGRAM.—Section 1861(ff)(3)(B) (42 U.S.C. 1395u(ff)(3)(B)) is amended—

(1) by striking "and" at the end of subparagraph (A); and

(2) by striking the period at the end of subparagraph (D) and inserting "and"

(b) CONFORMING AMENDMENT.—Section 1861(ff)(3)(B) (42 U.S.C. 1395u(ff)(3)(B)) is amended—

(1) by striking "and" at the end of subparagraph (A); and

(2) by striking the period at the end of subparagraph (D) and inserting "and"

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after July 1, 2001.

SEC. 432. PAYMENT OF PHYSICIAN AND NON-PHYSICIAN PROVIDERS UNDER THE PROSPECTIVE PAYMENT SYSTEM.

(a) SEPARATE CLASSIFICATION.—Section 1833(t)(2) (42 U.S.C. 1395l(t)(2)) is amended—

(1) by striking "and" at the end of subparagraph (E); and

(2) by striking the period at the end of subparagraph (F) and inserting "and"

(b) CONFORMING AMENDMENTS.—

(1) COVERAGE AMENDMENT.—Section 1862(a)(3)(B) (42 U.S.C. 1395u(b)(6)) is amended—

(A) by striking the second comma after "1861(aa)(1)"; and

(B) by inserting in the case of services for which payment is made under section 1880(e)(2) that are furnished in or at the direction of a hospital or clinic to which section 1880(e) applies, payment shall be made to such hospital or clinic.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made on or after July 1, 2001.

SEC. 433. GAO STUDY AND REPORT ON MEDICARE COVERAGE OF SERVICES PROVIDED BY CERTAIN NONPHYSICIAN PROVIDERS.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine the appropriateness of such reimbursement for orthopedic physician assistants, taking into consideration the requirements for accreditation, training, and education.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), together with any recommendations for legislation that the Commission determines to be appropriate as a result of such study.

SEC. 434. MEDI PAC STUDY AND REPORT ON MEDICARE COVERAGE OF SERVICES PROVIDED BY CERTAIN NONPHYSICIAN PROVIDERS.

(a) STUDY.—

(1) IN GENERAL.—The Medicare Payment Advisory Commission shall conduct a study to determine the appropriateness of such reimbursement for orthopedic physician assistants, taking into consideration the requirements for accreditation, training, and education.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a), together with any recommendations for legislation that the Commission determines to be appropriate as a result of such study.

SEC. 435. MEDI PAC STUDY AND REPORT ON THE COSTS OF EMERGENCY AND MEDICAL TRANSPORTATION SERVICES.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine the costs of providing emergency and medical transportation services across the range of acuity levels of conditions for which such transportation services are provided.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), together with any recommendations for legislation that the Commission determines to be appropriate as a result of such study.

SEC. 436. MEDI PAC STUDY AND REPORT ON THE COSTS OF EMERGENCY AND MEDICAL TRANSPORTATION SERVICES.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine the costs of providing emergency and medical transportation services across the range of acuity levels of conditions for which such transportation services are provided.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), together with any recommendations for legislation that the Commission determines to be appropriate as a result of such study.

SEC. 437. MEDI PAC STUDIES AND REPORTS ON MEDICARE PAYMENTS.

(a) GAO STUDY ON HCFA POST-PAYMENT AUDIT PROCESS.

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the post-payment audit process under the medicare program under title XVIII of the Social Security Act as such process affects, and including the proper level of resources that the Health Care Financing Administration should devote to educating physicians regarding—

(A) coding and billing;

(B) documentation requirements; and

(C) the calculation of overpayments.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a).
on the study conducted under paragraph (1) together with specific recommendations for changes or improvements in the post-payment audit process described in such paragraph.

GAO ST UDY ON ADMINISTRATION AND OVERSIGHT.—
(1) STUDY.—The Comptroller General of the United States shall conduct a study on the aggregation of data, audit oversight, and paperwork burdens on physicians and other health care providers participating in the Medicare program under title XVIII of the Social Security Act.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1) together with recommendations regarding any area in which—
(A) a reduction in paperwork, an ease of administration, or an appropriate change in oversight and review may be accomplished; or
(B) additional payments or education are needed to assist physicians and other health care providers in understanding and complying with any legal or regulatory requirements.

SEC. 483. MEDPAC STUDY ON ACCESS TO OUTPATIENT PATIENT MANAGEMENT SERVICES.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on the barriers to accessing and using outpatient interventional pain medicine procedures under the Medicare program under title XVIII of the Social Security Act. Such study shall examine—
(1) the specific barriers imposed under the Medicare program on the provision of pain management procedures in hospital outpatient departments, ambulatory surgery centers, and physicians' offices;
(2) the consistency of Medicare payment policies for pain management procedures in those different settings.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under paragraph (a).

TITLE V—PROVISIONS RELATING TO PARTS A AND B

Subtitle A—Home Health Services

SEC. 501. 1-YEAR ADDITIONAL DELAY IN APPLICATION OF 15 PERCENT REDUCTION ON PAYMENTS LIMITS FOR HOME HEALTH SERVICES.

(a) IN GENERAL.—Section 1895(b)(3)(A)(i) (42 U.S.C. 1395fff(b)(3)(A)(i)) is amended—
(1) redesignating clause (ii) as subclause (iii);
(2) in subclause (iii), as redesignated by striking “described in subclause (ii)” and inserting “described in subclause (iii)”; and
(3) by inserting after subclause (ii) the following new subclause:

“(iii) For the 12-month period beginning after the period described in subclause (i), such amount (or amounts) shall be equal to the amount (or amounts) determined under subclause (i), updated under subparagraph (B).”

(b) CHART.—Section 4255 of BBA (113 Stat. 150A-360) is amended—
(1) by striking “Not later than” and all that follows through “42 U.S.C. 1395fff)” and inserting “Not later than April 1, 2002”;
(2) by striking “Secretary” and inserting “Comptroller General of the United States”;
(3) by adding at the end the following new clause:

“IVI ADJUSTMENT FOR CASE MIX CHANGES.—Insofar as the Secretary determines that the adjustments made by paragraph (4)(A)(i) for a previous fiscal year (or estimates that such adjustments for a future fiscal year) did (or are likely to) result in aggregate reductions in payments under this subsection during the fiscal year that are a result of changes in the coding or classification of different units of services that do not reflect real changes in case mix, the Secretary may adjust the standard prospective payment amount (or amounts) under paragraph (3) for such subunits to reflect the effect of such coding or classification changes.”;
(4) by adding (2) to the effective date; and
(5) by adding at the end the following: "(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to episodes concluding on or after October 1, 2001."


(a) IN GENERAL.—Section 1861(v)(II)(x)(X) (42 U.S.C. 1395(v)(II)(x)(X)) is amended—
(1) by striking “2001,”; and
(2) by adding at the end the following: “With respect to periods beginning after fiscal year 2001, the update to any limit under this subparagraph shall be the home health market basket index.

(b) SPECIAL RULE FOR FISCAL YEAR 2001 BASED ON ADJUSTED PROSPECTIVE PAYMENT AMOUNTS.—

(1) IN GENERAL.—Notwithstanding the amendments made by subsection (a), for purposes of making payments under section 1886(b) of the Social Security Act (42 U.S.C. 1395fff(b)) for home health services furnished during fiscal year 2000, the Secretary of Health and Human Services shall—
(A) with respect to episodes and visits ending on or after April 1, 2001, use the final standardized and budget-neutral prospective payment amounts for 60-day episodes and standardized average per visit amounts for all payments in the updated file by the Secretary in the Federal Register on July 3, 2000 (65 Fed. Reg. 41128-42124); and
(B) with respect to episodes and visits ending on or after April 1, 2001, and before October 1, 2001, use such amounts increased by 2.2 percent.

(2) NO EFFECT ON OTHER PAYMENTS OR DETERMINATIONS.—Nothing in paragraph (1) shall take the provisions of paragraph (1) into account for purposes of payments, determinations, or budget neutrality adjustments under section 1895 of the Social Security Act.

SEC. 503. TEMPORARY TWO-MONTH PERIODIC INTERIM PAYMENT.

(a) IN GENERAL.—Notwithstanding the amendments made by section 4063(b) of BBA (42 U.S.C. 1395fff note), in the case of a home health agency that was receiving periodic interim payments under section 1815(e)(2) of the Social Security Act (42 U.S.C. 1395f(e)(2)) as of September 30, 2000, and that is not described in subsection (b), the Secretary of Health and Human Services shall, as a result of single periodic interim payment to such agency in an amount equal to four times the last full four-monthly periodic interim payment made to such agency, and regardless of the ending date of such report, take down the periodic payment system under section 1895(b) of such Act (42 U.S.C. 1395fff(b)). Such amount of such periodic interim payment shall include in the tentative settlement of the last cost report for the home health agency under the payment system in effect prior to the implementation of the prospective payment system under section 1895(b) of such Act (42 U.S.C. 1395fff(b)). Such amount of such periodic interim payment shall be included in the tentative settlement of the last cost report for the home health agency under the payment system in effect prior to the implementation of such prospective payment system, regardless of the ending date of such report.

(b) EXCEPTIONS.—The Secretary shall not make an additional periodic interim payment under subsection (a) in the case of a home health agency (determined as of the day that such payment would otherwise be made) that—
(1) notifies the Secretary that such agency does not want to receive such payment;
(2) is not receiving payments pursuant to section 405.371 of title 42, Code of Federal Regulations;
(3) is excluded from the Medicare program under title XI of the Social Security Act;
(4) no longer has a provider agreement under section 1895 of such Act (42 U.S.C. 1395fff(c));
(5) is no longer in business; or
(6) is not furnishing home health services for purposes of eligibility or payment under this title.

(c) STUDY.—The Comptroller General of the United States shall conduct a study on the effect (if any) of variations on prices and volumes of such supplies used, shall determine the effect (if any) of variations on prices and volumes in the provision of such services.

SEC. 504. USE OF TELEHEALTH IN DELIVERY OF HOME HEALTH SERVICES.

Section 1895 (42 U.S.C. 1395fff) is amended by adding at the end the following new subsection:

"(3) TELECOMMUNICATIONS.—Nothing in this section shall be construed as waiving the requirement for a physician certification under section 1814(a)(2)(C) or 1835(a)(2)(A) of such Act (42 U.S.C. 1395a(a)(2)(C), 1395a(a)(2)(A)) for the payment for home health services, whether or not furnished via a telecommunications system."

SEC. 505. STUDY ON COSTS TO HOME HEALTH AGENCIES FOR NONROUTINE MEDICAL SUPPLIES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on variations in prices paid by home health agencies for nonroutine medical supplies furnished under the Medicare program under title XVIII of the Social Security Act in purchasing nonroutine medical supplies, including ostomy supplies, and volumes of such supplies used, shall determine the effect (if any) of variations on prices and volumes in the provision of such services.

(b) REPORT.—Not later than August 15, 2001, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), and shall include in the report recommendations respecting whether payment for nonroutine medical supplies furnished in connection with home health services should be made separately from the prospective payment system for such services.

SEC. 506. TREATMENT OF BRANCH OFFICES; GAO STUDY ON SUPERVISION OF HOME HEALTH AGENCIES IN ISOLATED RURAL AREAS.

(a) TREATMENT OF BRANCH OFFICES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in determining whether a home health agency furnished under the Medicare program under title XVIII of the Social Security Act whether an office of a home health agency constitutes a branch office or a separate home health agency, the time or distance between a parent office of the home health agency and a branch office shall be the sole determinant of a home health agency's branch office status.

(b) GAO STUDY.—The Comptroller General of the United States shall conduct a study of the provision of adequate supervision to maintain quality of home health services delivered under the Medicare program under title XVIII of the Social Security Act in isolated rural areas. The study shall evaluate the methods that home health agency branches and subunits use to provide adequate supervision in the delivery of services to clients residing in those areas, how these methods of supervision compare to requirements that subunits independently meet, and the extent to which such methods utilize the resources utilized by subunits to meet such conditions.

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(2) REPORT.—Not later than January 1, 2002, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1). The report shall include recommendations on whether a national standard is needed for subunits and branches of home health agencies under the Medicare program to maintain access to the home health benefit or whether alternative approaches be developed that provide adequate supervision and access and recommendations on whether a national standard for supervision is appropriate.

SEC. 507. CLASSIFICATION OF THE HOMEBOUND DEFINITION UNDER THE MEDICARE HOME HEALTH BENEFIT: (a) CLARIFICATION.—(1) IN GENERAL.—Sections 1814(a) and 1835(a)(32 U.S.C. 1395f(a) and 1395n(a)) are each amended—

(i) in the last sentence, by striking ‘‘, and ‘‘; and

(ii) by adding at the end the following new sentence: ‘‘Any absence of an individual from the home attributable to being considered to be ‘confined to his home.’ Any other absence of an individual from the home shall not disqualify an individual if the absence is of infrequent or of relatively short duration. For purposes of the preceding sentence, any absence for the purpose of attending a religious service shall qualify an individual if the absence is of infrequent or of relatively short duration.’’; and

(b) EFFECTIVE DATE.—The amendments made by paragraph (a) shall apply to home health services furnished on or after the date of the enactment of this Act.

(b) STUDY.—(1) IN GENERAL.—The Comptroller General of the United States shall conduct an evaluation of the effect of the amendment on the cost of and access to home health services under the Medicare program under title X of the Social Security Act.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1).

SEC. 508. TEMPORARY INCREASE FOR HOME HEALTH SERVICES FURNISHED IN A RURAL AREA.

(a) 24-MONTH INCREASE BEGINNING APRIL 1, 2001.—In the case of home health services furnished in a rural area (as defined in section 1861(d)(2)(D) of the Social Security Act (42 U.S.C. 1395w(d)(2)(D))), on or after January 1, 2001, and before April 1, 2003, the Secretary of Health and Human Services shall increase the payment amount otherwise made under section 1861 of such Act (42 U.S.C. 1395f(f)) for such services by 10 percent.

(b) WAIVERING BUDGET NEUTRALITY.—The Secretary shall not reduce the standard prospective payment amount (or amounts) under section 1883 of the Social Security Act (42 U.S.C. 1395w(a)) applicable to home health services furnished during a period of time in order to offset the increase in payments resulting from the application of subsection (a).

Subtitle B—Direct Graduate Medical Education

SEC. 511. INCREASE IN FLOOR FOR DIRECT GRADUATE MEDICAL EDUCATION PAYMENTS.

Section 1886(b)(2) of title I (42 U.S.C. 1395w(b)(2)(D)(iii)) is amended—

(2) by inserting after ‘‘70 percent’’ the following: ‘‘, and for the cost reporting period beginning during fiscal year 2002 shall not be less than 85 percent.’’.

SEC. 512. CHANGE IN DISTRIBUTION FORMULA FOR MEDICARE-CHOICE-RELATED NURSING AND ALLIED HEALTH EDUCATION.

(a) IN GENERAL.—Section 1861(i)(2)(C) (42 U.S.C. 1395w(i)(2)(C)) is amended by striking all that follows ‘‘multiplied by’’ and inserting the following: ‘‘the ratio of—

(i) the product of (I) the Secretary’s estimate of the ratio of the amount of payments made under section 1861(v) to the hospital’s total inpatient days for such period, and (II) the total cost of hospital services furnished under such parts (as established by the Secretary) for such period which are attributable to services furnished to individuals who are enrolled under a risk sharing contract with an eligible organization under section 1876 and who are entitled to benefits under part A or who are enrolled with a Medicare+Choice organization under part C; to

(ii) the products determined under clause (i) for such hospital reporting periods occurring on or after January 1, 2001.

Subtitle C—Changes in Medicare Coverage and Appeals Process

SEC. 521. REVISIONS TO MEDICARE APPEALS PROCESS: (a) CONDUCT OF RECONSIDERATIONS OF DETERMINATIONS BY INDEPENDENT CONTRACTORS.—Section 1869 (42 U.S.C. 1395f(i)) is amended to read as follows: ‘‘DETERMINATIONS; APPEALS. SEC. 1869. (a) INITIAL DETERMINATIONS. — (1) PROMULGATIONS OF REGULATIONS. — The Secretary shall promulgate regulations and make initial determinations with respect to benefits under part A or part B in accordance with those regulations for the following:—

(A) The initial determination of whether an individual is entitled to benefits under such parts.

(B) The initial determination of the amount of benefits available to the individual under such parts.

(C) Any other initial determination with respect to a claim for benefits under such parts, including an initial determination by the Secretary that payment may not be made, or may not be made, for an item or service under such parts, including such a determination made by a Medicare+Choice organization under section 1154(a)(2), and an initial determination made by an entity pursuant to a contract (other than a contract under section 1852) with the Secretary to request the redetermination by not later than the end of the 120-day period beginning on the date the individual receives notice of the initial determination under paragraph (2).

(2) DEADLINES. — (i) FILING FOR REDETERMINATION.—A redeetermination under subparagraph (A) shall be made before the conclusion of such 120-day period unless the Secretary to request the redeetermination by not later than the end of the 120-day period beginning on the date the individual receives notice of the initial determination under paragraph (2).

(ii) CONCLUDING REDETERMINATIONS.—Redeterminations shall be concluded by not later than the 30-day period beginning on the date the fiscal intermediary or the carrier, as the case may be, receives a request for a redeetermination. Notice of such determination shall be mailed to the individual filing the claim before the conclusion of such 30-day period.

(D) CONSTRUCTION.—For purposes of the preceding sections of this section a redeetermination shall be considered to be part of the initial determination.

(b) APPEALS RIGHTS.—(1) IN GENERAL.—(A) RECONSIDERATION OF INITIAL DETERMINATION.—Subject to subparagraph (D), any individual dissatisfied with any initial determination shall be entitled to reconsideration of the determination, and, subject to subparagraphs (D) and (E), a hearing thereon by the Secretary to the same extent as is provided in section 1879(a)(2) and review of the Secretary’s final decision after such hearing as is provided in section 1879(b). For purposes of the preceding sentence, any reference to the ‘‘Commissioner of Social Security’’ or the ‘‘Social Security Administration’’ in subsection (g) or (l) of section 1879 shall be considered a reference to the ‘‘Secretary’’ or the ‘‘Department of Health and Human Services’’, respectively.

(E) REPRESENTATION BY PROVIDER OR SUPPLIER.—(1) IN GENERAL.—Sections 1102(a), 1103, and 1112 shall not be construed as authorizing the Secretary to prohibit an individual from being represented under this section by a person that furnishes or supplies the individual, directly or indirectly, with any items, solely on the basis that the person furnishes or supplies the individual with such a service or item.

(F) LIMITATIONS ON PAYMENT FROM BENEFICIARY.—Any person that furnishes services or items to an individual may not represent an individual under this section with respect to the individual’s right to payment from the beneficiary with respect to payments furnished or supplied the individual with such a service or item.

(G) PROHIBITION ON REPRESENTATION OF AN INDIVIDUAL UNDER THIS SECTION.—(i) PURPOSE.—It is the policy of the Congress that an individual under this section, the person may not impose any financial liability on such individual in connection with such representation.

(ii) REQUIREMENTS FOR REPRESENTATIVES OF A BENEFICIARY.—The provisions of section 1879(b)(1) and of section 1879(c) and of section 1879 (other than subsections (a)(4) of such section) regarding representation of claimants shall apply to representation of an individual under this section in the same manner as they apply to representation of an individual under those sections.

(iii) CONCLUSION OF RIGHTS IN CASES OF ABANDONMENT.—The right of an individual to an appeal under this section with respect to an item...
or service may be assigned to the provider of services or supplier of the item or service upon the written consent of such individual using a standard form established by the Secretary for such a determination. (B) Time limits for filing appeals. — (D) Time limits for filing appeals. — (E) Terminating a request for reconsideration. — (F) Expedited proceedings. — (G) Reopening and revision of determinations. — (H) Conduct of reconsiderations by independent contractors. — (I)Deadline for decision. — (J)Dissemination of decisions on reconsiderations. — (K)Enforcing consistent decisions. — (L)Conduct of reconsiderations by independent contractors or fiscal intermediaries. — (M)Applicability of requirements established by the Secretary. — (N)Savings clause. — (O)Effect on other provisions.

(c) Conduct of reconsiderations by independent contractors. — (A) In general. — The qualified independent contractor shall conduct reconsiderations under this subsection in accordance with the provisions of sections 205 and 206. (B) Reconsiderations. — (i) In general. — The qualified independent contractor shall review initial determinations. Where an initial determination is made with respect to whether an item or service is reasonable and necessary for illness or injury (under section 1862(a)(1)(A)), such determination shall include consideration of the facts and circumstances of the initial determination. In making such a decision, the qualified independent contractor shall consider the following:

(i) the delivery of similar or related services to the same individual by one or more providers of services or suppliers.

(ii) common issues of law and fact arising from services furnished to two or more individuals by one or more providers of services or suppliers.

(iii) Expedited determination. — In the case of a determination, the qualified independent contractor shall make an expedited determination as to whether any such facts are in dispute and, if not, shall render a decision expeditiously.

(iv) Expedited hearing. — In a hearing by the Secretary under this section, in which the moving party is the Secretary and the material fact is in dispute, the Secretary shall make an expedited determination as to whether any such facts are in dispute and, if not, shall render a decision expeditiously.

(v) Reconsiderations. — Except as provided in clause (i), the qualified independent contractor shall conduct and conclude a reconsideration under subparagraph (B), and mail the notice of the decision with respect to such reconsideration to the beneficiary at least 3 days before the end of the 30-day period beginning on the date a request for reconsideration has been timely filed.

(vi) Consequences of failure to meet deadline. — In the case of a failure by the qualified independent contractor to mail the notice of the decision by the end of the period described in clause (i) or to provide notice by the end of the period described in clause (ii), as the case may be, the party requesting the reconsideration or appeal may request a hearing before the Secretary, notwithstanding any requirements for a reconsideration described in this paragraph for purposes of the party’s right to such hearing.

(vii) Expedited reconsideration. — The qualified independent contractor shall perform an expedited reconsideration under subsection (b)(1)(F) as follows:

(ii)(I) Deadline for decision. — Notwithstanding section 206(j) and subject to clause (iv), not later than the end of the 72-hour period beginning on the date the qualified independent contractor has received a request for such reconsideration, the qualified independent contractor shall provide notice (by telephone and in writing) to the individual involved.

(iii) Special rule for hospital discharges. — A reconsideration of a discharge from a hospital shall be conducted under this clause in accordance with the provisions of paragraphs (1), (2), (3), and (4) of section 1154(e) as in effect on the date that precedes the date of the enactment of this paragraph.

(v) Extension. — An individual requesting a reconsideration under this paragraph may be granted such additional time as the individual specifies (not to exceed 34 days) for the qualified independent contractor to conclude the reconsideration. The individual may request such additional time orally or in writing.

[D] Limitation on individual reviewing determinations. — [E] Physicians and health care professionals. — No physician or health care professional under the employ of a qualified independent contractor may review:

(i) determinations regarding health care services furnished to a beneficiary by the physician or health care professional was directly responsible for furnishing such services;

(ii) determinations regarding health care services furnished to a beneficiary by an institution, organization, or agency, if the physician or any member of the family of the physician or health care professional has, directly or indirectly, a significant financial interest in such institution, organization, or agency.

(ii) Family described. — For purposes of this paragraph, the family of a physician or health care professional includes (other than a spouse who is legally separated from the physician or health care professional under a decree of divorce or separate maintenance), children (including stepchildren and legally adopted children), grandchildren, parents, and grandparents of the physician or health care professional.

[F] Explanation of decision. — Any decision with respect to a reconsideration of a qualified independent contractor shall be in writing, and shall include a detailed explanation of the decision, including the relevant facts and applicable regulations applied in making such decision, and in the case of a determination of whether an item or service is reasonable and necessary for treatment of illness or injury (under section 1862(a)(1)(A)), an explanation of the medical and scientific rationale for the decision.

[G] Notice requirements. — Whenever a qualified independent contractor makes a decision with respect to a reconsideration under this subsection, the qualified independent contractor shall promptly notify the entity responsible for the payment of claims under part A or part B of such decision.

[H] Dissemination of decisions on reconsiderations. — Each qualified independent contractor shall make available all decisions with respect to reconsiderations of such qualified independent contractors to fiscal intermediaries (under section 1818), carriers (under section 1862(a)(1)(B)), review organizations (under part B of title XI), Medicare+Choice organizations offering Medicare+Choice plans under part C, other entities under contract with the Secretary to perform initial determinations under part A or part B or title XI, and to the public. The Secretary shall establish a methodology under which qualified independent contractors shall carry out this subparagraph.

[I] Ensuring consistent decisions. — Each qualified independent contractor shall
monitor its decisions with respect to reconsideration to ensure the consistency of such decisions with respect to requests for reconsideration of similar or related matters. 

(ii) Consent.—The departmental appeals board shall conduct and conclude a hearing on a decision of a qualified independent contractor under subsection (c) and render a decision on such hearing by not later than the end of the 90-day period beginning on the date a request for hearing has been timely filed. 

(b) Waiver of Deadline by Party Seeking Hearing.—The 90-day period under subparagraph (A) shall not apply in the case of a motion or stipulation by the party requesting the hearing to waive such period.

(2) Departmental Appeals Board Review.—

(A) In General.—The Departmental Appeals Board of the Department of Health and Human Services shall review the decision of a hearing described in paragraph (1) and make a decision or remand the case to the administrative law judge for reconsideration by not later than the end of the 90-day period beginning on the date a request for review has been timely filed.

(B) DAB Review Procedure.—In reviewing a decision on a hearing under this paragraph, the Departmental Appeals Board shall review the case de novo.

(3) Consequences of Failure to Meet Deadlines.—

(A) Hearing by Administrative Law Judge.—In the case of a failure by an administrative law judge to render a decision by the end of the period described in paragraph (1), the party requesting the hearing may request a review by the Departmental Appeals Board of the Department of Health and Human Services, notwithstanding any requirements for a hearing for purposes of the party's right to such a review.

(B) Departmental Appeals Board Review.—In the case of a failure by the Departmental Appeals Board to render a decision by the end of the period described in paragraph (2), the party requesting the hearing may seek judicial review, notwithstanding any requirements for a hearing for purposes of the party's right to such judicial review.

(e) Administrative Provisions.—

(1) Limitation on Review of Certain Regulations.—A regulation that relates to a method for determining the amount of payment under part B and that was initially issued before January 1, 2013, shall not be subject to judicial review.

(2) Outreach.—The Secretary shall perform such outreach activities as are necessary to inform individuals entitled to benefits under this title and providers of services and suppliers with respect to their rights of, and the process for, appeals made under this section. The Secretary shall use the toll-free telephone number maintained by the Secretary under section 1804(b) to provide information regarding appeal rights and respond to inquiries regarding the status of appeals.

(3) Continuing Education Requirement for Qualified Independent Contractors and Administrative Law Judges.—The Secretary shall provide each qualified independent contractor, administrative law judge, and, in consultation with the Commissioner of Social Security, to administrative law judges that decisions result in reconsiderations of initial determinations or other decisions or determinations made on or after October 1, 2002.

(4) Reports.—

(A) Annual Report to Congress.—The Secretary shall submit to Congress an annual report describing the number of appeals for the previous year, identifying issues that require administrative or legislative actions, and including any recommendations of the Secretary with respect thereto. The report shall include in such report an analysis of determinations by qualified independent contractors with respect to inconsistent decisions and an analysis of the causes of such inconsistencies.

(B) Survey.—Not less frequently than every three years, the Secretary shall conduct a survey of providers of services and suppliers to identify patterns of determinations with respect to benefits under this title who have filed appeals of determinations under this section, providers of services, and suppliers to determine the satisfaction of those providers and suppliers with the process for appeals of determinations provided for under this section and education and training provided by the Secretary with respect to that process. The Secretary shall report the results of the survey, and shall include any recommendations for administrative or legislative actions that the Secretary determines appropriate.

(p) Applicability of Requirements and Limitations on Liability of Qualified Independent Contractors to Medicare Choice and Medicaid Choice Independent Appeal Contractors.—Section 1852(g)(4) of title 42, United States Code, is amended by adding at the end the following: "The provisions of this subsection shall apply to independent entities under contract with the Secretary under this paragraph."

(C) Conforming Amendment.—Section 1154(e) of title 42 is further amended by striking paragraphs (2), (3), and (4).
(iii) Upon the filing of a complaint by an aggrieved party, a decision of an administrative law judge under clause (i) shall be reviewed by the Departmental Appeals Board of the Department of Health and Human Services.

(iii) The Secretary shall implement a decision of the administrative law judge or the Departmental Appeals Board within 30 days of receipt of such decision.

(iv) A decision of the Departmental Appeals Board constitutes a final agency action and is subject to judicial review.

(b) DEEMED ACTION BY THE SECRETARY.—In the case of a determination that may otherwise be subject to review under subparagraph (A), the Secretary shall be deemed to have made a determination with respect to such items or services, which includes a statement of the time taken by the Secretary to make and implement the necessary coverage, coding, and payment determinations, including the implementation of significant step in the process of making and implementing such determinations.

(c) PENDING NATIONAL COVERAGE DETERMINATIONS.—

(i) In general.—Not later than December 1 of each year, the Secretary shall submit to Congress a report that sets forth a detailed compilation of the actual time periods that were necessary to complete and fully implement national coverage determinations that were made in the previous fiscal year for items, services, or medical devices previously covered as a benefit under this title, including, with respect to each new item, service, and medical device, a statement of the time taken by the Secretary to make and implement the necessary coverage, coding, and payment determinations, including the implementation of significant step in the process of making and implementing such determinations.

(ii) Annual report on national coverage determinations.—

(A) In general.—Not later than December 1 of each year, the Secretary shall submit to Congress a report that sets forth a detailed compilation of the actual time periods that were necessary to complete and fully implement national coverage determinations that were made in the previous fiscal year for items, services, or medical devices previously covered as a benefit under this title, including, with respect to each new item, service, and medical device, a statement of the time taken by the Secretary to make and implement the necessary coverage, coding, and payment determinations, including the implementation of significant step in the process of making and implementing such determinations.

(B) Establishment of a process for coverage determinations.—Section 1862(a)(42 U.S.C. 1395y(a)) is amended by adding at the end of such section the following new sentence: ''In making a national coverage determination (as defined in paragraph (1)(B) of section 1882(f)) the Secretary shall ensure that the public is afforded notice and opportunity to comment prior to implementation by the Secretary of the determination; meetings of advisory committees established under section 1114(f) with respect to the determination are made on the record; in making the determination, the Secretary has considered appropriate data (including clinical evidence and medical, technical, and scientific evidence) with respect to the subject matter of the determination; and in the determination, the Secretary shall consider the basis for the determination (including responses to comments received from the public), the assumptions underlying that basis, and make available to the public the data (other than proprietary data) considered in making the determination.''

(C) Improvements to the Medicare Advisory Committee Process.—Section 1114 (42 U.S.C. 1314) is amended by adding at the end of such section the following new subsection:

(1) Advisory committee appointed under subsection (f) to advise the Secretary on matters relating to application, implementation of section 1862(a)(1) shall assure the full participation of a non-voting member in the deliberations of the advisory committee, such non-voting member access to all information and data made available to voting members of the advisory committee, other than information that—

(A) is exempt from disclosure pursuant to subsection (a) of section 552 of title 5, United States Code by reason of clause (4) of such section (relating to trade secrets); or

(B) the Secretary determines would present a conflict of interest relating to such nonvoting member.

(ii) The advisory committee described in paragraph (1) organizes into panels of experts according to types of items or services considered by the advisory committee, any such panel of experts may report any recommendation with respect to such items or services directly to the Secretary without the prior approval of the advisory committee or an executive committee thereof.

(d) Effective date.—The amendments made by this section shall—

(1) apply to a review of any national or local coverage determination filed; and

(2) be effective on or after October 1, 2001.

Subtitle D—Improving Access to New Clinical Laboratory Technologies

(a) Payment rule for new laboratory tests.—Section 1833(h)(4)(B)(viii) (42 U.S.C. 1395s(h)(4)(B)(viii)) is amended by adding before such paragraph the following new sentence: ''(5) Standing. An action under this paragraph shall be considered in making the determination.''

(b) Establishment of a process for reviewing new clinical laboratory tests and other items on a fee schedule.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish procedures for coding and payment determinations for the categories of new clinical diagnostic laboratory tests and new durable medical equipment that are covered under part B of title XVIII of the Social Security Act that permit public consultation in a manner consistent with the procedures established for implementing coding modifications for ICD-9-CM.

(c) Report on procedures used for advanced, improved technologies.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report that identifies the specific procedures used by the Secretary under part B of title XVIII of the Social Security Act to adjust payments for new clinical diagnostic laboratory tests and durable medical equipment which are classified to existing codes where, because of an advance in technology with respect to the test or equipment, there has been a significant increase or decrease in the resources used in the test or in the manufacture of the equipment, and there has been a significant improvement in the performance of the test or equipment. The report shall include such recommendations for changes in law as may be necessary to assure fair and appropriate payment levels under such part for such improved tests and equipment as reflects increased costs necessary to produce improved results.

SECTION 131. REIMBURSEMENT IMPROVEMENTS FOR NEW CLINICAL LABORATORY TESTS AND DURABLE MEDICAL EQUIPMENT

(a) Payment rule for new laboratory tests.—Section 1833(h)(4)(B)(viii) (42 U.S.C. 1395s(h)(4)(B)(viii)) is amended by adding before such paragraph the following new sentence: ''(5) Standing. An action under this paragraph shall be considered in making the determination.''

(b) Establishment of a process for reviewing new clinical laboratory tests and other items on a fee schedule.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish procedures for coding and payment determinations for the categories of new clinical diagnostic laboratory tests and new durable medical equipment that are covered under part B of title XVIII of the Social Security Act that permit public consultation in a manner consistent with the procedures established for implementing coding modifications for ICD-9-CM.

(c) Report on procedures used for advanced, improved technologies.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report that identifies the specific procedures used by the Secretary under part B of title XVIII of the Social Security Act to adjust payments for new clinical diagnostic laboratory tests and durable medical equipment which are classified to existing codes where, because of an advance in technology with respect to the test or equipment, there has been a significant increase or decrease in the resources used in the test or in the manufacture of the equipment, and there has been a significant improvement in the performance of the test or equipment. The report shall include such recommendations for changes in law as may be necessary to assure fair and appropriate payment levels under such part for such improved tests and equipment as reflects increased costs necessary to produce improved results.

SECTION 132. RETENTION OF HCPCS LEVEL III CODES

(a) In general.—The Secretary of Health and Human Services shall maintain and continue the use of level III codes of the HCPCS coding system (as such system was in effect on August 16, 2000) through December 31, 2003, and shall make such codes available to the public.

(b) Definition.—For purposes of this section, the term "HCPCS Level III codes" means the alphanumericic codes for local use under the Health Care Financing Administration Common Procedure Coding System (HCPCS).

SECTION 133. RECOGNITION OF NEW MEDICAL TECHNOLOGIES UNDER INPATIENT HOSPITAL PAYMENTS

(a) Expediting recognition of new technologies under inpatient PPS payments.—

(1) Report.—Not later than April 1, 2001, the Secretary of Health and Human Services shall...
submit to Congress a report on methods of expeditiously incorporating new medical services and technologies into the clinical coding system used with respect to payment for inpatient hospital services under the medicare program under title XVIII of the Social Security Act, together with a detailed description of the Secretary's preferred methods to achieve this purpose.

(2) Implementation.—Not later than October 1, 2001, the Secretary shall implement the preferred methods described in the report transmitted to paragraph (1).

(b) Ensuring Appropriate Payments for Hospitals Incorporating New Medical Services and Technologies

(1) Establishment of Mechanism.—Section 1886(d)(5) (42 U.S.C. 1395ww(d)(5)) is amended by adding at the end the following new subparagraphs:

"[(K)](i) Effective for discharges beginning on or after October 1, 2001, the Secretary shall establish a mechanism to recognize the costs of new medical services and technologies under the payment system established under this subsection. Such mechanism shall be established after notice and opportunity for public comment (in which the costs are recommended by subsection (e)(5) for a fiscal year or otherwise).

"(ii) The mechanism established pursuant to clause (i) shall:

"(I) apply to a new medical service or technology if, based on the estimated costs incurred with respect to discharges involving such service or technology, the DRG prospective payment rate would otherwise be to such discharges under this subsection is inadequate;

"(II) provide for the collection of data with respect to the costs of a new medical service or technology described in subclause (I) for a period of not less than two years and not more than three years beginning on the date on which a hospital code is issued with respect to the service or technology;

"(III) subject to paragraph (4)(C)(iii), provide for additional payment to be made under this subsection with respect to discharges involving a new medical service or technology described in subclause (I) that occur during the period described in subclause (II) in an amount that adequately reflects the estimated average cost of such service or technology; and

"(IV) provide that discharges involving such a service or technology that occur after the close of the period described in subclause (II) will be classified if, based on the estimated costs incurred with respect to discharges involving such service or technology, the DRG prospective payment rate otherwise applicable to such discharges under this subsection is inadequate.

"(ii) shall, in combination with the applicable standardized amounts and the weighting factors assigned to such groups under paragraph (4)(B), reflect such cost cohorts as the Secretary determines are appropriate for all new medical services and technologies that are likely to be provided as inpatient hospital services in a fiscal year.

"(iii) The methodology for classifying specific hospital discharges within a diagnosis-related group or a new-technology group or for a new-technology group shall provide that a specific hospital discharge may not be classified within both a diagnosis-related group and a new-technology group.

"(2) Prior Consultation.—The Secretary of Health and Human Services shall consult with groups representing hospitals, physicians, and manufacturers and suppliers of devices and technologies before publishing the notice of proposed rulemaking required by section 1886(d)(5)(K)(i) of the Social Security Act as added by paragraph (1).

"(3) Conforming Amendment.—Section 1886(d)(4)(C)(ii) (42 U.S.C. 1395ww(d)(4)(C)(ii)) is amended by striking "'technology,' and inserting "'technology (including a new medical service or technology under paragraph (5)(K));'".

Subtitle E—Other Provisions

SEC. 541. INCREASE IN REIMBURSEMENT FOR BAD DEBT.

Section 1861(v)(1)(T) (42 U.S.C. 1395x(v)(1)(T)) is amended—

"(1) in clause (ii), by striking "'and'" and inserting "'and'"; and

"(2) by inserting "'during a subsequent fiscal year' and inserting "'during fiscal year 2000', and

"(3) by striking the period at the end and inserting "; and"

"(d) by adding at the end the following new clause:

"(iv) for cost reporting periods beginning during a subsequent fiscal year, by 30 percent of such amount otherwise allowable.''.

SEC. 542. TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES UNDER MEDI-CARE.

(a) In General.—When an independent laboratory furnishes the technical component of a physician pathology service to a fee-for-service medicare beneficiary, the Secretary of Health and Human Services shall treat such component as a service for which payment shall be made to the laboratory under section 1848 of the Social Security Act (42 U.S.C. 1395w-4) and not as an inpatient hospital service for which payment is made to the hospital under section 1886 of such Act (42 U.S.C. 1395ww) or as an outpatient hospital service for which payment is made to the hospital under section 1833(f) of such Act (42 U.S.C. 1395f(t)).

(b) Covered Hospital.—The term "covered hospital" means, with respect to an inpatient or an outpatient, a hospital that had an arrangement with an independent laboratory that was in effect as of July 22, 1999, under which a laboratory furnished the technical component of physician pathology services to medicare beneficiaries who were hospital inpatients or outpatients, respectively, and submitted claims for payment for such component to a medicare carrier (that has a contract with the Secretary under section 1842 of the Social Security Act, 42 U.S.C. 1395u) and not to such hospital.

SEC. 543. EXTENSION OF ADVISORY OPINION AUTHORITY.

Section 11220(b)(6) (42 U.S.C. 1220a-7d(b)(6)) is amended by striking "and before the date which is 4 years after such date of enactment".

SEC. 544. CHANGE IN ANNUAL MEDPAC REPORT.

(a) Revision of Deadlines for Submission of Reports.—

"(1) In General.—Section 1805(b)(1)(D) (42 U.S.C. 13950(b)(1)(D)) is amended by striking "'fiscal year (beginning with 1998)', and inserting "'June 15 of each year', and

"(2) Effective Date.—The amendment made by paragraph (1) shall apply beginning with 2004.

(b) Requirement for Record Votes on Recommendations.—Section 1805(b) (42 U.S.C. 13950(b)) is amended by adding at the end the following new paragraph:

"(7) VOTING AND REPORTING REQUIREMENTS.—With respect to each recommendation contained in a report submitted under paragraph (1), each member of the Commission shall vote on the recommendation, and the Commission shall include, by member, the results of that vote in the report containing the recommendation.''

SEC. 545. DEVELOPMENT OF PATIENT ASSESSMENT INSTRUMENTS.

(a) Development.—

"(1) In General.—Not later than January 1, 2001, the Secretary shall develop a standard instrument for the assessment of the health and functional status of patients,
for whom items and services described in sub-
section (b) are furnished, and include in the re-
port a recommendation on the use of such
standard instruments for payment purposes.
(2) DEPARTMENT OF COMMERCE AND
THE ENVIRONMENT.—The Secretary shall design such stan-
ard instruments in a manner such that—
(A) elements that are common to the items and
services covered by subsection (b) may be com-
parably and are statistically compatible; and
(B) only elements necessary to meet program
objectives are collected.
(c) THE STANDARD INSTRUMENT SUPersedes
any other assessment instrument used before that
date.
(3) CONSULTATION.—In developing an assess-
ment instrument under paragraph (1), the Secre-
tary shall consult with the Medicare Payment
Advisory Commission, the Agency for Health-
care Research and Quality, and qualified
organizations representing providers of services
and suppliers under title XVIII.
(4) DESCRIPTION OF SERVICES.—For purposes
of subsection (a), items and services described in
this subsection are those items and services fur-
nished to individuals entitled to benefits un-
der part A, or enrolled under part B, or both of title
X VIII who are hospitalized, who are covered by
Medicare for such hospital services, or who are
covered by Medicare for services furnished
under such title, and include the following:
(1) Inpatient and outpatient hospital services.
(2) Inpatient and outpatient rehabilitation
services.
(3) Covered skilled nursing facility services.
(4) Home health services.
(5) Physical or occupational therapy or
speech-language pathology services.
(6) Items and services furnished to such indi-
viduals determined to have end stage renal dis-
ease.
(7) Partial hospitalization services and other
mental health services.
(8) Any other service for which payment is
made under such title, as the Secretary deter-
mines to be appropriate.
SEC. 546. G A R DENING I MPACT OF THE EMER-
GENCY MEDICAL TREATMENT AND
ACTIVE LABOR ACT (EMTALA) ON
HOSPITAL, EMERGENCY DEPART-
MENTS.
(a) REPORT.—The Comptroller General of the
United States shall submit a report to the Com-
mittee on Commerce and the Committee on Ways
and Means of the House of Representatives and the
Committee on Finance of the Senate by May 1,
2001, on the effect of the Emergency Medical
Treatment and Active Labor Act on hospitals,
emergency physicians, and physicians covering
emergency department call throughout the
United States.
(b) REPORT REQUIREMENTS.—The report
should evaluate—
(1) the extent to which hospitals, emergency
physicians, and physicians covering emergency
department call provide uncompensated services
in relation to the requirements of EMTALA;
(2) the extent to which the regulatory require-
ments and enforcement of EMTALA have ex-
changed beyond the legislation’s original intent;
(3) estimates for the total dollar amount of
EMTALA-related care uncompensated costs to
emergency physicians, and physicians covering
emergency department call, hospital emergency
departments, and other hospital services;
(4) the extent to which different portions of the
United States may be experiencing different levels of uncompensated EMTALA-related care;
(5) the extent to which EMTALA would be
classified as an unfunded mandate if it were en-
acted today;
(6) the extent to which States have programs to
provide financial support for such uncompens-
ated care;
(7) possible sources of funds, including medi-
care hospital bad debt accounts, that are avail-
able to hospitals to assist with the cost of such
uncompensated care; and
(8) the financial strain that illegal immigra-
tion populations, the uninsured, and the under-
insured placed on hospital emergency depart-
ments, other hospital services, emergency physi-
cians, and physicians covering emergency de-
partment call.
(b) DEFINITION.—In this section, the term
“Emergency Medical Treatment and Active
Labor Act” and “EMTALA” mean section 1867
SEC. 547. CLARIFICATION OF APPLICATION
OF TEMPORARY PAYMENT INCREASES
(a) INPATIENT HOSPITAL SERVICES.—The pay-
ment increase provided under the following sec-
tions shall not apply to discharges occurring after
fiscal year 2001 and shall not be taken into
account in calculating the payment amounts
applicable for discharges occurring after such
fiscal year:
(1) Section 301(b)(2)(A) (relating to acute care
hospital benchmark update).
(2) Section 302(b) (relating to IME percentage
adjustment).
(3) Section 303(b)(2) (relating to DSH pay-
ments).
(b) SKILLED NURSING FACILITY SERVICES.—
The payment increase provided under section
311(b)(2) (relating to covered skilled nursing facil-
ty services) shall not apply to skilled nursing
facilities for discharges occurring after fiscal
year 2001 and shall not be taken into account in calculating the payment amounts applicable for services furnished after such fiscal
year.
(c) HOME HEALTH SERVICES.—
(1) TRANSITIONAL ALLOWANCE FOR FULL
MARKETBASED PAYMENTS.—The pay-
ment increase provided under section 502(b)(1)(B)
shall not apply to episodes and visits ending after fis-
cal year 2001 and shall not be taken into account in calculating the payment amounts applicable for services furnished after such fiscal
year.
(2) TEMPORARY INCREASE FOR RURAL HOME
HEALTH SERVICES.—The payment increase pro-
vided under section 502(a) for the period begin-
ning on April 1, 2001, and ending on September
30, 2002, shall not apply to episodes and visits
ending after such period, and shall not be taken
into account in calculating the payment amounts
applicable for episodes and visits occurring
after such period.
(d) CALENDAR YEAR 2001 PROVISIONS.—The
payment increase provided under the following
sections shall not apply after calendar year 2001
and shall not be taken into account in calculat-
ing the payment amounts applicable for items
and services furnished after such year:
(1) Section 401(c)(2) (relating to covered OPD
services).
(2) Section 422(e)(2) (relating to renal dialysis
services paid for on a composite rate basis).
(3) Section 423(a)(2)(B) (relating to ambulance
services).
(4) Section 425(b)(2) (relating to durable med-
eical equipment).
(5) Section 426(b)(2) (relating to prosthetic
services and orthotics and prosthetics).

TITLE VI—PROVISIONS RELATING TO
PART C (MEDICARE+CHOICE PROGRAM)
AND OTHER MEDICARE MANAGED
CARE PROVISIONS

Subtitle A—Medicare+Choice Payment
Reforms

SEC. 601. INCREASE IN MINIMUM PAYMENT
AMOUNT.
(a) IN GENERAL.—Section 1853(c)(1)(B) (42
U.S.C. 1395w±23(c)(1)(B)) is amended—
(1) by redesignating clause (ii) as clause (iv);
(2) by inserting after clause (i) the following
new clauses:
(III) For 1999 and 2000, the annual Medicare+Choice capitation rate shall be calculated and the excess amount under section
1854(f)(1)(B) of such Act (42 U.S.C. 1395w±
24(f)(1)(B)) shall be determined, as if such
amendments had not been enacted.
(b) CONSTRUCTION.—Paragraph (1) shall not
be taken into account in computing such capita-
tion rate for 2002 and subsequent years.
SEC. 602. INCREASE IN MINIMUM PERCENTAGE
INCREASE.
(a) IN GENERAL.—Section 1853(c)(1)(C) (42
U.S.C. 1395w±23(c)(1)(C)) is amended—
(1) by redesignating clause (ii) as clause (iv);
(2) by inserting after clause (i) the following
new clauses:
(III) For 1999 and 2000, 102 percent of the an-
nual Medicare+Choice capitation rate under this
paragraph for the area for the previous year;
(IV) For 2001, 103 percent of the annual
Medicare+Choice capitation rate under this
paragraph for the area for 2000; and
(2) T EMPORARY INCREASE FOR RURAL HOME
HEALTH SERVICES.—The payment increase pro-
vided under section 502(a) for the period begin-
ning on April 1, 2001, and ending on September
30, 2002, shall not apply to episodes and visits
ending after such period, and shall not be taken
into account in calculating the payment amounts
applicable for episodes and visits occurring
after such period.
(d) CALENDAR YEAR 2001 PROVISIONS.—The
payment increase provided under the following
sections shall not apply after calendar year 2001
and shall not be taken into account in calcu-
lating the payment amounts applicable for items
and services furnished after such year:
(1) Section 401(c)(2) (relating to covered OPD
services).
(2) Section 422(e)(2) (relating to renal dialysis
services paid for on a composite rate basis).
(3) Section 423(a)(2)(B) (relating to ambulance
services).
(4) Section 425(b)(2) (relating to durable med-
eical equipment).
(5) Section 426(b)(2) (relating to prosthetic
services and orthotics and prosthetics).

SEC. 604. TRANSITION TO REVISED
MEDICARE+CHOICE PAYMENT RATES.
(a) ANNOUNCEMENT OF REVISED
MEDICARE+CHOICE PAYMENT RATES.—Within 2
weeks after the date of the enactment of this
Act, the Secretary of Health and Human Ser-
vices shall determine, and shall announce (in a
manner intended to provide notice to interested
parties) Medicare+Choice payment rates under
sections 1854(f)(1)(B) and 1854(f)(1)(B) of the Social Security Act (42 U.S.C. 1395w±
23) for 2001, revised in accordance with the
provisions of this Act.
(b) REENTRY INTO PROGRAM PERMITTED FOR MEDI-CARE+CHOICE PROGRAMS.—A Medicare+Choice organization that provided notice to the Secretary of Health and Human Services or the administration of this Act that it was terminating its contract under part C of title XVIII of the Social Security Act or was reducing the service area of a Medicare+Choice organization offered under such part shall be permitted to continue participation under such part, or to maintain the service area of such plan, for 2001 if it submits the Secretary with information described in section 1854(a)(1) of the Social Security Act (42 U.S.C. 1395w–24(a)(1)) within 2 weeks after the date revised rates are announced by the Secretary under section 1852(b). [c] REVISED SUBMISSION OF PROPOSED PREM IUMS AND RELATED INFORMATION.—If—

(1) a Medicare+Choice organization provided notice to the Secretary of Health and Human Services as of July 3, 2000, that it was renewing its contract under part C of title XVIII of the Social Security Act for all or part of the service area or areas served under its current contract, and

(2) any part of the service area or areas addressed in such notice includes a payment area for which the Medicare+Choice organization shall revise its submission of information described in section 1854(a)(1) of the Social Security Act (42 U.S.C. 1395w–24(a)(1)), and shall submit such revised information to the Secretary, within 2 weeks after the date revised rates are announced by the Secretary under subsection (a), in making such submission, the organization may only reduce beneficiary premiums, reduce beneficiary cost-sharing, enhance benefits, utilize the stabilization fund, or to reflect 80 percent of any reduction elected under section 1839 of such plan in such service area in such plan as provided in section 1840(i).

(iii) AMOUNT OF REDUCTION.—The amount of the reduction determined with respect to any enrollee in a Medicare+Choice plan shall be the amount determined under paragraph (1) with respect to any enrollee in a Medicare+Choice plan for that area.

(iv) ADJUSTMENT OF PREMIUMS.—Section 1839(a)(2) (42 U.S.C. 1395s) is amended by adding at the end the following new clause: "(i) IN GENERAL.—(A) AUTHORIZATION OF PART B PREMIUM REDUCTIONS.—Section 1854(f)(1) (42 U.S.C. 1395w–24(f)(1)) is amended— (A) by redesignating subparagraph (E) as subparagraph (F); and

(b) in inserting after subparagraph (D) the following new subparagraph:

(E) PREMIUM REDUCTIONS.—Subject to clause (ii), as part of providing any additional benefits required under subparagraph (A), a Medicare+Choice organization may elect a reduction under paragraph (3), adjusted as required under paragraph (1), with respect to each enrollee of the Medicare+Choice plan to which such reduction applies.

(c) CONFORMING AMENDMENTS.—

(A) ADJUSTMENT AND PAYMENTS TO MEDICARE+CHOICE ORGANIZATIONS.—Section 1853(i)(1) (42 U.S.C. 1395w–23(a)(1)) is amended by inserting "reduced by the amount determined under section 1853(c)(1)(B)(ii)" after "(I)" and after "for that area.".

(B) ADJUSTMENT AND PAYMENT OF PART B PREMIUMS.—

(i) AJUSTMENT OF PREMIUMS.—Section 1839(a)(2) (42 U.S.C. 1395s(a)(2)) is amended by striking "shall" and all that follows and inserting "shall be the amount determined under paragraph (3), adjusted as required in accordance with subsections (b), (c), and (f), and to reflect 80 percent of any reduction elected under subsection (c), with respect to each enrollee of the plan and the Secretary shall apply such reduction to reduce the premium under section 1839 of such plan.

(ii) FULL IMPLEMENTATION OF RISK ADJUSTMENT. —Section 1840 (42 U.S.C. 1395s) is amended by adding at the end the following new subsection:

(iii) PERIOD OF APPLICATION.—Subclause (I) shall apply only during the year period beginning on January 1, 2001.

(iv) EXCLUSION FROM DETERMINATION OF THE BUDGET NEUTRALITY FACTOR.—Section 1853(c)(5) (42 U.S.C. 1395w–23(c)(5)) is amended by striking "subsection (ii)" and inserting "subsection (ii) and (iii)" after "for that area.".

(d) WAIVER OF LIMITS ON STABILIZATION FUND.—Any regulatory provision that limits the proportion of the excess amount that can be withheld in such stabilization fund for a contract period shall not apply with respect to stabilization fund provisions (i) that are the same as such fund provisions as of June 30, 1999, and (ii) that are described in clause (i) and are written in such manner that the Secretary is not required to reduce the stabilization fund by an amount that exceeds 90 percent of any stabilization costs that the Secretary determines related to the payment of benefits, and only to the extent that the Secretary determines that such an adjustment is appropriate, with the concurrence of the appropriate agency (as defined in section 1853(a)(1)(B)) is amended by adding at the end the following new clause:

(iv) INFORMATION COMPARING PLAN PREMIUMS.

(a) IN GENERAL.—Section 1854(f)(1) (42 U.S.C. 1395w–24(f)(1)) is amended—

(A) by redesignating subparagraph (E) as subparagraph (F); and

(B) in (i) the change in Medicare+Choice capitation rate under section 1853(c)(3)(A) (42 U.S.C. 1395w–23(a)(3)(A)) is amended—

(c) DISREGARD OF NEW RATE ANNOUNCEMENT IN APPLYING PASS-THROUGH FOR NEW NATIONAL COVERAGE DECISIONS.—For purposes of applying section 1852(a)(5) of the Social Security Act (42 U.S.C. 1395w–22(a)(5)), the announcement of revised rates under subsection (a) shall not be treated as an announcement under section 1853(b) of such Act (42 U.S.C. 1395w–23(b)).

(e) DISREGARD OF NEW RATE ANNOUNCEMENT IN APPLYING PASS-THROUGH FOR NEW NATIONAL COVERAGE DECISIONS.—For purposes of applying section 1852(a)(5) of the Social Security Act (42 U.S.C. 1395w–22(a)(5)), the announcement of revised rates under subsection (a) shall not be treated as an announcement under section 1853(b) of such Act (42 U.S.C. 1395w–23(b)).

(b) IN GENERAL.—Section 1853 (42 U.S.C. 1395w–23) is amended by adding at the end the following new subsection:

(i) DETERMINATION OF THE BUDGET NEUTRALITY FACTOR.

The Secretary of Health and Human Services shall publish for public comment a description of the appropriate adjustments described in the last sentence of section 1853(a)(1)(B) of the Social Security Act (42 U.S.C. 1395w–23(a)(1)(B)), as amended by subsection (a), and the proposed calculation of payment rates under such subparagraphs (A) and (B) of subsection (a) with regard to any premium reduction resulting from an election under section 1854(i)(1)(E). [d] EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to years beginning with 2003.

(iii) FULL IMPLEMENTATION OF RISK ADJUSTMENT FOR CONGESTIVE HEART FAILURE ENROLL EES FOR 2001.

(i) EXEMPTION FROM PHASE-IN.—Subject to subclause (I), the Secretary shall fully implement the risk adjustment methodology described in subsection (c) with respect to each individual who has not had a qualifying congestive heart failure inpatient diagnosis (as determined by the Secretary under such risk adjustment methodology) during the period beginning on January 1, 2000, and ending on June 30, 2000, and who is enrolled in a coordinated care plan that is the only coordinated care plan offered on January 1, 2001, in the service area of the individual.

(ii) PERIOD OF APPLICATION.—Subclause (I) shall only apply during the 1-year period beginning on January 1, 2001.

(iii) EXCLUSION FROM DETERMINATION OF THE BUDGET NEUTRALITY FACTOR.—Section 1853(c)(5) (42 U.S.C. 1395w–23(c)(5)) is amended by striking "subsection (ii)" and inserting "subsection (ii) and (iii)" after "for that area.".

The Secretary of Health and Human Services shall report to Congress by not later than January 1, 2003, on a method to phase-in the costs of military facility services furnished by the Department of Veterans Affairs, and the costs of military facility services furnished by the Department of Defense, to medicare-eligible beneficiaries in the service area of the Medicare+Choice capitation payment. The Secretary shall include in such report the costs of services through a facility of the Department of Veterans Affairs or the Department of Defense.
there is an appropriate payment recovery to the medicare program under title XVIII of the socia

Title B—Other Medicare+Choice Reforms

SEC. 611. PAYMENT OF ADDITIONAL AMOUNTS FOR MEDICARE+CHOICE BENEFITS COVERED DURING A CONTRACT TERM.

(a) IN GENERAL.—Section 1853(c)(7) (42 U.S.C. 1395w–26(b)(3)) is amended—

(1) in clause (i), by inserting “including cost-sharing requirements” after “Benefit requiremen”;

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

“(iv) Requirements relating to marketing materials and summaries and schedules of benefits regarding a Medicare+Choice plan.”;

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 612. ELECTION OF UNIFORM LOCAL COVERAGE TERMINATIONS AND LEGISLATIVE CHANGES IN BENEFITS.

Section 1852(a)(2) (42 U.S.C. 1395w–22(a)(2)) is amended by adding at the end the following new subparagraph:

“(C) ELECTION OF UNIFORM COVERAGE POLICY.—In the case of a Medicare+Choice organi

zation that offers a Medicare+Choice plan in an area in which more than one local coverage policy is applied with respect to different parts of the area, the organization may elect to have the coverage determination or part of the area that is most beneficial to Medicare+Choice enrollees (as identified by the Secretary) apply with respect to the Medicare+Choice enrollees enrolled in the plan.”

SEC. 613. ELIMINATING HEALTH DISPARITIES IN MEDICARE+CHOICE PROGRAM.

(a) QUALITY ASSURANCE PROGRAM FOCUS ON RACIAL AND ETHNIC MINORITIES.—Subparagraphs (A) and (B) of section 1852(e)(2) (42 U.S.C. 1395w–22(e)(2)) are each amended by adding at the end the following:

“Such program shall include a separate focus (with respect to all the elements described in this subparagraph) on racial and ethnic minorities.”

(b) REPORT.—Section 1852(e) (42 U.S.C. 1395w–

22(e)) is amended by adding at the end the following new paragraph:

“(5) REPORT TO CONGRESS.—

“(A) IN GENERAL.—Not later than 2 years after the enactment of this paragraph, and biennially thereafter, the Secretary shall submit to Congress a report regarding how quality assurance programs conducted under this subsection focus on racial and ethnic minorities.

“(B) CONTENTS OF REPORT.—Each such report shall include the following:

“(i) A description of the means by which such programs focus on such racial and ethnic minorities.

“(ii) An evaluation of the impact of such programs on eliminating health disparities and on improving health outcomes, continuity and coordination of care, management of chronic conditions, and consumer satisfaction.

“(iii) Recommendations on ways to reduce clinical outcomes disparities among racial and ethnic minorities.”

SEC. 614. AVOIDING DUPLICATE REGULATIONS.

(a) IN GENERAL.—Section 1856(b)(3)(B) (42 U.S.C. 1395w–26(b)(3)(B)) is amended—

(1) in clause (i), by inserting “including cost-sharing requirements” after “Benefit requiremen”;

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

“(iv) Requirements relating to marketing materials and summaries and schedules of benefits regarding a Medicare+Choice plan.”;

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to years beginning with 2001.

SEC. 615. SPECIAL MEDI GAP ENROLLMENT ANTI- DISCRIMINATION PROVISION FOR CERTAIN BENEFICIARIES.

(a) DISENROLLMENT WINDOW IN ACCORDANCE WITH BENEFICIARY'S CIRCUMSTANCE.—Section 1857 (42 U.S.C. 1395l) is amended—

(1) in subparagraph (A), in the matter followin

clauses (iii) and (iv) by inserting “,” subject to subpar

paragraph (E), inserts to enroll under the policy

(2) by striking subparagraph (E) and inserting

paragraphs (E) and (F) of section 1857 (42 U.S.C. 1395l)

(b) EXTENDED MEDIGAP ACCESS FOR INTERRUPTED TRIAL PERIODS.—Section 1882(s)(3) (42 U.S.C. 1396r–6(s)(3)) is amended by adding after subsection (a), is further amended by adding at the end the following new subparagraph:

“(P) Subject to clause (ii), for purposes of this paragraph—

“(i) in the case of an individual described in subparagraph (B)(iv) or (v) of (B) who seeks to enroll under a Medicare+Choice plan in an area in which more than one local coverage policy is applied with respect to different parts of the area, the organization may elect to have the coverage determination or part of the area that is most beneficial to Medicare+Choice enrollees apply with respect to the Medicare+Choice enrollees enrolled in the plan.”

SEC. 616. ELIMINATING HEALTH DISPARITIES IN MEDICARE+CHOICE PROGRAM.

(a) QUALITY ASSURANCE PROGRAM FOCUS ON RACIAL AND ETHNIC MINORITIES.—Subparagraphs (A) and (B) of section 1852(e)(2) (42 U.S.C. 1395w–22(e)(2)) are each amended by adding at the end the following:

“Such program shall include a separate focus (with respect to all the elements described in this subparagraph) on racial and ethnic minorities.”

(b) REPORT.—Section 1852(e) (42 U.S.C. 1395w–

22(e)) is amended by adding at the end the following new paragraph:

“(5) REPORT TO CONGRESS.—

“(A) IN GENERAL.—Not later than 2 years after the enactment of this paragraph, and biennially thereafter, the Secretary shall submit to Congress a report regarding how quality assurance programs conducted under this subsection focus on racial and ethnic minorities.

“(B) CONTENTS OF REPORT.—Each such report shall include the following:

“(i) A description of the means by which such programs focus on such racial and ethnic minorities.

“(ii) An evaluation of the impact of such programs on eliminating health disparities and on improving health outcomes, continuity and coordination of care, management of chronic conditions, and consumer satisfaction.

“(iii) Recommendations on ways to reduce clinical outcomes disparities among racial and ethnic minorities.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to years beginning with 2001.
SECT. 619. RESTORING EFFECTIVE DATE OF ELECTIONS AND CHANGES OF ELECTIONS UNDER THE MEDICARE+CHOICE PLAN.
(a) OPEN ENROLLMENT EFFECTIVE DATE. (2) U.S.C. 1395w±21(f)(2) is amended by striking "'," except that if such election or change is made after the 10th day of any calendar month, then the election or change shall not take effect until the first day of the second calendar month following the date on which the election or change is made'.
(b) EFFECTIVE DATE. The amendment made by this section shall apply to elections and changes of coverage made on or after June 1, 2001.

SECT. 620. PERMITTING ESRD BENEFICIARIES TO ENROLL IN ANOTHER MEDICARE+CHOICE PLAN IF THE PLAN THEY ARE ENROLLED IN IS TERMINATED.
(a) IN GENERAL.—Section 1851(a)(3)(B) (42 U.S.C. 1395w±21(f)(2)) is amended by striking "except that—"
(ii) an individual who develops end-stage renal disease enrolled in a Medicare+Choice plan may continue to be enrolled in that plan;
(iii) in the case of such an individual who is enrolled in a Medicare+Choice plan under clause (i) (or subsequently under this clause), if the enrollment is discontinued under circumstances described in section 1851(e)(4)(A), then as a medical emergency, a Medicare+Choice eligible individual for purposes of electing to continue enrollment in another Medicare+Choice plan.
(b) EFFECTIVE DATE.—(1) IN GENERAL.—The amendment made by subsection (a) shall apply to terminations and discontinuations occurring on or after the date of the enactment of this Act.
(2) APPLICATION TO PRIOR PLAN TERMINATIONS.—Clause (ii) of section 1851(a)(3)(B) of the Social Security Act (as inserted by subsection (a)) shall apply with respect to an enrollee who is entitled to receive post-hospital extended care services provided under paragraph (1) (including the case management fee for 1999 for inflation, utilization, and other changes to the capitation rate paid for such services covered under the Medicare+Choice plan, any of the following:
(i) The skilled nursing facility in which the spouse of the enrollee is residing at the time of discharge from such hospital.
(ii) The Medicare+Choice organization with respect to such rates, amounts, and values so submitted to determine the appropriateness of such assumptions and data.
(iii) The amendment made by subsection (a) shall apply to elections and changes of coverage made on or after May 1, 2001.

SECT. 632. INCREASED CIVIL MONEY PENALTY FOR TERMINATE CONTRACTS MID-YEAR.
(a) IN GENERAL.—Section 1857(g)(3) (42 U.S.C. 1395w±21(g)(3)) is amended by adding at the end the following new subparagraph: (1) in subsection (a), by striking the second sentence; and (2) by striking subsection (b) and inserting the following new subsection: (a) Civil monetary penalties of not more than $100,000, or such higher amount as the Secretary may establish by regulation, where the finding under subsection (c)(2)(A) is based on the organization’s termination of its contract under this section other than at a time and in a manner provided for under subsection (a).
(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to terminations occurring after the date of the enactment of this Act.

Subtitle C—Other Managed Care Reforms

SECT. 631. 1-YEAR EXTENSION OF SOCIAL HEALTH MAINTENANCE ORGANIZATION (SHMO) DEMONSTRATION PROJECT.
Section 4012(b)(2) of the Omnibus Budget Reconciliation Act of 1987, as amended by section 533(a)(1) of B B R A (113 Stat. 1501A±388), is amended by striking "18 months" and inserting "30 months".

SECT. 632. REVISED TERMS AND CONDITIONS FOR NEW YORK CITY MEDICARE COMMUNITY NURSING ORGANIZATION (CNO) DEMONSTRATION PROJECT.
(a) IN GENERAL.—Section 532(b) (113 Stat. 1501A±388) is amended— (1) in subsection (a), by striking the second sentence; and (2) by striking subsection (b) and inserting the following new subsection: (a) Civil monetary penalties of not more than $100,000, or such higher amount as the Secretary may establish by regulation, where the finding under subsection (c)(2)(A) is based on the organization’s termination of its contract under this section other than at a time and in a manner provided for under subsection (a).

SECT. 633. PROVIDING FOR ACCOUNTABILITY OF MEDICARE+CHOICE ORGANIZATIONS THAT TERMINATE CONTRACTS MID-YEAR.
(a) IN GENERAL.—Section 1854(a)(15)(A) (42 U.S.C. 1395w±24(a)(15)(A)) is amended— (1) by striking "value" and inserting "value and" and (2) by adding at the end the following: "The Chief Actuary of the Health Care Financing Administration shall review the actuarial assumptions, and other data used by the Medicare+Choice organization with respect to such rates, amounts, and values so submitted to determine the appropriateness of such assumptions and data." Section 4018(b)(1) of the Omnibus Budget Reconciliation Act of 1990, as amended by section 4018(b)(1) of the Omnibus Budget Reconciliation Act of 1990, is amended— (1) in subsection (a), by striking the following: "(ii) 2001 shall be determined by actuarially adjusting the actual capitation rate paid for such services in 1999 for inflation, utilization, and other costs so submitted to the CNO service package, and by reducing such adjusted capitation rate by 10 percent in the case of such demonstration sites located in Arizona, Minnesota, Illinois, and New York; and (ii) 2001 shall be determined by actuarially adjusting the capitation rate determined under clause (i) for inflation, utilization, and other changes to the CNO service package.
(b) TARGETED CASE MANAGEMENT FEE.—Effective October 1, 2000— (1) the capitation rate per enrollee per month for— (a) CNO service packages, and (b) by the following:
(i) the period described in subparagraph (A) shall be determined by actuarially adjusting the capitation rate for CNO for inflation, utilization, and other changes to the CNO service package.

SECTION 654. CONCLUSION.
“(II) 2001 shall be determined by actuarially adjusting the amount determined under subclause (I) for inflation; and

(iii) such case management fee shall be paid only for enrollees who are classified as moderately frail or frail pursuant to criteria established by the Secretary.

(C) GREATER UNIFORMITY IN CLINICAL FEATURES AMONG ELIGIBLE PROJECTS.—Each project shall implement for each site—

(ii) protocols for periodic telephonic contact with enrollees; and

(iii) methods to determine the need for such services.

(D) QUALITY IMPROVEMENT.—Each project shall implement at each site once during the 15-month period—

(i) a methodology for spending comparisons of demonstration projects as of the first day of the period under consideration;

(ii) a methodology for spending comparisons for specified diseases and health conditions highly prevalent in the enrolled populations; and

(iii) a standardized written health assessment; and

(E) EVALUATION.—Each project shall implement a final report to such Committees on such demonstrations projects on a site-specific basis for the period beginning July 1, 1997, and ending July 1, 2001, the Secretary of Health and Human Services for specified diseases and health conditions highly prevalent in the enrolled populations; and the Secretary determines that the organization with the contract continues to meet the requirements applicable to such organizations and contracts under this section.

TITLE VII—MEDICAID

SEC. 701. DSH PAYMENTS.

(a) MODIFICATIONS TO DSH ALLOTMENTS.—

(1) INCREASED ALLOTMENTS FOR FISCAL YEARS 2000 AND 2001.—

(A) IN GENERAL.—Section 1923(f) (42 U.S.C. 1396u±2(f)) is amended—

(i) in paragraph (2), by striking "the DSH allotment" and inserting "Subject to paragraph (4), the DSH allotment;"

(ii) by redesignating paragraph (3) as paragraph (4); and

(B) LIMITATION.—Subparagraph (B) of paragraph (3)(A) of section 1923(f) (42 U.S.C. 1396u±2(f)) is amended—

(i) in paragraph (2), by striking "the DSH allotment" and inserting "Subject to subparagraph (B) and paragraph (5), the percentage change in;"

(ii) by redesignating paragraph (4) as paragraph (5); and

(iii) by inserting after paragraph (5) the following new paragraph:

``(4) SPECIAL RULE FOR FISCAL YEARS 2000 AND 2001.—

(A) IN GENERAL.—Notwithstanding paragraph (2), the DSH allotment for any State—

(i) fiscal year 2000, shall be the DSH allotment determined under paragraph (2) for fiscal year 2000 increased, subject to subparagraph (B) and paragraph (5), by the percentage change in the consumer price index for all urban consumers (all items; U.S. city average) for fiscal year 2000; and

(ii) fiscal year 2001, shall be the DSH allotment determined under clause (i), subject to subparagraph (B) and paragraph (5), by the percentage change in the consumer price index for all urban consumers (all items; U.S. city average) for fiscal year 2001.

(B) LIMITATION.—Subparagraph (B) of paragraph (3)(A) of section 1923(f) (42 U.S.C. 1396u±2(f)) is amended—

(i) in paragraph (2), by striking "the DSH allotment" and inserting "Regardless of whether the services furnished under this title in order that a hospital may receive benefits through a managed care entity"; and

(ii) by inserting after "under a State plan approved under this title in a year" the following: "(regardless of whether such patients receive medical assistance on a fee-for-service basis or through a managed care entity); and"

(iii) in subparagraph (b)(3)(A)(i), by inserting after "under a State plan under this title" the following: "(regardless of whether the services furnished on a fee-for-service basis or through a managed care entity)";

(C) NO APPLICATION TO ALLOTMENTS AFTER FISCAL YEAR 2002.—The DSH allotment for any State for fiscal year 2003 or any succeeding fiscal year shall be determined under paragraph (3) without regard to the DSH allotments determined under subparagraph (A) of this paragraph;.

(D) SPECIAL RULE FOR MEDIACID DSH ALLOTMENT FOR EXTREMELY LOW DSH STATES.—

(A) IN GENERAL.—Section 1923(f) (42 U.S.C. 1396u±2(f)), as amended by paragraph (1), is amended by inserting after paragraph (4) the following new paragraph:

``(5) SPECIAL RULE FOR EXTREMELY LOW DSH STATES.—In the case of a State in which the total expenditures under the State plan (including Federal and State shares) for disproportionate share hospital adjustments under this section for fiscal year 1999, as reported to the Administrator of the Health Care Financing Administration as of August 31, 2000, subject to subparagraph (B) and paragraph (5), by the percentage change in the consumer price index for all urban consumers (all items; U.S. city average) for fiscal year 2000, any other State, or any State that is not classified as a low DSH State for purposes of section 1923(f)(2)(D) but that reported for purposes of such section for fiscal year 2000 an amount of DSH allotments under this section that is at least 50 percent of the total amount of expenditures under the State plan for medical assistance during the fiscal year, the DSH allotment for fiscal year 2001 for such State shall be the product of the percentage change in the consumer price index for all urban consumers (all items; U.S. city average) for fiscal year 2001 multiplied by the State’s total amount of expenditures under such plan for such assistance during such fiscal year.

(E) EFFECTIVE DATES.—

(A) THE AMENDMENT MADE BY PARAGRAPH (1) SHALL APPLY TO CONTRACTS AS OF JANUARY 1, 2001.

(B) THE AMENDMENTS MADE BY PARAGRAPH (2) SHALL APPLY TO PAYMENTS MADE ON OR AFTER JANUARY 1, 2001.

(C) THE AMENDMENTS MADE BY PARAGRAPHS (3) AND (4) SHALL NOT AFFECT ALLOTMENTS DETERMINED UNDER SUBPARAGRAPH (A) OF THIS PARAGRAPH FOR FISCAL YEAR 2003 OR ANY SUBSEQUENT FISCAL YEAR.

(D) THE AMENDMENTS MADE BY PARAGRAPHS (1) AND (2) SHALL APPLY TO CONTRACTS AS OF JULY 1, 1997.

(E) THE AMENDMENTS MADE BY PARAGRAPHS (3) AND (4) SHALL APPLY TO CONTRACTS AS OF JANUARY 1, 2001.

(F) THE AMENDMENTS MADE BY PARAGRAPHS (3) AND (4) SHALL NOT AFFECT ALLOTMENTS DETERMINED UNDER SUBPARAGRAPH (A) OF THIS PARAGRAPH FOR FISCAL YEAR 2003 OR ANY SUBSEQUENT FISCAL YEAR.

(G) THE AMENDMENTS MADE BY PARAGRAPHS (1) AND (2) SHALL APPLY TO PAYMENTS MADE ON OR AFTER JANUARY 1, 2001.

(H) THE AMENDMENTS MADE BY PARAGRAPHS (3) AND (4) SHALL NOT AFFECT ALLOTMENTS DETERMINED UNDER SUBPARAGRAPH (A) OF THIS PARAGRAPH FOR FISCAL YEAR 2003 OR ANY SUBSEQUENT FISCAL YEAR.

(I) THE AMENDMENTS MADE BY PARAGRAPHS (1) AND (2) SHALL APPLY TO CONTRACTS AS OF JANUARY 1, 2001.

(J) THE AMENDMENTS MADE BY PARAGRAPHS (3) AND (4) SHALL NOT AFFECT ALLOTMENTS DETERMINED UNDER SUBPARAGRAPH (A) OF THIS PARAGRAPH FOR FISCAL YEAR 2003 OR ANY SUBSEQUENT FISCAL YEAR.

(K) THE AMENDMENTS MADE BY PARAGRAPHS (1) AND (2) SHALL APPLY TO PAYMENTS MADE ON OR AFTER JANUARY 1, 2001.

(L) THE AMENDMENTS MADE BY PARAGRAPHS (3) AND (4) SHALL NOT AFFECT ALLOTMENTS DETERMINED UNDER SUBPARAGRAPH (A) OF THIS PARAGRAPH FOR FISCAL YEAR 2003 OR ANY SUBSEQUENT FISCAL YEAR.

(M) THE AMENDMENTS MADE BY PARAGRAPHS (1) AND (2) SHALL APPLY TO CONTRACTS AS OF JANUARY 1, 2001.

(N) THE AMENDMENTS MADE BY PARAGRAPHS (3) AND (4) SHALL NOT AFFECT ALLOTMENTS DETERMINED UNDER SUBPARAGRAPH (A) OF THIS PARAGRAPH FOR FISCAL YEAR 2003 OR ANY SUBSEQUENT FISCAL YEAR.

(O) THE AMENDMENTS MADE BY PARAGRAPHS (1) AND (2) SHALL APPLY TO PAYMENTS MADE ON OR AFTER JANUARY 1, 2001.

(P) THE AMENDMENTS MADE BY PARAGRAPHS (3) AND (4) SHALL NOT AFFECT ALLOTMENTS DETERMINED UNDER SUBPARAGRAPH (A) OF THIS PARAGRAPH FOR FISCAL YEAR 2003 OR ANY SUBSEQUENT FISCAL YEAR.

(Q) THE AMENDMENTS MADE BY PARAGRAPHS (1) AND (2) SHALL APPLY TO CONTRACTS AS OF JANUARY 1, 2001.

(R) THE AMENDMENTS MADE BY PARAGRAPHS (3) AND (4) SHALL NOT AFFECT ALLOTMENTS DETERMINED UNDER SUBPARAGRAPH (A) OF THIS PARAGRAPH FOR FISCAL YEAR 2003 OR ANY SUBSEQUENT FISCAL YEAR.

(S) THE AMENDMENTS MADE BY PARAGRAPHS (1) AND (2) SHALL APPLY TO PAYMENTS MADE ON OR AFTER JANUARY 1, 2001.

(T) THE AMENDMENTS MADE BY PARAGRAPHS (3) AND (4) SHALL NOT AFFECT ALLOTMENTS DETERMINED UNDER SUBPARAGRAPH (A) OF THIS PARAGRAPH FOR FISCAL YEAR 2003 OR ANY SUBSEQUENT FISCAL YEAR.

(U) THE AMENDMENTS MADE BY PARAGRAPHS (1) AND (2) SHALL APPLY TO CONTRACTS AS OF JANUARY 1, 2001.

(V) THE AMENDMENTS MADE BY PARAGRAPHS (3) AND (4) SHALL NOT AFFECT ALLOTMENTS DETERMINED UNDER SUBPARAGRAPH (A) OF THIS PARAGRAPH FOR FISCAL YEAR 2003 OR ANY SUBSEQUENT FISCAL YEAR.

(W) THE AMENDMENTS MADE BY PARAGRAPHS (1) AND (2) SHALL APPLY TO PAYMENTS MADE ON OR AFTER JANUARY 1, 2001.
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‘‘(3) ‘‘as defined in subparagraph (B) but without regard to clause (ii) of that subparagraph and subject to subsection (d))’’ were substituted for ‘‘as defined in subparagraph (B)’’ in subsection (c).

(2) SPECIAL RULE.—With respect to California, section 4721(e) of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 514), as so amended, shall be applied without regard to paragraph (1).

(3) PERIOD DESCRIBED.—The period described in this paragraph is the period that begins, with respect to a State, on the first day of the first State fiscal year that begins after September 30, 2002, and ends on the last day of the succeeding State fiscal year.

(4) APPLICATION TO WAIVERS.—With respect to a State operating under a waiver of the requirements of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) under section 1115 of such Act (42 U.S.C. 1315), the amount by which any payment adjustment made by the State under title XIX of such Act (42 U.S.C. 1396 et seq.), after the application of section 4721(e) of the Balanced Budget Act of 1997 under paragraph (1) to such State, exceeds the costs of furnishing hospital services provided by hospitals described in such section shall be fully reflected as an increase in the baseline expenditure limit for such waiver.

(a) Assistance for certain public hospitals.—

(1) IN GENERAL.—Beginning with fiscal year 2001 with respect to services furnished on or after January 1, 2001, and each succeeding fiscal year, the State plan shall provide for payment for services described in section 1905(a)(2)(C) furnished by a Federally-qualified health center under this section.''.

(b) New prospective payment system.—

(1) IN GENERAL.—Beginning with fiscal year 2001 with respect to services furnished on or after January 1, 2001, and each succeeding fiscal year, the State plan shall provide for payment for services described in clause (b) or (C) of section 1905(a)(2) under the plan in accordance with subsection (aa);''

(2) Subject to paragraph (4), for services furnished on or after January 1, 2001, during fiscal year 2001, the State plan shall provide for payment for services furnished during fiscal years 1999 and 2000 which are reasonable and necessary for furnishing such services during fiscal years 1999 and 2000 which are reasonable and necessary for furnishing such services, or based on other tests of reasonableness as the Secretary prescribes in regulations under section 1833(a)(3), adjusted to take into account any increase in the scope of such services furnished by the center or clinic during fiscal year 2001.

(3) Fiscal year 2002 and succeeding fiscal years.—Subject to paragraph (4), for services furnished on or after January 1, 2002, and each succeeding fiscal year, the State plan shall provide for payment for services in an amount (calculated on a per visit basis) that is equal to 100 percent of the costs of the center or clinic of furnishing such services during fiscal years 1999 and 2000 which are reasonable and necessary for furnishing such services, or based on other tests of reasonableness as the Secretary prescribes in regulations under section 1833(a)(3), adjusted to take into account any increase in the scope of such services furnished by the center or clinic during fiscal year 2001.

(4) Establishment of initial year payment amounts for Federally-qualified health centers and rural health clinics.—In any case in which an entity first qualifies as a Federally-qualified health center or rural health clinic after fiscal year 2000, the State plan shall provide for a payment for services described in section 1905(a)(2) furnished by the center or services described in section 1905(a)(2)(B) furnished by the clinic in the first fiscal year in which the entity qualifies and shall apply to services furnished on or after such date.

(e) DSH Payment Accountability Standards.—Not later than September 30, 2002, the Secretary of Health and Human Services shall implement accountability standards to ensure that Federal funds provided with respect to disproportionate share hospital adjustments made under section 1886(b) of the Social Security Act (42 U.S.C. 1396d-4) are used to reimburse States and hospitals eligible for such payment adjustments for providing uncompensated health care to low-income patients, and are otherwise made in accordance with the requirements of section 1923 of that Act.

SEC. 702. NEW PROSPECTIVE PAYMENT SYSTEM FOR FEDERALLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.

(a) In general.—Section 1902(a) (42 U.S.C. 1396a) is amended—

(1) in paragraph (13)—

(A) in subparagraph (A), by adding ‘‘and’’ at the end;

(B) in subparagraph (B), by striking ‘‘and’’ at the end; and

(C) by striking subparagraph (C); and

(2) by inserting after paragraph (14) the following new paragraph:

’’(15) provide for payment for services described in clause (b) or (C) of section 1905(a)(2) under the plan in accordance with subsection (aa);’’

(b) New prospective payment system.—

(1) IN GENERAL.—Beginning with fiscal year 2001, the State plan shall provide for payment to the center or clinic by the State of a supplemental payment equal to the amount (if any) by which the amount determined under paragraph (2), (3), and (4) of this subsection exceeds the amount of the payments provided under the contract.

(2) Payment schedule.—The supplemental payment required under subparagraph (A) shall be made pursuant to a payment schedule agreed to by the State and the Federally-qualified health center or rural health clinic.

(3) Alternative payment methodologies.—Notwithstanding any other provision of this section, the State plan may provide for payment to the center or clinic by the State of a supplemental payment equal to the amount (if any) by which the amount determined under paragraphs (2), (3), and (4) of this subsection exceeds the amount of the payments provided under the contract.

(Payment schedule.)—The supplemental payment required under subparagraph (A) shall be made pursuant to a payment schedule agreed to by the Secretary and the Federally-qualified health center or rural health clinic, in accordance with the regulations prescribed in subsection (aa) and the provisions of this subsection.

(4) Limitation on expenditures.—Subject to paragraph (5), for fiscal year 2006 and each fiscal year thereafter, the aggregate amount of Federal financial participation that may be provided for payment for services described in section 1905(a)(2)(B) furnished by a rural health clinic in accordance with the provisions of this subsection shall be—

’’(aa) Payment for services provided by Federally-qualified health centers and rural health clinics.—

(1) IN GENERAL.—Beginning with fiscal year 2001 with respect to services furnished on or after January 1, 2001, and each succeeding fiscal year, the State plan shall provide for payment for services described in section 1905(a)(2)(C) furnished by a Federally-qualified health center under this section.''.

(5) Administration in the case of managed care.—

(A) In general.—In the case of services furnished by a Federally-qualified health center or rural health clinic pursuant to a contract between the center or clinic and a managed care entity (as defined in section 1922(a)(1)(B)), the State plan shall provide for payment to the center or clinic by the State of a supplemental payment equal to the amount (if any) by which the amount determined under paragraphs (2), (3), and (4) of this subsection exceeds the amount of the payments provided under the contract.

(Payment schedule.)—The supplemental payment required under subparagraph (A) shall be made pursuant to a payment schedule agreed to by the State and the Federally-qualified health center or rural health clinic, in accordance with regulatory standards prescribed in subsection (aa) and the provisions of this subsection.

(6) Alternative payment methodologies.—Notwithstanding any other provision of this section, the State plan may provide for payment to the center or clinic by the State of a supplemental payment equal to the amount (if any) by which the amount determined under paragraphs (2), (3), and (4) of this subsection exceeds the amount of the payments provided under the contract.

(B) Payment schedule.—The supplemental payment required under subparagraph (A) shall be made pursuant to a payment schedule agreed to by the Secretary and the Federally-qualified health center or rural health clinic, in accordance with the regulations prescribed in subsection (aa) and the provisions of this subsection.

(7) GAO study of future rebasing.—The Comptroller General of the United States shall provide for a study on the need for, and how to, rebase or refine costs for making payment under the Medicaid program for services provided by Federally-qualified health centers and rural health clinics (as provided under the amendments made by this section). The Comptroller General shall provide for a report on such study to Congress by not later than 4 years after the date of the enactment of this Act.

(8) Effective date.—The amendments made by this section shall take effect on January 1, 2001, and shall apply to services furnished on or after such date.

SEC. 703. STREAMLINED APPROVAL OF CONTINUOUS STATE-WIDE SECTION 1115 MEDICAID WAIVERS.

(a) In general.—Section 1115 (42 U.S.C. 1315) is amended by adding at the end the following new subsection:—

’’(16) The application for an extension of a waiver project the State is operating under an extension of a waiver project the State is operating under an extension of a waiver project shall be submitted to the Sec-''
“(3) Not later than 45 days after the date a notification is made in accordance with paragraph (2), the Secretary shall inform the State of proposed changes in the terms and conditions of the waiver project, and the failure to provide such information shall be deemed to be an approval of the application.

(4) During the 30-day period that begins on the date a notification described in paragraph (3) is provided to a State, the Secretary shall negotiate revised terms and conditions of the waiver project with the State.

(5)(A) Not later than 120 days after the date an application for an extension of the waiver project is submitted to the Secretary (or such later date as agreed to by the chief executive officer of the State), the Secretary shall—

(1) approve the application subject to such modifications in the terms and conditions as have been agreed to (if any) by the Secretary and the State; or

(2) in the absence of such agreement, as are determined by the Secretary to be reasonable, consistent with the overall objectives of the waiver project, and not in violation of applicable law; or

(B) fail to approve the application.

(6) An approval of an application for an extension of a waiver project under this subsection shall take effect 1 year after the date the application is submitted on or after the date of the enactment of this Act.

(7) An extension of a waiver project under this subsection shall be subject to the final reporting and evaluation requirements of paragraph (4) of section 1396d(p) (including taking into account the extension under this subsection with respect to any timing requirements imposed under those paragraphs).

(b) IN GENERAL.—The amendment made by subsection (a) shall apply to requests for extensions of demonstration projects pending or submitted on or after the date of the enactment of this Act.

SEC. 704. MEDICAID-COUNTY-ORGANIZED HEALTH SYSTEMS.

(a) IN GENERAL.—Section 9517(c)(3)(C) of the Comprehensive Omnibus Budget Reconciliation Act of 1985 is amended by striking “10 percent” and inserting “14 percent.”

(b) TRANSITION PERIOD.—The amendment made by subsection (a) shall take effect on the first State fiscal year that begins after September 30, 2002, and ends on September 30, 2006.

SEC. 705. DEADLINE FOR ISSUANCE OF FINAL REGULATIONS TO MEDICAID UPPER PAYMENT LIMITS.

(a) IN GENERAL.—Not later than December 31, 2000, the Secretary of Health and Human Services (in this section referred to as the “Secretary”), notwithstanding any requirement of the Administrative Procedures Act under chapter 5 of title 5, United States Code, or any other provision of law, shall issue under sections 447.227, 447.304, and 447.321 of title 42, Code of Federal Regulations (and any other section of part 42 of Federal Regulations that the Secretary determines is appropriate), a final regulation based on the proposed rule announced on October 5, 2000, that—

(1) takes the upper payment limit test applied to State Medicaid spending for inpatient hospital services, outpatient hospital services, nursing facility services, intermediate care facility services for individuals who are mentally retarded, and clinic services by applying an aggregated upper payment limit to payments made to government facilities that are State-owned or operated facilities; and

(2) provides for a transition period in accordance with subsection (b).

(b) TRANSITION PERIOD.—

(1) IN GENERAL.—The final regulation required under subsection (a) shall provide that, with respect to a State described in paragraph (3), the State shall be considered to be in compliance with the final regulation required under subsection (a) so long as, for each State fiscal year that begins after October 1, 2001, and by an additional 15 percent in each of the next 5 State fiscal years.

(2) REQUIREMENT.—Notwithstanding paragraph (1), the final regulation required under subsection (a) shall provide that, for any period (or portion of a period) that occurs on or after October 1, 2000, Medicaid payments made by a State described in paragraph (3) shall comply with such final regulation.

(3) STATE DESCRIBED.—A State described in this paragraph is a State with a Medicaid plan that meets all regulations (including the upper payment limit test established under the final regulation required under subsection (a)) that would otherwise have been made under such provision, methodology, or payment levels by the State for any State fiscal year during such period is reduced by 15 percent for each complete year, and by an additional 15 percent in each of the next 5 State fiscal years.

SEC. 706. ALASKA FMAP.

(a) IN GENERAL.—Section 1396b(f)(4) (42 U.S.C. 1396b(f)(4)) is amended by striking “13 percent” and inserting “14 percent”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 1 year after the date of the enactment of this Act, and by an additional 15 percent in each of the next 5 State fiscal years.

SEC. 707. 1-YEAR EXTENSION OF WELFARE-TO- WORK PROGRAM.


(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 1 year after the date of the enactment of this Act, and by an additional 15 percent in each of the next 5 State fiscal years.

SEC. 708. ADDITIONAL ENTITIES QUALIFIED TO DETERMINE MEDICAID PREDISPEN- TION ELIGIBILITY FOR LOW-INCOME CHILDREN.

(a) IN GENERAL.—Section 1902(a)(3)(B)(i)(IV)(X) is amended by striking “13 percent” and inserting “14 percent”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 1 year after the date of the enactment of this Act, and by an additional 15 percent in each of the next 5 State fiscal years.

SEC. 709. DEVELOPMENT OF UNIFORM QMB/SLMB APPLICATION FORM.

(a) IN GENERAL.—Section 1905(p) (42 U.S.C. 1396d(p)) is amended by adding at the end the following—

(5)(A) The Secretary shall develop and distribute to States a simplified application form for use by individuals (including both qualified medicare beneficiaries and applying for medical assistance under the Medicare program) in applying for medical assistance under this title in the States which elect to use such form. Such simplified application form shall be readily readable by applicants and uniform nationally.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 1 year after the date of the enactment of this Act, and by an additional 15 percent in each of the next 5 State fiscal years.

SEC. 710. TECHNICAL CORRECTIONS.

(a) IN GENERAL.—Section 1903(f)(4) (42 U.S.C. 1396c(f)(4)) is amended by striking “1903(f)(4)” and inserting “1903(f)(5)”.

(b) C TIVE DATE.—The amendment made by subsection (a) shall take effect 1 year after the date of the enactment of this Act, and by an additional 15 percent in each of the next 5 State fiscal years.

TITILE VIII—STATE CHILDREN’S HEALTH INSURANCE PROGRAM

SEC. 801. SPECIAL RULE FOR REDISTRIBUTION AND AVAILABILITY OF UNEXPIRED FIS- CAL YEAR 1998 AND 1999 SCHIP ALLOT- MENTS.

(a) CHANGE IN RULES FOR REDISTRIBUTION AND AVAILABILITY OF UNEXPENDED FISCAL YEAR 1998 AND 1999 SCHIP ALLOT- MENTS.—
"(1) AMOUNT DISTRIBUTED.—

"(A) IN GENERAL.—In the case of a State that—

exceeds the allotment under subsection (b) or (c) for fiscal year 1999 by the end of fiscal year 1999, the Secretary shall provide to such State an amount equal to the total amount described in section 1903(a) of such Act (42 U.S.C. 1397dd(a)(1)) (as amended by section 4901 of BBA (111 Stat. 103)).

"(1) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary shall pay to each State an amount equal to the enhanced FMAP (as defined in the first sentence of section 1905(b)) of expenditures for items described in subsection (b), (D) and (B) of paragraph (2) as clauses (i) through (vii), and (viii) through (x), in accordance with applicable regulations of the Secretary.

"(2) EXTENSION OF AVAILABILITY OF PORTION OF UNEXPIRED ALLOTMENTS 1998 AND 1999.—

"(A) IN GENERAL.—Notwithstanding subsection (e):—

(i) FISCAL YEAR 1998 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 1998 that were not expended by the State by the end of fiscal year 2000, the amount specified in subparagraph (B) for fiscal year 1998 shall remain available for expenditure by the State through the end of fiscal year 2002;

(ii) FISCAL YEAR 1999 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 1999 that were not expended by the State by the end of fiscal year 2002, the amount specified in subparagraph (B) for fiscal year 1999 shall remain available for expenditure by the State through the end of fiscal year 2002.

(B) AMOUNT REMAINING AVAILABLE FOR EXPENDITURE.—The amount specified in this subparagraph for a State for a fiscal year is equal to—

(i) the amount by which (I) the total amount available for expenditure under subsection (f) from the allotments for that fiscal year, exceeds (II) the total amount redistributed under paragraph (1) for that fiscal year; multiplied by

(ii) the ratio of the amount of such State’s unexpended allotment for that fiscal year to the total amount described in clause (iii) for that fiscal year.

"(C) USE OF UP TO 10 PERCENT OF RETAINED 1998 ALLOTMENTS FOR OUTREACH ACTIVITIES.—Notwithstanding section 2105(c)(2)(B), with respect to the amounts described in subparagraph (A) (I), the Secretary may use up to 10 percent of the amount specified in subparagraph (B) for fiscal year 1998 for expenditures for outreach activities appropriated in section 4901 of BBA.

"(D) DETERMINATION OF AMOUNTS.—For purposes of calculating the amounts described in paragraphs (1) and (2) relating to the allotment for fiscal year 1998 or fiscal year 1999, the Secretary shall use the amounts reported by the States not later than December 15, 2000, or November 15, 2001, as the case may be, under subsection (f) or (h) or HCFA Form 64, 64A or HCFA Form 21, and as approved by the Secretary.

(2) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 4901 of BBA (111 Stat. 552).

SEC. 802. AUTHORITY TO PAY MEDICAID EXPANSION SCHIP COSTS FROM TITLE XXI APPROPRIATION.

"(A) AUTHORITY TO PAY MEDICAID EXPANSION SCHIP COSTS FROM TITLE XXI APPROPRIATION.—Section 2105(a) (42 U.S.C. 1397ee(a)) is amended—

(1) by redesignating subparagraphs (A) through (D) of paragraph (2) as clauses (I) through (vi), respectively, and indenting appropriately;

(2) by redesigning paragraph (1) as subparagraph (C), and indenting appropriately;

(3) by redesigning paragraph (2) as subparagraph (D), and indenting appropriately;

(4) by striking ‘‘(a)’’ in GENERAL.—‘‘(a)’’ and the remaining subparagraphs in paragraph (2), and

(c) the Secretary shall redistribute the following:

"(A) PAYMENTS.—

(i) In GENERAL.—Subject to the succeeding provisions of this section, the Secretary shall pay to each State a plan approved under section 2104, the amount specified in subparagraph (B) as clauses (i) through (vii), and (viii) through (x), in accordance with applicable regulations of the Secretary.

"(2) EXTENSION OF AVAILABILITY OF PORTION OF UNEXPIRED ALLOTMENTS 1998 AND 1999 ALLOTMENTS.—

"(A) IN GENERAL.—Notwithstanding subsection (e):—

(i) FISCAL YEAR 1998 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 1998 that were not expended by the State by the end of fiscal year 2000, the amount specified in subparagraph (B) for fiscal year 1998 shall remain available for expenditure by the State through the end of fiscal year 2002;

(ii) FISCAL YEAR 1999 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 1999 that were not expended by the State by the end of fiscal year 2002, the amount specified in subparagraph (B) for fiscal year 1999 shall remain available for expenditure by the State through the end of fiscal year 2002.

(B) AMOUNT REMAINING AVAILABLE FOR EXPENDITURE.—The amount specified in this subparagraph for a State for a fiscal year is equal to—

(i) the amount by which (I) the total amount available for expenditure under subsection (f) from the allotments for that fiscal year, exceeds (II) the total amount redistributed under paragraph (1) for that fiscal year; multiplied by

(ii) the ratio of the amount of such State’s unexpended allotment for that fiscal year to the total amount described in clause (iii) for that fiscal year.

"(C) USE OF UP TO 10 PERCENT OF RETAINED 1998 ALLOTMENTS FOR OUTREACH ACTIVITIES.—Notwithstanding section 2105(c)(2)(A), with respect to the amounts described in subparagraph (A)(I), the State may use up to 10 percent of the amount specified in subparagraph (B) for fiscal year 1998 for expenditures for outreach activities appropriated in section 4901 of BBA.

"(D) DETERMINATION OF AMOUNTS.—For purposes of calculating the amounts described in paragraphs (1) and (2) relating to the allotment for fiscal year 1998 or fiscal year 1999, the Secretary shall use the amounts reported by the States not later than December 15, 2000, or November 15, 2001, as the case may be, under subsection (f) or (h) or HCFA Form 64, 64A or HCFA Form 21, and as approved by the Secretary.

(2) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 4901 of BBA (111 Stat. 552).
the Secretary (in close consultation with, and with the concurrence of, the State administering agency) shall permit any such program to continue such arrangements so long as such arrangements are found by the Secretary and the State to be reasonably consistent with the objectives of the PACE program."

(b) CONFORMING AMENDMENT.—Section 1934(d)(2)(B) of BBA (42 U.S.C. 1396a(d)(2)(B)) is amended by adding at the end the following new subparagraph:

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"(C) CONSTRUCTION OF MODIFICATIONS OR WAIVERS OF OPERATIONAL REQUIREMENTS UNDER DEMONSTRATION STATUS.—If a PACE program operating under demonstration authority has contractual or other operating arrangements which are not recognized or regulated by the Secretary and which were in effect on July 1, 2000, the Secretary (in close consultation with, and with the concurrence of, the State administering agency) shall permit any such program to continue such arrangements so long as such arrangements are found by the Secretary and the State to be reasonably consistent with the objectives of the PACE program."
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Section 102. Coverage of screening for glaucoma

The provision would add Medicare coverage for annual glaucoma screenings, beginning January 1, 2002, for persons determined to be at high risk for glaucoma, individuals with a family history of glaucoma, and individuals with diabetes. The service would have to be furnished by or under the supervision of an optometrist or an ophthalmologist who has been certified by the American Board of Ophthalmology to perform eye services in the state where the services are furnished.

Section 103. Coverage of screening colonoscopy for at-risk individuals

The provision would authorize coverage for screening colonoscopies, beginning July 1, 2001, for all individuals, not just those at high risk. For persons not at high risk, payments would be made for such procedures if performed within 10 years of a previous screening colonoscopy or within 4 years of a screening flexible sigmoidoscopy.

Section 104. Modernization of screening mammography benefit

Beginning in 2002, the provision would eliminate the statutory prescribed payment rate for screening mammography payments and specify the services are to be paid under the physician fee schedule. The provision would specify two new payment rates for mammographies that utilize advanced technology for the period April 1, 2001 to December 31, 2001. Payment for technologies that directly take digital images would equal 150% of what otherwise would be paid for a bilateral diagnostic mammography. For technologies that convert standards film images to digital form, an additional payment of fifteen dollars would be authorized.

The Secretary would be required to determine whether a new code is required for tests furnished after 2001.

Section 105. Coverage of medical nutrition therapy services for beneficiaries with diabetes or a renal disease

The provision would establish, effective January 1, 2002, Medicare coverage for medical nutrition therapy services for beneficiaries who have diabetes or a renal disease. Medical nutrition therapy services would be defined as nutritional diagnostic, therapy and counseling services for the purpose of developing and implementing a treatment plan that is furnished by a registered dietitian or nutrition professional, pursuant to a referral by a physician. The provision would specify that the amount paid for medical nutrition therapy services would equal the lesser of the actual charge for the service or 85% of the amount that would be paid under the physician fee schedule if such services were provided by a physician. Assignment would be required for all claims. The Secretary would be required to submit a report to Congress that contains an evaluation of the effectiveness of services furnished under this provision.

SUBTITLE B—OTHER BENEFICIARY IMPROVEMENTS

Section 111. Acceleration of reduction of beneficiary cost-sharing for hospital outpatient department services

Effective April 1, 2001, the provision would modify current law by limiting the amount of a beneficiary copayment for a procedure in a hospital outpatient department to the hospital inpatient deductible applicable in that year.

In addition, starting in April 2001, the provision would require the Secretary of HHS to reduce the effective copayment rate for outpatient services to a maximum rate of 57% for the remainder of 2001, 55% in 2002 and 2003, 53% in 2004, and 51% in 2005 and subsequent years. As stated in BBA 97, hospitals may waive any increase in coinsurance that may have arisen from the implementation of the outpatient prospective payment system (PPS).

The Comptroller General would be required to work with the Association of Insurance Commissioners (NAIC) to evaluate the extent to which premiums for supplemental plans reflect the acceleration of the reduction in coinsurance of hospital outpatient services and result in saving to beneficiaries and to report to the Congress by April 1, 2004.

Section 112. Preservation of coverage of drugs and biologicals under part B of the Medicare Program

The provision would clarify policy with regard to coverage of drugs, provided incident to or as a part of a procedure that would be self-administered. The provision would specify that such drugs are covered when they are not usually self-administered by the patient. Section 113. Elimination of time limitation on Medicare benefits for immunosuppressive drugs

The provision would eliminate the current time limitations on the coverage of immunosuppressive drugs for beneficiaries who would have received a covered organ transplant. The provision would apply to drugs furnished, on or after the date enactment.

Section 114. Imposition of billings limits on drugs

The provision would specify that payment for drugs under Part B must be made on the basis of assignment.

Section 115. Waiver of 24-month waiting period for Medicare coverage of individuals disabled with amyotrophic lateral sclerosis (ALS)

The provision would waive the 24-month waiting period (otherwise required for an individual to establish Medicare eligibility on the basis of a disability) for persons medically determined to have amyotrophic lateral sclerosis (ALS). The provision would be effective July 1, 2001.

SUBTITLE C—DEMONSTRATION PROJECTS AND STUDIES

Section 121. Demonstration project for disease management for severely chronically ill Medicare beneficiaries

The Secretary would be required to conduct a demonstration project to illustrate the impact on costs and health outcomes of applying disease management to Medicare beneficiaries with diagnosed, advanced-stage congestive heart failure, diabetes, or coronary heart disease. Up to 30,000 beneficiaries would be able to enroll, on a voluntary basis, for disease management services related to their chronic health condition. In addition, contractors providing disease management services would be responsible for providing beneficiaries enrolled in the project with prescription drugs.

Section 122. Cancer prevention and treatment demonstration for ethnic and racial minorities

The provision would require the Secretary to conduct demonstration projects for the purpose of developing models and evaluating methods that improve the quality of cancer prevention services, improve clinical outcomes, eliminates disparities in the rate of preventative screening measures, and promote collaboration and community-based organizations and coalitions.

Section 123. Study on Medicare coverage of routine thyroid screening

The provision would require the Secretary to request the National Academy of Sciences to conduct an analysis in conjunction with the United States Preventive Services Task Force, to analyze the addition of routine thyroid screening under Medicare. The analysis would consider the short term and long term benefits, and cost to Medicare, of adding such coverage for some or all beneficiaries.
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would pay the CAH a facility fee based on reasonable costs plus an amount based on 115% of Medicare’s fee schedule for professional services.

Section 226. Exception of critical access hospital swing beds from SNF PPS

Swing beds in critical access hospitals (CAHs) would be exempt from the SNF prospective payment system. CAHs would be paid for covered SNF services on a reasonable cost basis.

Section 204. Payment in critical access hospitals for emergency room on-call physicians

When determining the allowable, reasonable cost, CAHs would be entitled to an adjustment for the compensation and related costs for on-call emergency room physicians who are not present on the premises, are not otherwise furnishing services, and are not on-call at any other provider or facility. The Secretary would define the reasonable payment amounts and the meaning of the term “on-call.” The provision would be effective for cost reporting periods beginning on or after October 1, 2001.

Section 205. Treatment of ambulance services furnished for critical access hospitals

Ambulance services provided by a critical access hospital (CAH) or provided by an entity that is owned or operated by a CAH would be paid at the reasonable cost basis if the CAH or entity is the only provider or supplier of ambulance services that is located within a 35-mile drive of the CAH. The provision would be effective for services furnished on or after enactment.

Section 206. GAO study on certain eligibility requirements for critical access hospitals

Within one year of enactment, GAO would be required to conduct a study on the eligibility requirements for critical access hospitals (CAHs) with respect to limitations on average length of stay and number of beds, including an analysis of the feasibility of having a distinct part unit as part of a CAH and the effect of seasonal variations in CAH eligibility requirements. GAO also would be required to analyze the effect of seasonal variations in patient admissions on critical access hospital eligibility requirements with respect to limits on average annual length of stay and number of beds.

SUBTITLE B—OTHER RURAL HOSPITALS PROVISIONS

Section 211. Treatment of rural disproportionate share hospitals

For discharges occurring on or after April 1, 2001, all hospitals would be eligible to receive DSH payments when their DSH percentage (threshold amount) exceeds 15%. The DSH payment formulas for sole community hospitals (SCHs), rural referral centers (RRCs), rural hospitals that are both SCHs and RRCs, small rural hospitals and urban hospitals with less than 100 beds would be modified.

Section 212. Option to base eligibility for Medicare payment for telehealth services on a telecommunications system

The Secretary would be required to study the effect of low patient and procedure volume on the financial status and Medicare payment methods for hospital outpatient services, ambulance services, hospital inpatient services, skilled nursing facility services, and home health services in isolated rural health care providers.

TITLE III—PROVISIONS RELATING TO PART A

SUBTITLE A—INPATIENT HOSPITAL SERVICES

Section 301. Revision of acute care hospital payment update for 2001

All hospitals would receive the full market basket index (MBI) as an update for FY 2001. In order to implement this increase for hospitals other than sole community hospitals (SCHs), rural referral centers (RRCs) that furnish disproportionate share hospital (DSH) payments for sole community hospitals (SCHs), rural referral centers (RRCs), small rural hospitals, non-SCH rural hospitals, non-SCH rural hospitals minus 11 percentage points (the current statutory provision) for discharges occurring on or after October 1, 2000 and before April 1, 2001, these non-SCH hospitals would receive the MBI plus 11 percentage points for discharges occurring on or after April 1, 2001, and before October 1, 2001. As indicated by section 547(a), this payment increase would not apply to discharges occurring after FY 2001. For FY 2002 and FY 2003, hospitals would receive the MBI minus 55 percentage points. Therefore, for the two years subsequent to October 1, 2003, hospitals would receive the MBI.

The Secretary is directed to consider the prices of blood and blood products purchased by hospitals in the market basket revision of the hospital market basket to determine whether those prices are adequately reflected in the market basket index. MedPAC is directed to conduct a study on increased hospital costs attributable to complying with new blood safety measures and providing such services using new technologies among other issues.

For discharges occurring on or after October 1, 2001, the Secretary would be able to adjust the standardized amount in future fiscal years to correct for changes in the aggregate Medicare payments caused by adjustments to the DRG weighting factors in a previous fiscal year (or estimates that such adjustments for a future fiscal year) that did not take into account coding improvements or changes in discharge classifications and did not accurately represent increases in the resource intensity of patients treated by PPS hospitals.

Section 302. Additional modification in transition for indirect medical education (IME) percentage adjustment

Thrift savings hospitals would receive 6.29% IME payment adjustment (for each 10% increase in teaching intensity) for discharges occurring on or after October 1, 2001, and before April 1, 2001. The IME adjustment would increase to 6.79% for discharges on or after April 1, 2001 and before October 1, 2001. As indicated in Section 547(a), the payment increase would not apply to discharges occurring after FY 2001. The IME adjustment would be 6.5% in FY 2002 and 5.5% in FY 2003 and in subsequent years.

Section 303. Decrease in reductions for disproportionate share hospital (DSH) payments

Revisions in the DSH payment formula amounts would be 2% in FY 2001, 3% in FY 2002, and 0% in FY 2003 and subsequently. To implement the FY 2001 provision, DSH amounts for discharges occurring on or after October 1, 2000 and before April 1, 2001, would be reduced by 3% which was the reduction in effect prior to enactment of this provision. DSH amounts for discharges occurring on or after April 1, 2001 and before October 1, 2001, would be reduced by only 1 percentage point. All increases and decreases in payment adjustment would not apply to discharges after FY 2001.
Section 304. Wage index improvements

For FY 2001 or any fiscal year thereafter, a Medicare Geographic Classification Review Board (MGCRR) decision to reclassify a prospective payment system hospital would use a different state's wage index would be effective for 3 fiscal years. The Secretary would establish procedures whereby a hospital could elect to terminate this reclassification decision at the end of such period. For FY 2003 and subsequently, MGCRR would base any comparison of the average hourly wage of the hospital with the average hourly wage for health care occupations from the most recently available hospital wage survey as well as data from the most recently published hospital wage survey.

The Secretary would establish a process which would first be available for discharges occurring on or after October 1, 2001 where a single wage index would be computed for all geographic areas in the state. If the Secretary applies a statewide geographic index, an application by an individual hospital would not be considered. The Secretary would also collect occupational data every three years in order to construct an occupational mix adjustment for the hospital area wage rate. For the complete data collection effort would occur no later than September 30, 2003 for application beginning October 1, 2004.

Section 305. Payment for inpatient services in rehabilitation facilities

Total payments for rehabilitation hospitals in FY 2002 would equal the amounts of payments that would have been made if the rehabilitation prospective payment system (PPS) had not been enacted. A rehabilitation facility would be able to make a one-time election before the start of the PPS to be paid based on a fully phased-in PPS rate.

Section 307. Payment for inpatient services of psychiatric hospitals

The provision would increase the incentive payments for psychiatric hospitals and distinct part units of 3% for cost reporting periods beginning on or after October 1, 2000.

Section 307. Payment for inpatient services of long-term care hospitals

For cost reporting periods beginning during FY 2001, long-term hospitals would have the new amount increased by 2%. The target amount increased by 25%. Neither these payments nor the increased bonus payments provided by BBRA 99 would be factored into the management of the prospective payment system (PPS) for long-term hospitals. When developing the PPS for long-term hospitals, the Secretary would be required to examine the feasibility and impact of basing payment on the existing (or refined) acute hospital DRGs and using the most recently available hospital discharge data. A report to the Secretary is unable to implement a long-term hospital PPS by October 1, 2002, the Secretary would be required to implement a PPS for these hospitals using the existing acute hospital DRGs that have been modified where feasible.

SUBTITLE B—ADJUSTMENTS TO PPS PAYMENTS FOR SKILLED NURSING FACILITIES

Section 311. Elimination of reduction in skilled nursing facility (SNF) market basket update in 2001

The provision would modify the schedule and rates according to which federal per diem payments are updated. In FY 2002 and FY 2003, the updates would be 1/200 of the federal basket index increase minus 0.5 percentage point. The update rate for the period October 1, 2000, through March 31, 2001, would be the market basket index increase minus 1 percentage point; the update rate for the period April 1, 2001, through September 30, 2001, would be the market basket index increase plus one percentage point (this increase would not be included when determining payment rates for the subsequent period).

Temporary increases in the federal per diem rates provided by BBRA 99 would be in addition to the increases in this provision. By July 1, 2002, the Commissioner General would be required to submit a report to Congress on the adequacy of Medicare payments to SNFs, taking into account the role of private payers, medicaid, and case mix on the financial performance of SNFs. The Secretary would submit an analysis, by RUG classification, of the number and characteristics of such facilities. By January 1, 2005, the Secretary would be required to require certification on two of the eight alternative RUG categories for classification of SNF patients.

Section 312. Increase in nursing component of PPS Federal rate

The provision would increase the nursing component of each RUG by 16.66 percent over current law for SNF care furnished after April 1, 2001, and before October 1, 2002. The Commissioner General would be required to conduct an audit of nurse staffing ratios in a sample of SNFs and to report to Congress by August 1, 2002, on the results of the audit of nurse staffing ratios and recommend whether the increases in 2001 and 2002 payment rates provided by BBRA 99 for certain RUGs be made permanent.

Section 313. Application of SNF consolidated billing requirement limited to part A covered stays

Effective January 1, 2001, the provision would limit the current law consolidated billing requirement to services and items furnished to SNF residents in a Medicare part A covered stay. For SNF services furnished in part A and part B covered stays, the Inspector General of HHS would be required to monitor part B payments to SNFs on behalf of residents who are not in a part A covered stay.

Section 314. Adjustment of rehabilitation RUGS to correct anomaly in payment rates

Effective for skilled nursing facility (SNF) services furnished on or after April 1, 2002, the provision would increase by 6.7 percent certain federal per diem payments to SNF residents who require a high level of therapy. SNFs would be required to review and report to Congress by August 1, 2002, on the results of the audit of nursing staffing ratios and recommend whether the increases in 2001 and 2002 payment rates provided by BBRA 99 for certain RUGs be made permanent.

Section 315. Establishment of process for geographic reclassification

The provision would permit the Secretary to establish a process for geographic reclassification of SNF facilities based upon the method used for inpatient hospitals. The Secretary may implement the process upon completion of the data collection necessary to make an area wage index for workers in skilled nursing facilities.

SUBTITLE C—HOSPICE CARE

Section 321. 5 Percent increase in payment base

The provision would increase, effective April 1, 2001, the payment rate for Medicare daily payment rates for hospice care for fiscal year 2001 by 5 percentage points over the rates otherwise in effect. This increase would continue through fiscal year 2002. The temporary increase in payment rates provided in BBRA 99 for FY 2001 and FY 2002 (5 percent and 75 percent, respectively) would not be affected. In addition, the hospice wage index for one Metropolitan Statistical Area for fiscal year 2000 would be adjusted.

Section 322. Clarification of physician certification

Effective for certifications of terminal illness made on or after the date of enactment, the provision would modify current law to clarify that the physician medical director's certification of terminal illness would be based on higher clinical judgment and that the determination of the individual's illness. The Secretary would be required to study and report to Congress within 2 years of enactment on the appropriate certification of terminal illness and the effect of this provision on such certification.

Section 323. MedPAC report on access to, and use of, hospice benefit

The provision would require MedPAC to examine the factors affecting the use of Medicare hospice benefits, including delay of entry into the hospice program and urban and rural differences in utilization rates. The provision would require a report on the study to be submitted to Congress 18 months after enactment.

Section 331. Relief from Medicare Part A late enrollment penalty for group buy-in for state and local retirees

The provision would exempt certain state and local retirees, retroactive to January 1, 2002, from the Part A delayed enrollment penalties. These would be groups of persons for whom the state or local government otherwise would be required to pay the delayed enrollment penalty for life. The amount of the delayed enrollment penalty which would otherwise be assessed would be reduced by an amount equal to the total amount of Medicare payroll taxes paid by the employee and the employer on behalf of the employee. The provision would apply to premiums for months beginning with January 1, 2002.

TITLE IV—PROVISIONS RELATING TO PART B

SUBTITLE A—HOSPITAL OUTPATIENT SERVICES

Section 401. Revision of hospital outpatient PPS payment update

The provision would modify the current law update rates applicable to the hospital outpatient PPS by providing in FY 2001 an update equal to the full rate of increase in the market basket index. As under current law, the increase in FY 2002 would be the market basket index increase minus one percentage point.

A special rule applies to the OPD PPS rates in 2001. For the period April 1, 2001, through March 31, 2001, the PPS amounts would be those in effect on the day before implementation of the new law. For the periods April 1, 2001, through December 31, 2001, the PPS amounts in effect for the prior period shall be increased by 0.32%.

Effective as if enacted with BBRA 97, if the Secretary determines that updates to the adjustment factor used to convert the relative utilization weights under the PPS into payment amounts have, or are likely to, result in hospitals' changing their coding or classification of covered services, thereby changing aggregate payments, the Secretary would be authorized to adjust the conversion factor in later years to eliminate the effect of such coding or classification changes.
for pass-through payments under the PPS. Through public rule-making procedures, the Secretary would be required to establish criteria for defining special payment categories under the PPS. The Secretary would be required to promulgate, through the use of a program memorandum, initial categories that would encompass each of the individual devices that the Secretary had designated as qualifying for the pass-through payments to date. In addition, similar devices not so designated because they were not covered under Medicare prior to December 31, 1996, would also be included in initial categories. The Secretary would be required to create additional new categories in the future to accommodate new technologies that did not meet the “not insignificant cost” test established in BBRA 99.

Once the categories were established, pass-through payments currently authorized under section 1833(t)(b) of the Social Security Act would proceed on a category-specific, rather than device-specific basis. These payments would be designated as “category-based pass-through payments.” These payments would be continued to be made for the 2 to 3 years payment period originally specified in BBRA 99 and, for each category, would begin when the first such payment is made for any device included in a specified category. At the conclusion of this transition period, new technology-related pass-through payments and the device payment for the device would be included in the underlying PPS payment for the related service.

Section 404. Application of GFO PPS transitional corridor payments to certain hospitals that did not submit a 1996 cost report

Effective as if enacted with BBRA 99, the provision would modify current law as enacted in BBRA 99 and, for those hospitals filing 1996 cost reports, to be eligible for transitional payments under the PPS.

Section 405. Application of rules for determining provider-based status for certain entities

The provision would grandfather existing arrangements whereby certain entities (such as outpatient clinics, skilled nursing facilities, etc.) are considered “provider-based” entities, meaning they are affiliated financially and clinically with a hospital. Existing provider-based status designations would continue to be recognized unless they have status during the time period of the determination is pending. In making such a status determination on or after October 1, 2000, if a facility or organization requests approval for provider-based status during the period October 1, 2000, through September 31, 2002, the Secretary is required as if it had such status during the period of time the determination is pending. In making such a status determination on or after October 1, 2000, HCFA would treat the applicant as satisfying any requirements or standards for geographic location if it satisfied geographic location requirements in regulations or is located within 35 miles from the main campus of the hospital.

An applicant facility or organization would be treated as satisfying all requirements for provider-based status if it is owned or operated by a unit of State or local government or is a public or private nonprofit corporation that is formally granted governmental power by a unit of State or local government, or is a private hospital that, under contract, serves certain low income households or has a certain disproportionate share adjustment.

These provisions are in effect during a two-year period beginning on October 1, 2000. Section 405. Treatment of children’s hospitals under the PPS

The BBRA 99 provides special “hold harmless” payments to ensure that cancer hospitals would receive no less under the hospital outpatient PPS than they would have received, in aggregate, under the “pre-BBA” system, that is, the pre-PPS payment system. Effective as if included in the BBRA 99, this provision would provide for a special harmlessly protection to children’s hospitals.

Section 406. Inclusion of temperature monitored cryoablation

The provision would include temperature monitored cryoablation as part of the transitional provider-based status criteria for medical devices, drugs, and biologicals under the hospital outpatient prospective payment system, effective April 1, 2001.

SUBTITLE C—OTHER SERVICES

Section 411. GAO studied relating to physicians services

The provision would require the GAO to conduct a study on the appropriateness of (reflecting base expenditures adjusted for facilities, etc.) are considered “provider-based” entities, meaning they are affiliated financially and clinically with a hospital. Existing provider-based status designations would continue to be recognized unless they have status during the period of time the determination is pending. In making such a status determination on or after October 1, 2000, if a facility or organization requests approval for provider-based status during the period October 1, 2000, through September 31, 2002, the Secretary is required as if it had such status during the period of time the determination is pending. In making such a status determination on or after October 1, 2000, HCFA would treat the applicant as satisfying any requirements or standards for geographic location if it satisfied geographic location requirements in regulations or is located within 35 miles from the main campus of the hospital.

An applicant facility or organization would be treated as satisfying all requirements for provider-based status if it is owned or operated by a unit of State or local government or is a public or private nonprofit corporation that is formally granted governmental power by a unit of State or local government, or is a private hospital that, under contract, serves certain low income households or has a certain disproportionate share adjustment.

These provisions are in effect during a two-year period beginning on October 1, 2000. Section 405. Treatment of children’s hospitals under the PPS

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Section 406. Inclusion of temperature monitored cryoablation

The provision would include temperature monitored cryoablation as part of the transitional provider-based status criteria for medical devices, drugs, and biologicals under the hospital outpatient prospective payment system, effective April 1, 2001.

Section 412. Physician group practice demonstration

The provision would require the Secretary to conduct demonstration projects to test, and if proven effective, expand the use of incentives to health care groups participating in Medicare. Such incentives would be designed to encourage coordination of care furnished under Medicare Parts A and B by institutional and other providers and practitioners; to encourage investment in administrative structures and processes to encourage efficient service delivery; and to reward physicians for improving health maintenance outcomes.

The Secretary would establish for each group participating in a demonstration, a base expenditure amount and an expenditure target for the period relative to the target. In addition, the Secretary would pay each group a bonus for each year relative to the target. In addition, at the conclusion of each contract the Secretary would pay each group a bonus for each year during the period of time the demonstration is in effect.

Section 413. Study on enrollment procedures for Medicare

The provision would require the Secretary to conduct a study on the implications of eliminating the Medicare enrollment process for groups that retain independent contractor physicians; to encourage investment in administrative structures and processes to encourage efficient service delivery; and to reward physicians for improving health maintenance outcomes.

The Secretary would establish for each group participating in a demonstration, a base expenditure amount and an expenditure target for the period relative to the target. In addition, the Secretary would pay each group a bonus for each year relative to the target. In addition, at the conclusion of each contract the Secretary would pay each group a bonus for each year during the period of time the demonstration is in effect.

Section 414. Physician group practice demonstration

The provision would require the Secretary to conduct demonstration projects to test, and if proven effective, expand the use of incentives to health care groups participating in Medicare. Such incentives would be designed to encourage coordination of care furnished under Medicare Parts A and B by institutional and other providers and practitioners; to encourage investment in administrative structures and processes to encourage efficient service delivery; and to reward physicians for improving health maintenance outcomes.

The Secretary would establish for each group participating in a demonstration, a base expenditure amount and an expenditure target for the period relative to the target. In addition, the Secretary would pay each group a bonus for each year relative to the target. In addition, at the conclusion of each contract the Secretary would pay each group a bonus for each year during the period of time the demonstration is in effect.

Section 415. Study on enrollment procedures for Medicare

The provision would require the Secretary to conduct a study on the implications of eliminating the Medicare enrollment process for groups that retain independent contractor physicians; to encourage investment in administrative structures and processes to encourage efficient service delivery; and to reward physicians for improving health maintenance outcomes.

The Secretary would establish for each group participating in a demonstration, a base expenditure amount and an expenditure target for the period relative to the target. In addition, the Secretary would pay each group a bonus for each year relative to the target. In addition, at the conclusion of each contract the Secretary would pay each group a bonus for each year during the period of time the demonstration is in effect.

Section 416. Physician group practice demonstration

The provision would require the Secretary to conduct demonstration projects to test, and if proven effective, expand the use of incentives to health care groups participating in Medicare. Such incentives would be designed to encourage coordination of care furnished under Medicare Parts A and B by institutional and other providers and practitioners; to encourage investment in administrative structures and processes to encourage efficient service delivery; and to reward physicians for improving health maintenance outcomes.

The Secretary would establish for each group participating in a demonstration, a base expenditure amount and an expenditure target for the period relative to the target. In addition, the Secretary would pay each group a bonus for each year relative to the target. In addition, at the conclusion of each contract the Secretary would pay each group a bonus for each year during the period of time the demonstration is in effect.

Section 417. Study on enrollment procedures for Medicare

The provision would require the Secretary to conduct a study on the implications of eliminating the Medicare enrollment process for groups that retain independent contractor physicians; to encourage investment in administrative structures and processes to encourage efficient service delivery; and to reward physicians for improving health maintenance outcomes.

The Secretary would establish for each group participating in a demonstration, a base expenditure amount and an expenditure target for the period relative to the target. In addition, the Secretary would pay each group a bonus for each year relative to the target. In addition, at the conclusion of each contract the Secretary would pay each group a bonus for each year during the period of time the demonstration is in effect.

Section 418. Physician group practice demonstration

The provision would require the Secretary to conduct demonstration projects to test, and if proven effective, expand the use of incentives to health care groups participating in Medicare. Such incentives would be designed to encourage coordination of care furnished under Medicare Parts A and B by institutional and other providers and practitioners; to encourage investment in administrative structures and processes to encourage efficient service delivery; and to reward physicians for improving health maintenance outcomes.

The Secretary would establish for each group participating in a demonstration, a base expenditure amount and an expenditure target for the period relative to the target. In addition, the Secretary would pay each group a bonus for each year relative to the target. In addition, at the conclusion of each contract the Secretary would pay each group a bonus for each year during the period of time the demonstration is in effect.

Section 419. Study on enrollment procedures for Medicare

The provision would require the Secretary to conduct a study on the implications of eliminating the Medicare enrollment process for groups that retain independent contractor physicians; to encourage investment in administrative structures and processes to encourage efficient service delivery; and to reward physicians for improving health maintenance outcomes.

The Secretary would establish for each group participating in a demonstration, a base expenditure amount and an expenditure target for the period relative to the target. In addition, the Secretary would pay each group a bonus for each year relative to the target. In addition, at the conclusion of each contract the Secretary would pay each group a bonus for each year during the period of time the demonstration is in effect.

Section 420. One-year extension of moratorium on therapy caps

The provision would extend the moratorium on the physical therapy and occupational therapy caps, report on standards for supervision of physical therapy assistants.

The provision would extend the moratorium on the physical therapy and occupational therapy caps, report on standards for supervision of physical therapy assistants.

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The provision would extend the moratorium on the physical therapy and occupational therapy caps, report on standards for supervision of physical therapy assistants.
the period July 1, 2001, through December 31, 2001, would be the amounts established under this section increased by a transitional allowance of 2.28%.

Section 426. Full update for orthotics and prosthetics.

The provision would modify updates to payments for orthotics and prosthetics. In 2000, the rates would be increased by one percent. In each subsequent year, the rate would be increased by the percentage increase of the CPI-U during the 12-month period ending with July 1, 2000. For 2002, payments would be increased by one percent for the year’s amount.

The provision would specify that for the period January 1, 2001, through June 30, 2001, the applicable amounts paid for these items would reflect the amounts in effect before enactment of this provision. The amounts in effect for the period July 1, 2001, through December 31, 2001, would be amounts established under this section increased by a transitional allowance of 2.6%.

Section 427. Establishment of special payment provisions and requirement for prosthetics and certain custom fabricated orthotic items.

Under the provision, certain prosthetics or custom fabricated orthotics would be covered by Medicare if furnished by a qualified practitioner and fabricated by a qualified practitioner and fabricated by a qualified supplier. The Secretary would be required to establish a list of such items in consultation with experts. Within one year of enactment, the Secretary would promulgate regulations to provide these items, using negotiated rulemaking procedures.

Not later than 6 months from enactment, the Comptroller General would be required to submit to Congress a report on the Secretary’s compliance with the Administrative Procedures Act with regard to HCFA Ruling 95-1; the period of that ruling; underlying potential for fraud and abuse in provision of prosthetics and orthotics under special payment rates and for custom fabricated items; and the effect on Medicare payments if that ruling were overturned.

Section 428. Replacement of prosthetic devices and parts.

The provision would authorize Medicare coverage for replacement of artificial limbs, or parts of replacement limbs. Coverage would apply to prosthetic and parts for such devices furnished by a qualified practitioner or qualified supplier. The provision would require that, not later than October 1, 2001, the Secretary would revise the current payment methodologies. The Secretary would be required to establish a list of such items in consultation with experts. Within one year of enactment, the Secretary would promulgate regulations to provide these items, using negotiated rulemaking procedures.

The provision would require the Secretary to conduct a study on the effect of both the program and beneficiaries of covering surgical first assisting services of certified registered nurse first assistants. The provision would require the Secretary to conduct a study on the effect of both the program and beneficiaries of covering surgical first assisting services of certified registered nurse first assistants. The study would include a study and report on Medicare reimbursement for services provided by certain providers.

The provision would require MedPAC to conduct a study on the appropriateness of Medicare coverage of such items in consultation with experts. The study would include a study and report on Medicare reimbursement for services provided by certain providers.

Section 429. Revised Part B payment for drugs and biologicals and related services.

The provision would require the Comptroller General to study and submit a report to Congress and the Secretary on the reimbursement for drugs and biologicals and related services which include procedures that utilize contrast agents and would include contrast agents within the definition of “drugs” for purposes of the Medicare title. The provision would require that the items and services furnished on or after July 1, 2001.

Section 431. Qualification for community mental health centers.

The provision would clarify the qualifications for community mental health centers providing partial hospitalization services under Medicare.

Section 432. Modification of Medicare billing requirements for certain Indian providers.

The provision would authorize hospitals and freestanding ambulatory care clinics of the Indian Health Service or operated by a tribe or tribal organization to bill Medicare Part B for certain services furnished at the direction of the hospital or clinic. Services furnished under the provision are those furnished under the physician fee schedule, and services furnished by a practitioner or therapist under a fee schedule. Payment would be effective July 1, 2001.

Section 433. GAO study on coverage of surgical first assisting services of certified registered nurse first assistants.

The provision would require MedPAC to conduct a study on the effect of both the program and beneficiaries of covering surgical first assisting services of certified registered nurse first assistants.

Section 434. GAO study and report on Medicare coverage of services provided by certain non-physician providers.

The provision would require MedPAC to conduct a study to determine the appropriateness of Medicare coverage of the services provided by a surgical technologist, marriage counselor, pastoral care counselor, and licensed professional counselor of mental health.

Section 435. GAO study and report on the costs of emergency and medical transportation services.

The provision would require the Comptroller General to conduct a study of the costs of providing emergency and medical transportation services across the range of acuity levels of conditions for which such transportation services are provided.

Section 437. GAO studies and reports on Medicare payments.

The provision would require the Comptroller General to conduct a study on the post-payment audit process for services provided by a surgical technologist, marriage counselor, pastoral care counselor, and licensed professional counselor of mental health.

Section 438. Use of telecommunications in delivery of home health services.

The provision would require that, not later than August 15, 2001, the Comptroller General shall submit to Congress a report regarding the variation in prices home health agencies received for payment for outpatient intervention pain medicine procedures under Medicare.

The provision would require that the aggregate amount of Medicare payments to home health agencies in the second year of the PPS (FY 2002) shall be the aggregate payments to home health agencies in the first year of the PPS, updated by the market basket index (MBI) in increase minus 1.1 percentage points. The 15 percent reduction to aggregate PPS amounts, which, under current law, would go into effect October 1, 2001, would be delayed until October 1, 2002.

The Comptroller General (rather than the Secretary) would be required to submit, by April 1, 2002, a report analyzing the need for the 15 percent or other reduction.

If the Secretary determines that updates to the PPS system for a previous fiscal year (or estimates of such adjustments for a future fiscal year) did (or are likely to) result in changes in aggregate payments due to changes in coding or classification of beneficiaries’ services needs that do not reflect real changes in cost mix, effective for home health agencies, the Secretary, not later than October 1, 2001, would be required to promulgate regulations to provide these items, using negotiated rulemaking procedures.

Under the provision, certain prosthetics or custom fabricated orthotics would be covered by Medicare if furnished by a qualified practitioner and fabricated by a qualified practitioner or qualified supplier. The provision would require the Secretary to establish a list of such items in consultation with experts. Within one year of enactment, the Secretary would promulgate regulations to provide these items, using negotiated rulemaking procedures.

The provision would provide for a one-time payment for certain home health agencies that were not required to report or were not required to report under current law. Home health agencies that were receiving such payments as of September 30, 2000, receive a one-time payment equal to four times the last 2-week payment the agency received before implementation of the home health PPS on October 1, 2000. The amounts would be included in the agency’s last settled cost report before implementation of the PPS.

The provision would require that, not later than August 15, 2001, the Comptroller General shall submit to Congress a report regarding the variation in prices home health agencies received for payment for outpatient intervention pain medicine procedures under Medicare.
The Secretary would be required to make recommendations on whether Medicare payment for those supplies should be made separately from the home health PPS.

Section 506. Treatment of branch offices; GAO study on supervision of home health care provided in isolated rural areas

The provision would clarify that neither time nor distance between a home health agency's parent office and a branch office shall be the sole determinant of a home health agency's branch office status. The Secretary would be authorized to include forms of technology that determine 'supervision' for purposes of determining a home health agency's branch office status.

Not later than January 1, 2002, the Comptroller General would be required to submit to Congress a report regarding the adequacy of supervision and quality of home health services provided by home health agency branch offices and submits in isolated rural areas and to make recommendations on whether national standards for supervision would be appropriate in assuring quality.

Section 507. Clarification of the homebound benefit

The provision clarifies that the need for adult day care for a patient's plan of treatment does not preclude appropriate coverage for home health care or other medical conditions. The provision also clarifies the ability of homebound beneficiaries to attend religious services without being disqualified from receiving home health benefits.

Section 508. Temporary increase for home health services furnished in a rural area

For home health services furnished in certain rural areas during the 2-year period beginning April 1, 2001, Medicare payments are increased without regard to budget neutrality for the overall home health prospective payment system. This temporary increase would not be included in determining subsequent payments.

SUBTITLE B—DIRECT GRADUATE MEDICAL EDUCATION

Section 511. Increase in floor for direct graduate medical education payments

A hospital's approved per resident amount for direct graduate medical education payments for discharge periods beginning FY 2002 would not be less than 85% of the locality-adjusted national average per resident amount.

Section 512. Change in distribution formula for Medicare+Choice related nursing and allied health education costs

A hospital would receive nursing and allied health payments for Medicare managed care enrollees based on its per day cost of allied and nursing health programs and number of days attributed to Medicare enrollees in comparison to that in all other hospitals. The provision would be effective for portions of cost reporting periods occurring on or after January 1, 2003.

SUBTITLE C—CHANGES IN MEDICARE COVERAGE AND APPEALS PROCESS

Section 521. Revisions to Medicare appeals process

The provision would modify the Medicare appeals process. Generally, initial determinations by the Secretary would be concluded no later than 45 days from the date the Secretary received a claim for benefits. Any individual dissatisfied with the initial determination would be entitled to a reconsideration. The carrier or fiscal intermediary would make the initial determination. Such reconsideration would be required to be completed within 30 days of a beneficiary's request. The Secretary would appeal the outcome of a reconsideration by seeking a reconsideration. Generally, a request for a reconsideration must be initiated no later than 180 days after the date the individual receives the notice of an adverse reconsideration. In addition, if contested amounts are greater than $3,000, an individual would be able to appeal an adverse reconsideration decision by requesting a hearing by the Secretary (for a hearing by an administrative law judge, then in certain circumstances, for a hearing before the Department of Appeals Board). If the dispute is not satisfactorily resolved through this administrative process and if contested amounts are greater than $1,000, the individual would be able to request judicial review of the Secretary's final decision. Aggregation of claims to meet these thresholds would be permitted. An expedited determination would be available for a beneficiary who receives notice: (1) that a provider plans to terminate services and a physician certifies that failure to continue the provisions of the services is likely to place the beneficiary's health at risk; or (2) that the provider plans to discharge the beneficiary.

The Secretary would enter into 3-year contracts with at least 12 qualified independent contractors (QICs) to conduct reconsiderations. The QICs would notify beneficiaries and Medicare claims processing contractors of its determinations. A beneficiary could appeal the decision of a QIC to an ALJ. In cases where claims are not rendered within the 90-day deadline, the appealing party would be able to request a DAB hearing.

The Secretary would perform outreach activities to inform beneficiaries, providers, and suppliers of their appeal rights and procedures. The Secretary would submit to Congress an annual report on the number of appeals for the previous year, identifying issues that require administrative or legislative actions, and including recommendations, as necessary. The report would also contain an analysis of the consistency of the QIC determinations as well as the cause for any identified inconsistencies.

Section 522. Revisions to Medicare coverage process

The provision would clarify when and under what circumstances Medicare coverage would be made permanent. An aggrieved party could file a complaint concerning a national coverage decision. Such complaint would be reviewed by the Department of Appeals Board (DAB) of HHS. The provision would also permit an aggrieved party to file a complaint concerning a local coverage decision. In this case, the determination would be reviewed by an administrative law judge. If unsatisfied, complainants could subsequently seek review of such a local policy by the DAB. In both cases, a DAB decision would constitute final HHS action, and would be subject to judicial review. The Secretary would be required to implement DAB decisions and ALJ decisions (in the case of self-refer or self-referral laboratories) within 30 days. The provision would also permit an affected party to submit a request to the Secretary to issue a national coverage or non-coverage determination if one has not been issued. The Secretary would have 90 days to respond. HHS would be required to prepare an annual report on national coverage determinations.

SUBTITLE D—IMPROVING ACCESS TO NEW TECHNOLOGIES

Section 531. Reimbursement improvements for new clinical laboratory tests and durable medical equipment

The provision would specify that the national limitation amount for a new clinical laboratory test would equal 100% of the national median for such test. The Secretary would be required to establish procedures that permit public consultation for coding and payment determinations for new clinical laboratory tests and durable medical equipment. The Secretary would be required to report to Congress on specific procedures used to adjust payments for advanced technologies, which may include recommendations for legislative changes needed to assure fair and appropriate payments.

Section 532. Retention of HCPCS level III codes

The provision would extend the time for those local codes (known as "supplemental level III codes") through December 31, 2003; the Secretary would be required to make the codes available to the public.

Section 533. Recognition of new medical technologies under Medicare inpatient hospital PPS

The Secretary would be required to submit a report to Congress no later than April 1, 2001, on potential methods for more rapidly incorporating new medical services and technologies used in the inpatient setting in the clinical coding system used with respect to the payment for inpatient services. The Secretary would be required to develop preferred methods for expediting these coding modifications in her report, and to implement such method by October 1, 2001. Additional hospital payments made by means of a new technology group (DRG), an add-on payment, payment adjustment or other mechanism. However, separate fee schedules for additional new technology payments would not be permitted. The Secretary would implement the new mechanism on a budget neutral basis. The total amount reimbursed additional new technologies under the mechanism would be limited to an amount not greater than the Secretary's annual estimation of the costs attributable to the introduction of new technology in the hospital sector as a whole (as estimated for purposes of the annual hospital update calculation).

SUBTITLE E—OTHER PROVISIONS

Section 541. Increase in reimbursement for bad debt

Effective beginning with cost reports starting in FY 2001, the provision would increase at the percentage of the mean for bad debt as associated with beneficiaries' bad debt in hospitals that Medicare would reimburse to 70%.

Section 542. Treatment of certain physician pathology services under Medicare

The provision would permit independent laboratories, under a grandfather arrangement to continue, for a 2-year period (2001–2002), direct billing for the technical component of pathology services provided to hospital inpatients and hospital outpatients. The Comptroller General would be required to conduct a study of the effect of these provisions on hospitals and laboratories and the effect on Medicare's fee-for-service beneficiaries to the technical component of physician pathology services. The report would include recommendations on whether the provisions should continue after the 2-year period for either (or both) inpatient and outpatient hospital services and whether the provision should be extended to other hospitals.

Section 543. Extension of advisory opinion authority

The Office of the Inspector General's authority to issue advisory opinions to outside parties who request guidance on the applicability of the anti-kickback statute, safe harbor regulations, and OIG health care fraud and abuse sanctions would be made permanent.
Section 544. Change in annual MedPAC reporting period
The provision would delay the reporting date for the MedPAC report on issues affecting the Medicare program by 15 days to June 15. This provision would also require record votes on recommendations contained both in this report and the March report on payment policies.

Section 545. Development of patient assessment instruments
The provision would require the Secretary to report to the Congress on the development of standard instruments for the assessment of the functional status of Medicare beneficiaries and make recommendations on the use of such standard instruments for payment purposes.

Section 546. GAO report on impact of the Emergency Medical Treatment and Active Labor Act (EMTALA) on hospital emergency departments
GAO would be required to evaluate the impact of EMTALA on hospital emergency departments and actuarial and active labor on hospitals, emergency physicians, and on call physicians covering emergency departments and to submit a report to the Congress by May 1, 2001.

Section 547. Clarification of application of temporary payment increases for 2001
The special increases and adjustments of the acute hospital payment update, the indirect regional adjustment, and the disproportionate share hospital adjustment that are in effect between April and October 2001 do not apply to discharges after FY 2001 and are not included in determining subsequent payments.

Special update payments under the skilled nursing facility prospective payment system between April and October 2001 would not apply to SNF services furnished after that period and would not be included when determining payments for the subsequent period. Special medical basket update payments under the home health prospective payment system between April and October 2001 would not be included in determining subsequent payments by certain rural home health agencies from April 1, 2001, through September 30, 2002, if not included in determining subsequent payments.

Section 548. Development of Medicare+Choice payment rates
The provision would delay the reporting date for the MedPAC report on issues affecting the Medicare program by 15 days to June 15. This provision would also require record votes on recommendations contained both in this report and the March report on payment policies.

Section 549. Revision of payment rates for ESRD
This provision would require that the Secretary increase the minimum payment amount for enrollees in Medicare+Choice plans. The provision would set the minimum payment amount for aged enrollees within the 50 states and the District of Columbia in a Metropolitan Statistical Area with a population of more than 250,000 at $525 in 2001. For all other enrollees, the minimum payment amount would be $475. For any area outside the 50 states and the District of Columbia, the payment amount would be $475. For any area outside the 50 states and the District of Columbia, the payment amount would be $475. The minimum payment amount would be $475.

Section 550. Revised payment rates for ESRD
This provision would require the Secretary to increase the minimum payment amount in Medicare+Choice plans. The provision would require that the Secretary increase the minimum payment amount by 3% for enrollees in Medicare+Choice plans. This increase would go into effect March 1, 2001.

Section 551. Increase in minimum payment amount
The provision would increase the minimum payment amount for aged enrollees within the 50 states and the District of Columbia in a Metropolitan Statistical Area with a population of more than 250,000 at $525 in 2001. For all other enrollees, the minimum payment amount would be $475. For any area outside the 50 states and the District of Columbia, the payment amount would be $475. The minimum payment amount would be $475.

Section 552. Revised payment rates for ESRD
This provision would require the Secretary to increase the minimum payment amount in Medicare+Choice plans. The provision would require that the Secretary increase the minimum payment amount by 3% for enrollees in Medicare+Choice plans. This increase would go into effect March 1, 2001.

Section 553. Increase in minimum payment amount
The provision would increase the minimum payment amount for aged enrollees within the 50 states and the District of Columbia in a Metropolitan Statistical Area with a population of more than 250,000 at $525 in 2001. For all other enrollees, the minimum payment amount would be $475. For any area outside the 50 states and the District of Columbia, the payment amount would be $475. The minimum payment amount would be $475.

Section 554. Change in annual MedPAC reporting period
The provision would delay the reporting date for the MedPAC report on issues affecting the Medicare program by 15 days to June 15. This provision would also require record votes on recommendations contained both in this report and the March report on payment policies.

Section 555. Development of patient assessment instruments
The provision would require the Secretary to report to the Congress on the development of standard instruments for the assessment of the functional status of Medicare beneficiaries and make recommendations on the use of such standard instruments for payment purposes.

Section 556. GAO report on impact of the Emergency Medical Treatment and Active Labor Act (EMTALA) on hospital emergency departments
GAO would be required to evaluate the impact of EMTALA on hospital emergency departments and actuarial and active labor on hospitals, emergency physicians, and on call physicians covering emergency departments and to submit a report to the Congress by May 1, 2001.

Section 557. Clarification of application of temporary payment increases for 2001
The special increases and adjustments of the acute hospital payment update, the indirect regional adjustment, and the disproportionate share hospital adjustment that are in effect between April and October 2001 do not apply to discharges after FY 2001 and are not included in determining subsequent payments.

Special update payments under the skilled nursing facility prospective payment system between April and October 2001 would not apply to SNF services furnished after that period and would not be included when determining payments for the subsequent period. Special medical basket update payments under the home health prospective payment system between April and October 2001 would not be included in determining subsequent payments by certain rural home health agencies from April 1, 2001, through September 30, 2002, if not included in determining subsequent payments.

Section 558. Development of Medicare+Choice payment rates
The provision would delay the reporting date for the MedPAC report on issues affecting the Medicare program by 15 days to June 15. This provision would also require record votes on recommendations contained both in this report and the March report on payment policies.

Section 559. Revision of payment rates for ESRD
This provision would require the Secretary to increase the minimum payment amount in Medicare+Choice plans. The provision would set the minimum payment amount for aged enrollees within the 50 states and the District of Columbia in a Metropolitan Statistical Area with a population of more than 250,000 at $525 in 2001. For all other enrollees, the minimum payment amount would be $475. For any area outside the 50 states and the District of Columbia, the payment amount would be $475. The minimum payment amount would be $475.

Section 560. Revised payment rates for ESRD
This provision would require the Secretary to increase the minimum payment amount in Medicare+Choice plans. The provision would require that the Secretary increase the minimum payment amount by 3% for enrollees in Medicare+Choice plans. This increase would go into effect March 1, 2001.

Section 561. Increase in minimum payment amount
The provision would set the minimum payment amount for aged enrollees within the 50 states and the District of Columbia in a Metropolitan Statistical Area with a population of more than 250,000 at $525 in 2001. For all other enrollees, the minimum payment amount would be $475. For any area outside the 50 states and the District of Columbia, the minimum payment amount would be $475. For any area outside the 50 states and the District of Columbia, the minimum payment amount would be $475. The minimum payment amount would be $475.

Section 562. Revised payment rates for ESRD
This provision would require the Secretary to increase the minimum payment amount in Medicare+Choice plans. The provision would require that the Secretary increase the minimum payment amount by 3% for enrollees in Medicare+Choice plans. This increase would go into effect March 1, 2001.

Section 563. Increase in minimum payment amount
The provision would set the minimum payment amount for aged enrollees within the 50 states and the District of Columbia in a Metropolitan Statistical Area with a population of more than 250,000 at $525 in 2001. For all other enrollees, the minimum payment amount would be $475. For any area outside the 50 states and the District of Columbia, the minimum payment amount would be $475. For any area outside the 50 states and the District of Columbia, the minimum payment amount would be $475. The minimum payment amount would be $475.

Section 564. Revised payment rates for ESRD
This provision would require the Secretary to increase the minimum payment amount in Medicare+Choice plans. The provision would require that the Secretary increase the minimum payment amount by 3% for enrollees in Medicare+Choice plans. This increase would go into effect March 1, 2001.

Section 565. Increase in minimum payment amount
The provision would set the minimum payment amount for aged enrollees within the 50 states and the District of Columbia in a Metropolitan Statistical Area with a population of more than 250,000 at $525 in 2001. For all other enrollees, the minimum payment amount would be $475. For any area outside the 50 states and the District of Columbia, the minimum payment amount would be $475. For any area outside the 50 states and the District of Columbia, the minimum payment amount would be $475. The minimum payment amount would be $475.
is most beneficial to M+Choice enrollees (as identified by the Secretary) to apply to all M+Choice enrollees enrolled in the plan.

Section 616. Eliminating health disparities in Medicare+Choice Program

This provision would expand the M+Choice quality assurance programs for M+Choice plans to include a separate focus on racial and ethnic minorities. The Secretary would also be required to progress how the quality assurance programs focus on racial and ethnic minorities, within 2 years after enactment and biennially thereafter.

Section 617. Modifying enrollees under Medicare+Choice Program

In order to make the M+Choice program compatible with employer or union group health plans, this provision would allow the Secretary to waive or modify requirements that hinder the design of, offering of, or enrollment in certain M+Choice plans. Plans included in the category are M+Choice plans under contract between M+Choice organizations and employers, labor organizations, or trustees of a fund established by employers and/or labor organizations.

Section 618. Special Medigap enrollment anti-discrimination provision for certain beneficiaries

This provision would extend the period for Medicare+Choice enrollees affected by termination of coverage. For individuals enrolled in an M+Choice plan during a 12-month trial period, their trial period would begin again if they re-enrolled in another M+Choice plan because of an involuntary termination. During this new trial period, they would retain their rights to enroll in a Medicare+Choice plan; however, the total time for a trial period could not exceed 2 years from the time they first enrolled in an M+Choice plan.

Section 619. Restoring effective date of elections and changes of elections of Medicare+Choice plans

This provision would allow individuals who enroll in an M+Choice plan after the 120th day of the month to receive coverage beginning on the first day of the next calendar month, effective July 1, 2001.

Section 620. Permitting ESRD beneficiaries to enroll in another Medicare+Choice plan if the plan in which they are enrolled is terminated or involuntarily terminated

This provision would permit ESRD beneficiaries to enroll in another Medicare+Choice plan if they lost coverage when their plan terminated or involuntarily terminated. This provision would also be retroactive, to include individuals whose enrollment in an M+Choice plan was terminated involuntarily on or after December 31, 1998.

Section 621. Providing Choice for skilled nursing facility services under the Medicare+Choice Program

Effective for M+Choice contracts entered into or renewed on or after the date of enactment, the provision would require an M+Choice plan to cover post-hospitalization skilled nursing care through an enrollee’s “home skilled nursing facility” if the plan has a contract with the facility or if the home facility agrees to accept substantially similar payment under the same terms and conditions that apply to similarly situated SNFs that are under contract with the plan. A “home skilled nursing facility” is defined as (a) one in which the enrollee resided at the time of the hospital admission that triggered eligibility for SNF care upon discharge, or (b) any facility that is providing such services through the continuing care retirement community in which the enrollee resided at the time of hospital admission, or (c) the facility in which the spouse of the enrollee is residing at the time of the enrollee’s hospital discharge. The beneficiary would be required to receive coverage for SNF care at the home facility that is no less favorable than he or she would receive for another SNF that has a contract with the plan.

Home skilled nursing facilities are permitted to refuse Medicare+Choice enrollees or to impose conditions on their acceptance of such an enrollee.

The provision would require the Medicare Payment Advisory Commission (MedPAC) to analyze and, within 2 years of enactment, report to Congress on the effects of this provision on the scope of benefits, administrative and other costs incurred by M+Choice organizations, and the contractual relationships between those plans and SNFs.

Section 622. Providing for accountability of Medicare+Choice organizations

The provision would mandate review of ACR submissions by the HCFA Chief Actuary with respect to submissions for ACRs filed on or after May 1, 2001. Effective for M+Choice organizations that terminate contracts mid-year, the provision would increase to $100,000 (or such higher level as the Secretary of Health and Human Services determines appropriate) the civil money penalty that could be imposed for a Medicare+Choice organization that terminates its Medicare+Choice contract, other than at an approximate time after providing appropriate notice.

SUBTITLE C—OTHER MANAGED CARE REFORMS

Section 631. 1-Year extension of social health maintenance organization (SHMO) demonstration project

The provision would extend SHMO waivers until 30 months after the Secretary submits a report with a plan for integration and transition of SHMO on the M+Choice program. This 30-month extension would supersede the 18-month extension in BBRA 99.

Section 632. Revised terms and conditions for extension of Medicare community nursing organization (CNO) demonstration project

Effective as if enacted with BBRA 99, the provision would eliminate the requirement that CNOs capitated payments be reduced to ensure budget neutrality. Through December 2001, the projects would operate under the same terms and conditions applicable during the demonstration project, but the capitation rates would be reduced by 30 percent for in projects in Arizona, Minnesota, and Illinois and by 15 percent in New York. In 2002, the rates would be determined by actuarially adjusting the rates in the prior period for inflation, utilization, and changes to the service package. Adjustments would be made to case management fees for certain frail enrollees and requirements would be imposed to create greater uniformity in clinical features among participating sites and to improve enrollee satisfaction. By July 1, 2001, the Secretary would be required to submit to the House Committees on Ways and Means and Commerce and the Senate Committees on Finance a report evaluating the projects for the period July 1, 1997 through December 1999 and for the extension period after September 30, 2000. A final report would be due by July 1, 2002. The provision would require certain methods to be used to compare spending per beneficiary under the projects.

Section 633. Extension of Medicare municipal health services demonstration projects

The provision would extend the Medicare municipal health services demonstration projects for 2 additional years, through December 31, 2004.
in the baseline expenditure limit for the purposes of determining budget neutrality.

(d) Assistance for certain public hospitals

The provision would provide additional funds for certain public hospitals that are: owned or operated by a state (or a political subdivision or unit of government within a state); are not receiving DSH payments as of October 1, 2000; and have a lot-income utilization rate that exceeds 100% of the average per capita income for the state, December 15, 2000. Funds provided under this section to a state for a fiscal year would be based on the following amounts: $176 million for 2000; $299 million for 2001; $330 million for 2002; $360 million for 2003; and $535 million for 2004.

(e) DSH payment accountability standards

The provision would require the Secretary to implement accountability standards to ensure that DSH payments are used to reimburse the costs incurred for the care of low-income individuals. The provision would require the Secretary to make an annual report to Congress on the implementation of these accountability standards.

Section 702. New prospective payment system for Federally-qualified health centers and rural health clinics

The provision would create a new Medicaid prospective payment system for Federally-qualified health centers (FQHCs) and rural health centers (RHCS) beginning in January 2001. Existing FQHCs and RHCS would be paid per visit payments equal to 100% of the average costs incurred during 1999 and 2000 adjusted to take into account any increase or decrease in the scope of services furnished. For entities first qualifying as FQHCs or RHCS after October 1, 1999, the year that visit payments would begin in the first year that the center or clinic attains qualification and would be based on 100% of the costs incurred during that year based on the rates established for similar centers or clinics with similar caseloads in the same or adjacent geographic area. In the absence of such similar centers or clinics, the methodology would be based on that used for developing rates for established FQHCs or RHCS or such methodology or reasonable specifications as established by the Secretary. For each fiscal year thereafter, per visit payments for all FQHCs and RHCS would be equal to amounts for the preceding fiscal year increased by the percentage increase in the Medicare Economic Index applicable to primary care services for that fiscal year, and adjusted for any increase in the scope of Services furnished during the fiscal year or changes in payment arrangements that are noncompliant. States must make supplemental payments to the center or clinic that would be equal to the difference between contracted amounts and the cost-based amounts. Those payments would be paid on a schedule mutually agreed to by the State and the center or clinic. Alternative payment methods would be permitted only when payments are at least equal to amounts otherwise provided.

The provision would also direct the Comptroller General to provide for a study on how to rebase or refine cost payment methods for the services of FQHCs and RHCS. The report would be due to Congress no later than 4 years after the date of enactment.

Section 703. Streamlined approval of continued state-wide 1115 Medicaid waivers

The provision would define the process for submitting requests for and receiving extensions of Medicaid demonstration waivers authorized under Section 1115 of the Social Security Act that have already received initial 3-year approval. The provision would require each state requesting such an extension to submit an application at least 120 days prior to the expiration date of the existing extension to submit an application at least 120 days prior to the expiration date of the existing waiver. No later than 45 days after the Secretary receives such an application, the Secretary would be required to notify the State if she intends to review the existing terms and conditions of the project and would inform the State of the proposed changes and conditions of the waiver. If the Secretary fails to provide such notification, the request would be deemed approved. During the 30-day period beginning on the date the Secretary provides the proposed terms and conditions to the state, the State would be required to notify the Secretary if she intends to review the existing terms and conditions of the waiver. If the Secretary fails to provide such notification, the request would be deemed approved. During the 30-day period beginning on the date the Secretary provides the proposed terms and conditions to the state, the terms and conditions would be deemed approved. No later than 30 days after the date that the request for extension was submitted (or such later date as agreed to by the chief executive officer of the State) the Secretary would be required to approve the application subject to the agreed upon terms and conditions or, in the absence of an agreement, such terms and conditions that are determined by the Secretary to be reasonably consistent with the overall objective of the waiver, or disapprove the application. If the waiver is not approved or disapproved during that period, the request would be deemed approved. For each fiscal year thereunder, $375 million.

Section 704. Medicaid county-organized health system

The provision would allow the current exemption for certain Health Insuring Organizations (HIOs) from certain Medicaid HMO contracting requirements to apply as long as no more than 16% of all Medicaid beneficiaries in the state are enrolled in those HIOs. This provision would be effective as if included in the enactment of the Consolidated Omnibus Budget Reconciliation Act of 1995.

Section 705. Deadline for issuance of final regulations relating to Medicaid upper payment limits

The provision would require the Secretary to issue final regulations governing upper payment limits (UPLs) for inpatient and outpatient services provided by certain types of facilities after October 1, 2000. It would also require that the final regulation establish a separate UPL for non-state-owned or operated government facilities based on a proposed rule announced in October, 2000.

The proposed rule would specify two transition periods for states with payment arrangements that are noncompliant, one for states with such arrangements effective on or after October 1, 1999 and the other for those states with arrangements that were effective before that date. The starting point of the phase-out of existing payment arrangements, the percentage reduction in payments, and the length of time permitted for full phase-out would vary for the two transition periods.

The provision also requires the final regulation to stipulate a third set of rules governing the transition period for certain states. This additional set of rules would apply to states with payment arrangements approved or in effect on or before October 1, 1992, or under which claims for federal matching were paid on or before that date, and for which such payments exceed the amount that would have been paid using the UPL that applied. For these states, a 6-year transition period would apply, beginning with the period that begins on the first state fiscal year that begins on or after October 1, 1999 and ends on September 30, 2005. For each year during the transition period, applicable states must reduce excess payments by 15%. Full compliance with final regulations is required by October 1, 2008.

Section 706. Alaska FMAP

The provision would change the formula for calculating FMAP for Alaska and thereby reduce the federal matching percentage for Alaska for fiscal years 2001 through 2005. The state percentage for Alaska would be calculated using the Medicare Economic Index for the calculation instead of the state-wide average per capita income calculation generally used. The adjusted per capita income for Alaska for each of the fiscal years 2001 through 2005 would be based on the average per capita income for the state divided by 1.05.

Section 707. 1-Year extension of welfare-to-work transition

This provision extends by 1 year the sunset for transitional medical assistance for families no longer eligible for welfare from September 30, 2001 to September 30, 2002.

Section 708. Additional entities qualified to determine Medicaid presumptive eligibility for low-income children

Under Medicaid presumptive eligibility rules, States are allowed to temporarily enroll a child whose income appears to be below Medicaid income standards, until a final formal determination of eligibility is made.

This provision adds several entities to the list of those qualified to make Medicaid presumptive eligibility determinations for children. These new entities include agencies that determine eligibility for Medicaid or the State Children’s Health Insurance Program, or certain elementary and secondary schools, including those operated or supported by the Bureau of Indian Affairs.

Section 709. Development of uniform QMB/SLMB application form

This provision requires the Secretary of Health and Human Services to develop a simplified national application form for States, at their option, to use for individuals who apply for medical assistance for Medicare cost-sharing under the Medicaid program.

Section 710. Technical corrections

This provision makes technical Medicaid amendments that exempt from certain upper income limitation determinations individuals made eligible for medical assistance, at a State’s option, under the Foster Care Transition Act of 1999 and under the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

Title VIII—STATE CHILDREN’S HEALTH INSURANCE PROGRAM

Section 801. Fiscal year 1999 SCHIP allotment and availability of unused fiscal year 1998 and 1999 SCHIP allotments

The provision would establish a new method for distributing unspent FY 1998 and FY 1999 allotments. States that use all their SCHIP allotments (for each of those years) would receive an amount equal to estimated spending for excess of their original exhausted allotment. Each territory that spends its original allotment would receive an amount that bears the same ratio to 1.05% of the total amount available for redistribution as the ratio of its original allotment to the total allotment for all territories.

States that do not use all their SCHIP allotment would receive an amount equal to the total amount of unspent funds, less amounts distributed to states that fully exhausted their original allotments, multiplied by the ratio of a state’s unspent original allotment to the total amount of unspent funds. States may use up to 10% of the total amount of FY 1998 and FY 1999 SCHIP funds for activities to calculate the amounts available for redistribution in each formula described above,
the Secretary would use amounts reported by states not later than December 15, 2000, for the FY 1998 redistribution and November 30, 2001, for the FY 1999 redistribution as reported on HHS Form HCFA Form 21, as approved by the Secretary. Redistributed funds would be available through the end of FY 2002.

Section 802. Authority to pay Medicaid expansion SCHIP costs from title XXX appropriation

This provision provides a technical accounting clarification requested by the Health Care Financing Administration. It would permit payment of the costs of SCHIP Medicaid expansions and costs of benefits provided during periods of presumptive eligibility under SCHIP appropriation rather than from the Medicaid appropriation, with a subsequent offset. In addition, the provision would codify proposed rules regarding the order of payments for benefits and administrative costs from state-specific SCHIP allotments.

Section 803. Application of Medicaid child pre-summptive eligibility provisions

Under Medicaid presumptive eligibility rules, states are temporarily enrolling children whose family income appears to be below Medicaid income standards, until a formal determination of eligibility is made. This rule would provide for presumptive eligibility under separate (non-Medicaid) SCHIP programs. However, the Secretary of HHS permits states to develop, for separate (non-Medicaid) SCHIP programs, procedures that are similar to those permitted under Medicaid.

The provision clarifies states’ authority to conduct presumptive eligibility determinations, as defined in Medicaid law, under separate (non-Medicaid) SCHIP programs.

TITLE IX—OTHER PROVISIONS

SUBTITLE A—PACE PROGRAM

Section 901. Extension of transition for current waivers

The provision would permit the Secretary to continue to operate the Program of All-Inclusive Care for the Elderly (PACE) under waivers for a period of 36 months (rather than 24 months), and States may do so for 4 years (rather than 3 years). OBRA 86 required the Secretary to grant waivers of certain Medicare and Medicaid requirements to not more than 150 persons or up to 150 residents in each state. An amendment to the waiver regulation, historically known as BBA was established PACE as a permanent provider under Medicaid and as a special benefit under Medicaid.

Section 902. Continuing of certain operating arrangements permitted

If prior to becoming a permanent component of Medicare, a PACE demonstration project had contractual or other operating arrangements that are not recognized under permanent program regulations, the provision would require the Secretary, in consultation with the state agency, to permit to continue under such arrangements as long as it is consistent with the objectives of the PACE program.

Section 903. Flexibility in exercising waiver authority

The provision would enable the Secretary to exercise authority to modify waiver Medicare or Medicaid requirements to respond to the needs of PACE programs related to employment and the use of community care programs. The Secretary must include the name and address of each state that requests for such waivers within 90 days of the date the request for waiver is received.
TITLE I—COMMUNITY RENEWAL AND NEW MARKETS

Subtitle A—Tax Incentives for Renewal Communities

SEC. 101. DESIGNATION OF AND TAX INCENTIVES FOR RENEWAL COMMUNITIES.

(a) In General.—Chapter 1 is amended by adding at the end the following new subchapter:

"Subchapter X—Renewal Communities

"Part I. Designation.

"Part II. Prevention of duplication of loss.

"Part III. Additional incentives.

"Part IV—Designation.

"SEC. 1400E. DESIGNATION OF RENEWAL COMMUNITIES.

(a) Designation.—

(1) Definition.—For purposes of this title, a term renewal community means any area—

(A) which is nominated by 1 or more local governments and the State or States in which it is located for designation as a renewal community (hereafter in this section referred to as a 'nominated area'), and

(B) which the Secretary of Housing and Urban Development designates as a renewal community, after consultation with—

(1) the Secretaries of Agriculture, Commerce, Labor, and the Treasury; the Director of the Office of Management and Budget, and the Administrator of the Small Business Administration; and

(2) in the case of an area on an Indian reservation, the Secretary of the Interior.

(2) Number of Designations.—

(A) In General.—Not more than 40 nominated areas may be designated as renewal communities.

(B) Minimum Designation in Rural Areas.—Of the areas designated under paragraph (3), at least—

(i) which are within a local government jurisdiction or jurisdictions with a population of less than 50,000,

(ii) which are outside of a metropolitan statistical area (within the meaning of section 143(k)(2)(B)), or

(iii) which are designated by the Secretary of Housing and Urban Development, after consultation with the Secretary of Commerce, to be rural areas.

(3) Areas Designated Based on Degree of Poverty, Etc.—

(A) In General.—Except as otherwise provided in this section, the nominated areas designated as renewal communities under this subsection shall be those nominated areas with the highest average ranking with respect to the criteria described in subparagraphs (B), (C), and (D) of subsection (c)(3). For purposes of the preceding sentence, an area shall be ranked within each such criterion on the basis of the amount by which the area exceeds such criterion; with the area which meets such criterion by the greatest amount given the highest ranking.

(B) Exception Where Inadequate Course of Action, Etc.—An area shall not be designated under subparagraph (A) of this section if the Secretary of Housing and Urban Development determines that the course of action described in subsection (d)(2) with respect to such area is inadequate.

(C) Preference for Enterprise Communities and Empowerment Zones.—With respect to the first 20 designations made under this section, a preference shall be provided to those nominated areas which are enterprise communities or empowerment zones (and are otherwise eligible for designation under this section).

(D) Limitations.—

(A) Publication of Regulations.—The Secretary of Housing and Urban Development shall prescribe by regulation no later than 4 months after the date of enactment of this Act, after consultation with the officials described in paragraph (1)(B) —

(i) the procedures for nominating an area under paragraph (1)(A),

(ii) the parameters relating to the size and population characteristics of a renewal community, and

(iii) the manner in which nominated areas will be evaluated based on the criteria specified in subsection (d).

(B) Time Limitations.—The Secretary of Housing and Urban Development may designate nominated areas as renewal communities only during the period beginning on the first day of the month following the month in which the regulations described in subparagraph (A) are prescribed and ending on December 31, 2001.

(3) Procedures for Designation.—The Secretary of Housing and Urban Development shall not make any designation of a nominated area as a renewal community under paragraph (2) unless—

(A) the local governments and the State in which the nominated area is located have the authority—

(i) to nominate such area for designation as a renewal community, and

(ii) to make the State and local commitments described in subsection (d), and

(B) the local governments and the State in which the nominated area is located satisfy the following criteria:

(1) The area is within the jurisdiction of one or more local governments.

(2) The boundary of the area is continuous, and
the local government (determined in the same percent of the households living in the area 20 percent, and
ment rate for the period to which such data re-
MENTS.ÐFor purposes of this section, in evaluating the stage of action to be taken by any State or local government, the Secretary of Housing and Urban Development shall take into account the past efforts of such State or local government in reducing the various burdens borne by employers and employees in the area involved.

(3) ECONOMIC GROWTH PROMOTION REQUIRE-
MENTS.ÐThe economic growth promotion re-
quirements of this paragraph are met with respect to a nominated area if the local government and the State in which such area is located certify writing that such government and State (respectively) have repealed or reduced, will not enforce, or will reduce within the nominated area at least 4 of the following:

(A) Permit requirements for street vendors who do not create a public nuisance.

(B) Zoning or other restrictions that impede the formation of schools or child care centers.

(E) Franchises or other restrictions on competition for businesses providing public services, including taxicabs, jitneys, cable television, or trash hauling.

This paragraph shall not apply to the extent that such regulation of businesses and occupancy is necessary for and well-tailored to the protection of health and safety.

(i) Coordination with treatment of empowerment zones and enterprise communities.ÐFor purposes of this title, the designation under section 1391(b)(2) of the Housing and Urban Development Act of 1974 shall apply to the extent that such regulation of businesses and occupancy is necessary for and well-tailored to the protection of health and safety.

(ii) The requirements of clauses (i) and (ii) of subparagraph (A) shall be treated as satisfied with respect to the extent that the property which is substantially improved by the taxpayer before January 1, 2010, and

(ii) any land on which such property is located.

The determination of whether a property is substantially improved shall be made under clause (ii) of section 1391(b)(4) except that 'December 31, 2001' shall be substituted for 'December 31, 2003' in such clause.

(c) Qualified Capital Gain.ÐFor purposes of this section—

(A) General Rule.ÐExcept as otherwise provided in this subsection, the term 'qualified capital gain' means any gain recognized on the sale or exchange of a qualified community asset held for more than 5 years.

(1) the area—

(1) has a population of not more than 200,000 and at least—

(i) 50,000 if any portion of such area (other than a rural area described in subsection (a)(2)(B)(i)) is located within a metropolitan statistical area (within the meaning of section 143(k)(2)(B)(i)) which has a population of 50,000 or greater, or

(ii) 1,000 in any other case, or

(2) is entitled to an Indian reservation (as determined by the Secretary of the Interior).

(3) Eligibility Requirements.ÐA nominated area meets the requirements of this para-

graph if the local governmental in which it is located certify in writing (and the Secretary of Housing and Urban Development, after such review of supporting data as he deems appropriate, accepts such certification) that—

(A) the area is one of pervasive poverty, unemployment, and economic distress;

(B) the unemployment rate in the area, as determined by the most recent available data, was at least 1½ times the national unemployment rate for the period to which such data relate;

(C) the poverty rate for each population cen-

sus tract within the nominated area is at least 20 percent, and

(D) in the case of an urban area, at least 70 percent of the households living in the area have incomes below 85 percent of the median income of households within the jurisdiction of the local government (determined in the same manner as under section 119(b)(2) of the Hous-

ing Act of 1937).

(4) Consideration of Other Factors.ÐThe Secretary of Housing and Urban Development, in selecting any nominated area for designation as a renewal community under this section—

(A) shall take into account—

(i) the extent to which such area has a high incidence of crime;

(ii) if such area has census tracts identified in the May 12, 1998, report of the General Accounting Office regarding the identification of economically distressed areas, and

(B) with respect to 1 of the areas to be des-

ignated under subsection (a)(2)(B), may, in lieu of any criteria described in paragraph (3), take into account the existence of outmigration from the area.

(d) Required State and Local Commit-

ments.—

(1) In General.ÐThe Secretary of Housing and Urban Development may designate any nominated area as a renewal community under subsection (a) only if—

(A) the local government and the State in which the area is located agree in writing that, during any period for which such area is a re-

newal community, such governments will follow a specified course of action which meets the re-

quirements of paragraph (2) and is designed to reduce the various burdens borne by employers or employees in such area, and

(B) the economic growth promotion require-

ments of paragraph (3) are met.

(2) Course of Action.—

(A) In General.ÐA course of action meets the requirements of this paragraph if such course of action is written down, signed by a State (or local government) and neighborhood organizations, which evidences a partner-

ship between such State or government and community organizations and the written docu-

ments contain signatory to specific and measurable goals, actions, and timetables. Such course of action shall include at least 4 of the following:

(i) A reduction of tax rates or fees applying within the renewal community.

(ii) An increase in the level of efficiency of public services within the renewal community.

(iii) Criminal sanction strategies, such as crime prevention (including the provision of crime pre-

vention services by nongovernmental entities).

(iv) A rule similar to the rule relating to the "jingle bail" or "cash bail" system, or streamline governmental requirements applying within the renewal community.

(3) Involvement in the program by private entities, organizations, neighborhood organi-

zations, and community groups, particularly those in the renewal community, including a commit-

ment from such private entities to provide jobs and job training for, and technical, financial, or other assistance to, employers, employees, and residents from the renewal community.

(4) The gift (or sale at below fair market value) of surplus real property (such as land, homes, and commercial or industrial structures) in the renewal community to neighborhood or-

ganizations, community development corpora-

tions, or private companies.

(5) Recognition of Prior Efforts.—For purposes of this section, in evaluating the stage of action to be taken by any State or local government, the Secretary of Housing and Urban Development shall take into account the past efforts of such State or local government in reducing the various burdens borne by employers and employees in the area involved.

(6) Economic Growth Promotion Require-

ments.—The economic growth promotion re-
quirements of this paragraph are met with re-

spect to a nominated area if the local govern-

ment and the State in which such area is located certify in writing that such government and State (respectively) have repealed or reduced, will not enforce, or will reduce within the nominated area at least 4 of the following:

(A) Permit requirements for street vendors who do not create a public nuisance.

(B) Zoning or other restrictions that impede the formation of schools or child care centers.

(E) Franchises or other restrictions on competition for businesses providing public services, including taxicabs, jitneys, cable television, or trash hauling.

This paragraph shall not apply to the extent that such regulation of businesses and occupa-

tions is necessary for and well-tailored to the protection of health and safety.

(C) Coordination with treatment of empowerment zones and enterprise communities.ÐFor purposes of this title, the designation under section 1391(b)(2) of the Housing and Urban Development Act of 1974 shall apply to the extent that such regulation of businesses and occupa-

tions is necessary for and well-tailored to the protection of health and safety.

(7) Definitions and Special Rules.—For purposes of this subchapter—

(A) General Rule.ÐIf more than one govern-

ment seeks to nominate an area as a renewal community, any reference to, or requirement of, this section shall apply to all such governments.

(B) Local Government.ÐThe term 'local government' means—

(i) any county, city, town, township, parish, village, or other general purpose political subdivision of a State;

(ii) any combination of political subdivisions described in subparagraph (A) recognized by the Secretary of Housing and Urban Development.

(8) Special Rule for Substantially Improved Property.ÐA rule similar to the rule of paragraph (7)(B) shall apply for purposes of this paragraph.

(9) Qualified Community Business Property.—

(A) In General.ÐThe term 'qualified community business property' means tangible property—

(i) such property was acquired by the taxpayer by purchase (as defined in section 179(d)(2)) after December 31, 2001, and before January 1, 2010,

(ii) during substantially all of the tax-

payer's holding period for such property, substantially all of the use of such property was in a renewal community business of the taxpayer;

(iii) quality capital gain for substantial improvement.ÐThe requirements of clauses (i) and (ii) of subparagraph (A) shall be treated as satisfied with respect to the extent that the property which is substantially improved by the taxpayer before January 1, 2010, and

(ii) any land on which such property is located.

The determination of whether a property is substantially improved shall be made under clause (ii) of section 1391(b)(4), except that 'December 31, 2001' shall be substituted for 'December 31, 2003' in such clause.

(c) Qualified Capital Gain.ÐFor purposes of this section—

(A) General Rule.ÐExcept as otherwise provided in this subsection, the term 'qualified capital gain' means any gain recognized on the sale or exchange of—

(i) a capital asset,

(ii) a property used in the trade or business (as defined in section 1231(b)).
"(2) GAIN BEFORE 2002 OR AFTER 2014 NOT QUALIFIED.—The term 'qualified capital gain' shall not include any gain attributable to periods before January 1, 2002, or after December 31, 2014.

"(3) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (3), (4), and (5) of section 1400B(e) shall apply for purposes of this subsection.

"(d) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of paragraphs (5), (6), and (7) of subsection (b), and subsections (f) and (g), of section 1400B shall apply: except that for such purposes section 1400B(g)(2) shall be applied by substituting January 1, 2002 for January 1, 1998 and December 31, 2001 for December 31, 2000.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this section, including regulations to prevent the abuse of the purposes of this section.

"SEC. 1400G. RENEWAL COMMUNITY BUSINESS DEFINED.

"For purposes of this subchapter, the term 'renewal community business' means any entity or proprietorship which would be a qualified business entity or qualified proprietorship under section 1400B, if renewal communities were substituted for references to empowerment zones in such section.

"PART III—ADDITIONAL INCENTIVES

"Sec. 1400H. Renewal community employment credit.

"Sec. 1400J. Increase in expensing under section 179.

"Sec. 1400K. RENEWAL COMMUNITY EMPLOYMENT CREDIT.

"(a) IN GENERAL.—Subject to the modification in subsection (b), a renewal community shall be treated as an empowerment zone for purposes of section 1396 with respect to wages paid or incurred after December 31, 2001.

"(b) MODIFICATION.—In applying section 1396 with respect to renewal communities—

"(1) the applicable percentage shall be 15 percent, and

"(2) subsection (c) thereof shall be applied by substituting $10,000,000 for $15,000 each place it appears.

"SEC. 1400L. COMMERCIAL REVITALIZATION DEDUCTION.

"(a) GENERAL RULE.—At the election of the taxpayer, for—

"(1) one-half of any qualified revitalization expenditures chargeable to capital account with respect to any qualified revitalization building shall be allowable as a deduction for the taxable year in which the building is placed in service, or

"(2) a deduction for all such expenditures shall be allowable ratably over the 120-month period beginning with the month in which the building is placed in service,

"(b) QUALIFIED REVITALIZATION BUILDINGS AND EXPENDITURES.—For purposes of this section—

"(1) QUALIFIED REVITALIZATION BUILDING.—The term 'qualified revitalization building' means any building (and its structural components) if—

"(a) the building is placed in service by the taxpayer in a renewal community and the original use of the building begins with the taxpayer, or

"(b) in the case of such building not described in subparagraph (A), such building—

"(i) is substantially rehabilitated within the meaning of section 47(c)(1)(C) by the taxpayer, and

"(ii) is placed in service by the taxpayer after the rehabilitation in a renewal community.

"(2) QUALIFIED REVITALIZATION EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified revitalization expenditure' means any amount properly chargeable to capital account for property for which depreciation is allowable under section 167 (without regard to section 168(j)) or which is—

"(i) nonresidential real property (as defined in section 167(b)), and

"(ii) section 1250 property (as defined in section 1221(c) which is functionally related and subordinate to property described in clause (i).

"(B) CERTAIN EXPENDITURES NOT INCLUDED.—

"(i) RELOCATION OF PROPERTY.—In the case of a building described in paragraph (1)(B), the cost of acquiring the building or interest therein shall be treated as a qualified revitalization expenditure only to the extent that such cost does not exceed 30 percent of the aggregate qualified revitalization expenditures (determined without regard to such cost) with respect to such building.

"(ii) CREDITS.—The term 'qualified revitalization expenditure' does not include any expenditure which the taxpayer may take into account in computing any credit allowable under this title unless the taxpayer elects to take the expenditure into account only for purposes of this section.

"(C) DOLLAR LIMITATION.—The aggregate amount which may be treated as qualified revitalization expenditures with respect to any qualified revitalization building shall not exceed the lesser of—

"(1) $10,000,000, or

"(2) the commercial revitalization expenditure amount allocable to such building under this section by the commercial revitalization agency for the State in which the building is located.

"(D) COMMERCIAL REVITALIZATION EXPENDITURE AMOUNT.

"(1) IN GENERAL.—The aggregate commercial revitalization expenditure amount which a commercial revitalization agency qualified to allocate for any calendar year is the amount of the State commercial revitalization expenditure ceiling determined under this paragraph for such calendar year for such agency.

"(2) STATE COMMERCIAL REVITALIZATION EXPENDITURE CEILING.—The State commercial revitalization expenditure ceiling applicable to any State—

"(A) for each calendar year after 2001 and before 2010 is $12,000,000 for each renewal community in the State, and

"(B) for each calendar year thereafter is zero.

"(3) COMMERCIAL REVITALIZATION AGENCY.—For purposes of this section, the term 'commercial revitalization agency' means any agency authorized by a State to carry out this section.

"(4) TIME AND MANNER OF ALLOCATIONS.—Allocations under this section shall be made at the same time and in the same manner as under paragraphs (1) and (7) of section 42(h).

"(5) RESPONSIBILITIES OF COMMERCIAL REVITALIZATION AGENCIES.—

"(1) PLANS FOR ALLOCATION.—Notwithstanding any other provision of this section, the commercial revitalization expenditure amount with respect to any building shall be zero unless—

"(A) such amount was allocated pursuant to a qualified allocation plan of the commercial revitalization agency which is approved (in accordance with rules similar to the rules of section 42(h)(2) (other than subparagraph (B)(iii) thereof) by the governmental unit of which such agency is a part, and

"(B) such agency notifies the chief executive officer (or its equivalent) of the local jurisdiction within which the building is located of such allocation and provides such individual a reasonable opportunity to comment on the allocation.

"(2) QUALIFIED ALLOCATION PLAN.—For purposes of this subsection, the term 'qualified allocation plan' means a plan—

"(A) which sets forth selection criteria to be used to determine priorities of the commercial revitalization agency which are appropriate to local conditions,

"(B) which considers—

"(i) the degree to which a project contributes to the implementation of a strategic plan that is devised for a renewal community through a citizen participation process,

"(ii) the amount of any increase in permanent, full-time employment by reason of any project, and

"(iii) the active involvement of residents and nonprofit groups within the renewal community, and

"(C) which provides a procedure that the agency (or its agent) will follow in monitoring compliance with this section.

"(6) CERTAIN RULES TO APPLY.—

"(A) exceptions for commercial revitalization expenditures shall—

"(i) with respect to the deduction determined under subsection (a)(1), be in lieu of any depreciation deduction otherwise allowable on account of one-half of such expenditures, and

"(B) with respect to the deduction determined under subsection (a)(2), be in lieu of any depreciation deduction otherwise allowable on account of all such expenditures.

"(7) BASIS ADJUSTMENT, ETC.—For purposes of subsections (d) and (g), the deduction under this subsection shall be treated as a depreciation deduction. For purposes of section 1250(b)(5), the straight line method of adjustment shall be determined without regard to this section.

"(8) SUBSTANTIAL REHABILITATIONS TREATED AS SEPARATE BUILDINGS.—A substantial rehabilitation (within the meaning of section 47(c)(1)(C)) of a building shall be treated as a separate building for purposes of subsection (a).

"(9) DETERMINATION UNDER MINIMUM TAX.—Notwithstanding section 56(a)(1), the deduction under this subsection shall be allowed in determining alternative minimum taxable income under section 55.

"(10) TERMINATION.—This section shall not apply to any building placed in service after December 31, 2010.

"SEC. 1400M. INCREASE IN EXPENSING UNDER SECTION 179.

"(a) IN GENERAL.—For purposes of section 179—

"(1) a renewal community shall be treated as an empowerment zone,

"(2) a renewal community business shall be treated as an enterprise zone business, and

"(3) qualified renewal property shall be treated as qualified zone property.

"(b) QUALIFIED RENEWAL PROPERTY.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified renewal property' means any property to which section 179 applies (or would apply but for section 179) if—

"(A) such property was acquired by the taxpayer by purchase (as defined in section 179(d)(2)) after December 31, 2001, and before January 1, 2010, and

"(B) such property would be qualified zone property (as defined in section 1397D) if references to renewal communities were substituted for references to empowerment zones in section 1397D.

"(2) CERTAIN RULES TO APPLY.—The rules of subsections (a)(2) and (b) of section 1397D shall apply for purposes of this section.

"(3) EXCEPTION FOR COMMERCIAL REVITALIZATION DEDUCTION FROM PASSIVE LOSS RULES.—

"(a) IN GENERAL.—For purposes of section 469—

"(i) paragraph (3) of section 469(i) is amended by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively, and by inserting after subparagraph (B) the following new subparagraph (C):—

"(C) EXCEPTION FOR COMMERCIAL REVITALIZATION DEDUCTION.—Subparagraph (A) shall not apply to any portion of the passive activity loss limitation which is attributable to the commercial revitalization deduction under section 1400L.”
(2) Subparagraph (E) of section 469(i)(3), as redesignated by subparagraph (A), is amended to read as follows:

"(E) ORDERING RULES TO REFLECT EXCEPTIONS AND SEPARATE PHASE-OUTS.—If subparagraph (B), (C), or (D) applies for a taxable year, paragraph (1) shall be applied—

(i) first to the portion of the passive activity loss to which subparagraph (C) does not apply,

(ii) second to the portion of the passive activity credit to which subparagraph (B) or (D) does not apply,

(iii) third to the portion of such credit to which subparagraph (B) applies,

(iv) fourth to the portion of such loss to which subparagraph (D) applies, and

(v) then to the portion of such credit to which subparagraph (D) applies.

(3)(A) Subparagraph (B) of section 469(i)(6) is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (iii) and inserting "; or", and by adding at the end the following new clause:

"(iii) any portion of section 1400 (relating to commercial revitalization deduction);"

(B) The heading for such subparagraph (B) is amended by striking "OR REHABILITATION CRED-" and inserting "OR COMMERCIAL REVITALIZATION CREDIT, OR COMMERCIAL REVITALIZATION DEDUCTION."

(c) AUDIT AND REPORT.—Not later than January 31 of 2004, 2007, and 2010, the Comptroller General of the United States shall, pursuant to an audit of the renewal community program established under section 1400E of the Internal Revenue Code of 1986 (as added by subsection (a)) and empower zone and enterprise community program under subchapter U of chapter 1 of such Code, report to Congress on such program and its effect on poverty, unemployment, and economic growth within the designated renewal communities, empowerment zones, and enterprise communities.

(d) CLEMENCY.—(1) The table of sub-

chapters for chapter 1 is amended by adding at the end the following new item:

"Subchapter X. Renewal Communities."

SEC. 102. WORK OPPORTUNITY CREDIT FOR HIRING YOUTH RESIDING IN RENEWAL COMMUNITIES.

(a) HIGH-RISK YOUTH.—Subparagraphs (A)(ii) and (B) of section 51(d)(5) are each amended by striking "empowerment zone or enterprise community, or renewal community".

(b) QUALIFIED SUMMER YOUTH EMPLOYER.—Clauses (A) and (B) of paragraph (7)(B) of section 51 are each amended by striking "empowerment zone or enterprise community" and inserting "empowerment zone, enterprise community, or renewal community".

(c) EXPENSING FOR PROPERTY USED IN DEVELOPMENT.—Paragraphs (5)(B) and (7)(C) of section 51 are each amended by inserting "OR COMMUNITY" in the heading after "ZONE".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2001.

Subtitle B—Extension and Expansion of Empowerment Zone Incentives

SEC. 111. AMENDMENTS TO DESIGNATE ADDITIONAL EMPowerMENT ZONES.

Section 1391 is amended by adding at the end the following new subsection:

"(h) ADDITIONAL DESIGNATIONS PERMITTED.—

"(1) IN GENERAL.—In addition to the areas designated under subsections (a) and (g), the appropriate Secretaries may designate in the aggregate an additional 9 nominal areas as empowerment zones under this section, subject to the availability of eligible nominated areas. Of that number, not more than seven may be designated in urban areas, and not more than 2 may be designated in rural areas.

"(2) PERIOD DESIGNATIONS MAY BE MADE AND TAKE EFFECT.—A designation may be made under this section before the date of the determina-

tion of this subsection and before January 1, 2002. Subject to subparagraphs (B) and (C) of subsection (d)(1), such designations shall remain in effect during the period beginning on January 1, 2002, and ending on December 31, 2009.

"(3) MODIFICATIONS TO ELIGIBILITY CRITERIA, ET CETERA.—The provisions of paragraphs (1)(A) and (C) shall apply to designations under this subsection.

"(4) EMPowerment ZONES WHICH BECOME RE- NEWAL COMMUNITIES.—The number of areas which may be designated as empowerment zones under this subsection shall be increased by 1 for each area which ceases to be an empowerment zone by reason of section 1400E(e). Each addi-

tion to the list of the pre-

ceding sentence shall have the same urban or rural character as the area it is replacing."

SEC. 112. EXTENSION OF EMPoWERMENT ZONE TREATMENT THROUGH 2009.

(2) Subparagraph (A) of section 1391(d)(1)(g) relating to period for which designation is in effect is amended to read as follows:

"(A) in the case of an empowerment zone, December 31, 2009, or

(b) in the case of an empowerment zone established by subparagraph (A), is amended to read as follows:

"(i) first to the portion of the passive activity loss to which subparagraph (C) does not apply,

(ii) second to the portion of the passive activity credit to which subparagraph (B) or (D) does not apply,

(iii) third to the portion of such credit to which subparagraph (B) applies,

(iv) fourth to the portion of such loss to which subparagraph (D) applies, and

(v) then to the portion of such credit to which subparagraph (D) applies.

(3)(A) Subparagraph (B) of section 469(i)(6) is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (iii) and inserting "; or", and by adding at the end the following new clause:

"(iii) any portion of section 1400 (relating to commercial revitalization deduction);"

(B) The heading for such subparagraph (B) is amended by striking "OR REHABILITATION CRED-" and inserting "OR COMMERCIAL REVITALIZATION CREDIT, OR COMMERCIAL REVITALIZATION DEDUCTION."

(c) AUDIT AND REPORT.—Not later than January 31 of 2004, 2007, and 2010, the Comptroller General of the United States shall, pursuant to an audit of the renewal community program established under section 1400E of the Internal Revenue Code of 1986 (as added by subsection (a)) and empower zone and enterprise community program under subchapter U of chapter 1 of such Code, report to Congress on such program and its effect on poverty, unemployment, and economic growth within the designated renewal communities, empowerment zones, and enterprise communities.

(d) CLEMENCY.—(1) The table of sub-

chapters for chapter 1 is amended by adding at the end the following new item:

"Subchapter X. Renewal Communities."

SEC. 113. 20 PERCENT EMPLOYMENT CREDIT FOR ALL EMPOWERMENT ZONES.

(a) 20 PERCENT EMPLOYMENT CREDIT.—(B) The heading for such subparagraph (B) is amended to read as follows:

"(B) EMPLOYMENT ZONES ELIGIBLE FOR CREDIT.—Section 1396 is amended by striking subsection (b) and inserting the following:

"(b) GENERAL RULE.—Paragraph (3) of section 1396 is amended by striking subsection (b) and inserting the following:

"(3) EMPLOYMENT ZONES ELIGIBLE FOR CREDIT.—For purposes of this section, and

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid or incurred after December 31, 2001.

SEC. 114. INCREASED EXPENDING UNDER SECTION 179.

(a) IN GENERAL.—Subparagraph (A) of section 1394(f)(1)(A) is amended by striking "$20,000" and inserting "$35,000".

(b) EXPENSING FOR PROPERTY USED IN DEVELOPMENT SITES.—Section 1394(f)(1) is amended by striking subsection (a). The heading for such subparagraph (B) is amended to read as follows:

"(B) GENERAL RULE.—Paragraph (3) of section 1394(f)(1)(A) is amended by striking subsection (a). The heading for such subparagraph (B) is amended to read as follows:

"(B) EMPLOYMENT ZONE FACILITY BONDS.—

(a) IN GENERAL.—Subparagraph (3) of section 1394(f)(1)(A) is amended by striking subsection (a)(1) and inserting the following:

"(A) Empowerment Zone Facility Bond.—For purposes of this subsection, the term 'empowerment zone facility bond' means any bond which would be described in subsection (a)(1) if—

"(1) in the case of obligations issued before January 1, 2002, only empowerment zones designated under section 1397C and 1397D were taken into account under sections 1397C and 1397D, and

"(2) in the case of obligations issued after December 31, 2001, all empowerment zones (other than the District of Columbia Enterprise Zone) were taken into account under sections 1397C and 1397D.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2001.

SEC. 115. HIGHLY ECONOMICALLY TAX-EXEMPT EMPoWERMENT ZONE FACILITY BONDS.

(a) IN GENERAL.—Subparagraph (3) of section 1394(f)(1)(A) is amended by striking subsection (a)(1) and inserting the following:

"(B) Empowerment Zone Facility Bond.—For purposes of this subsection, the term 'empowerment zone facility bond' means any bond which would be described in subsection (a)(1) if—

"(1) in the case of obligations issued before January 1, 2002, only empowerment zones designated under section 1397C and 1397D were taken into account under sections 1397C and 1397D, and

"(2) in the case of obligations issued after December 31, 2001, all empowerment zones (other than the District of Columbia Enterprise Zone) were taken into account under sections 1397C and 1397D.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2001.

SEC. 116. NONRECOGNITION OF GAIN ON ROLL-OVER OF EMPoWERMENT ZONE INVESTMENTS.

(a) IN GENERAL.—Part III of subchapter U of chapter 13 of subtitle B is amended by striking subpart B as subpart B, and by redesignating sections 1397B and 1397C as sections 1397C and 1397D, respectively, and

(b) AMENDMENTS.—(1) Paragraph (2) of section 101(a) is amended—

"(A) by striking 'or 1045' and inserting '1045, or 1397B', and

"(B) by striking 'or 1045(b)(4) and inserting '1045(b)(4), or 1397B(b)(4)'.

(2) Paragraph (15) of section 1223 is amended to read as follows:
(3) Paragraph (2) of section 1394(b) is amended—
(A) by striking "section 1397C" and inserting "section 1397D", and
(B) by striking "section 1397C(a)(2)" and inserting "section 1397D(a)(2)".
(4) Paragraph (3) of section 1394(b) is amended—
(A) by striking "section 1397B" each place it appears and inserting "section 1397C", and
(B) by striking "section 1397B(a)(2)" and inserting "section 1397D(a)(2)".

(5) Sections 1400(e) and 14008 are each amended by striking "section 1397B" each place it appears and inserting "section 1397C".

(6) The table of subparts for part III of subchapter U of chapter 1 is amended by striking the last item and inserting the following new items:

Subpart C. Nonrecognition of gain on rollover of empowerment zone investments.

Subpart D. General provisions.

(7) The table of sections for subpart D of such part III is amended to read as follows:

Sec. 1397C. Enterprise zone business defined.

Sec. 1397D. Qualified zone property defined.

(c) Effective Date. The amendments made by this section shall apply to qualified empowerment zone investments acquired after the date of the enactment of this Act.

SEC. 117. INCREASED EXCLUSION OF GAIN ON SALE OF EMPowerMENT ZONE INVESTMENTS.

(a) In General. Section 1221(a)(13) is amended—
(A) by striking "section 1397B" each place it appears and inserting "section 1397C", and
(B) by striking "section 1397B(a)(2)" and inserting "section 1397D(a)(2)".

(b) Conforming Amendments. The amendments made by this section shall apply to qualified empowerment zone investments acquired after the date of the enactment of this Act.

(c) Gain After 2014 Not Qualified. Paragraph (A) shall not apply to gain attributable to periods after December 31, 2014.

(d) Treatment of DC Zone. The District of Columbia shall not be treated as an empowerment zone for purposes of this paragraph.

(e) Conforming Amendments. Paragraph (B) of section 1397(b) is amended by striking "section 1397B" each place it appears and inserting "section 1397C".

(f) Gain after 2014 Not Qualified. Paragraph (A) shall not apply to gain attributable to periods after December 31, 2014.

(g) In General. Paragraph (B) shall not be treated as an empowerment zone for purposes of this paragraph.

(h) Conforming Amendments. Paragraph (C) of section 1397(b) is amended by striking "section 1397B" each place it appears and inserting "section 1397C".

(i) Section 1397(c) is amended by striking "section 1397B" each place it appears and inserting "section 1397C".

(j) Conforming Amendments. Paragraph (A) shall not apply to gain attributable to periods after December 31, 2014.

(k) Gain after 2014 Not Qualified. Paragraph (A) shall not apply to gain attributable to periods after December 31, 2014.

(l) In General. Paragraph (B) shall not be treated as an empowerment zone for purposes of this paragraph.

(m) Conforming Amendments. Paragraph (C) of section 1397(b) is amended by striking "section 1397B" each place it appears and inserting "section 1397C".

(n) Gain after 2014 Not Qualified. Paragraph (A) shall not apply to gain attributable to periods after December 31, 2014.

(o) In General. Paragraph (B) shall not be treated as an empowerment zone for purposes of this paragraph.

(p) Conforming Amendments. Paragraph (C) of section 1397(b) is amended by striking "section 1397B" each place it appears and inserting "section 1397C".

(q) Gain after 2014 Not Qualified. Paragraph (A) shall not apply to gain attributable to periods after December 31, 2014.

(r) In General. Paragraph (B) shall not be treated as an empowerment zone for purposes of this paragraph.

(s) Conforming Amendments. Paragraph (C) of section 1397(b) is amended by striking "section 1397B" each place it appears and inserting "section 1397C".

(t) Gain after 2014 Not Qualified. Paragraph (A) shall not apply to gain attributable to periods after December 31, 2014.

(u) In General. Paragraph (B) shall not be treated as an empowerment zone for purposes of this paragraph.

(v) Conforming Amendments. Paragraph (C) of section 1397(b) is amended by striking "section 1397B" each place it appears and inserting "section 1397C".

(w) Gain after 2014 Not Qualified. Paragraph (A) shall not apply to gain attributable to periods after December 31, 2014.

(x) In General. Paragraph (B) shall not be treated as an empowerment zone for purposes of this paragraph.

(y) Conforming Amendments. Paragraph (C) of section 1397(b) is amended by striking "section 1397B" each place it appears and inserting "section 1397C".

(z) Gain after 2014 Not Qualified. Paragraph (A) shall not apply to gain attributable to periods after December 31, 2014.
paragraph (3) thereof shall not apply.

(e) LOW-INCOME COMMUNITY.—For purposes of this section—

(1) IN GENERAL.—The term ‘‘low-income community’’ means any population census tract if—

(A) the poverty rate for such tract is at least 20 percent, or

(B) in the case of a tract not located within a metropolitan area, the median family income for such tract does not exceed 80 percent of the statewide median family income, or

(C) the tract located within a metropolitan area, the median family income for such tract does not exceed 80 percent of the greater of statewide median family income or the median family income of any population census tract in the case of census tracts located within a possession of the United States.

(2) TARGETED AREAS.—The Secretary may designate any area within any census tract as a low-income community if—

(A) the boundary of such area is continuous,

(B) the area would satisfy the requirements of paragraph (1) if it were a census tract, and

(C) an inadequate access to investment capital exists in such area.

(3) AREAS NOT WITHIN CENSUS TRACTS.—In the case of an area that is not a population census tract, the equivalent county divisions (as defined by the Bureau of the Census for purposes of defining poverty areas) shall be used for purposes of determining poverty rates and median family income.

(f) NATIONAL LIMITATION ON AMOUNT OF INVESTMENTS DESIGNATED.—

(1) IN GENERAL.—There is a new markets tax credit for each calendar year. Such limitation is—

(A) $1,000,000,000 for 2001,

(B) $1,500,000,000 for 2002 and 2003,

(C) $2,000,000,000 for 2004 and 2005, and

(D) $3,500,000,000 for 2006 and 2007.

(2) ALLOCATION OF LIMITATION.—The limitation under paragraph (1) shall be allocated by the Secretary among qualified community development entities selected by the Secretary. In making allocations under the preceding sentence, the Secretary shall give priority to any entity—

(A) with a record of having successfully provided capital or technical assistance to disadvantaged businesses or communities, or

(B) which intends to satisfy the requirement under paragraph (1)(A) by making qualified low-income community investments in 1 or more businesses in which persons unrelated to such entity (within the meaning of section 267(b) or 707(b)(2)) own at least 30 percent equity interest in such business, or

(3) CARRYOVER OF UNUSED LIMITATION.—If the new markets tax credit limitation for any calendar year exceeds the aggregate amount allocated under paragraph (2) for such year, such limitation for the succeeding calendar year shall be increased by the amount of such excess. No amount may be carried under the preceding section to any calendar year after 2014.

(g) RECAPTURE OF CREDIT IN CERTAIN CASES.—

(1) IN GENERAL.—If, at any time during the 7-year period beginning on the date of the original issue of a qualified equity investment in a qualified community development entity, there is a recapitulation with respect to such investment, then the tax imposed by this chapter for the taxable year in which such event occurs shall be increased by the credit recapture amount.

(2) CREDIT RECAPTURE AMOUNT.—For purposes of paragraph (1), the credit recapture amount is an amount equal to the sum of—

(A) the amount of any credit allowed to the taxpayer under section 38 for all prior taxable years which would have resulted if no credit had been determined under this section with respect to such investment, plus

(B) interest at the underpayment rate established under section 6621 on the amount determined under paragraph (A) for each prior taxable year for the period beginning on the due date for filing the return for the prior taxable year involved.

No deduction shall be allowed under this chapter for interest described in subparagraph (B).

(3) RECAPTURE EVENT.—For purposes of paragraph (1), there is a recapitulation with respect to any qualified community development entity if—

(A) such entity ceases to be a qualified community development entity,

(B) the proceeds of the investment cease to be used as required of subsection (b)(1)(B), or

(C) such investment is redeemed by such entity.

(4) SPECIAL RULES.—

(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

(B) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.

(B) BASIS REDUCTION.—The basis of any qualified business or activity shall be reduced by the amount of any credit determined under this section with respect to such investment. This subsection shall not apply for purposes of sections 1222, 1224, and 1402.

(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section, including regulations—

(A) which limit the credit for investments which are directly or indirectly subsidized by other Federal tax benefits (including the credit under section 42 and the exclusion from gross income under section 1296(g)),

(B) that prevent the abuse of the purposes of this section,

(C) which provide rules for determining whether the requirement of subsection (b)(1)(B) is treated as met,

(D) which impose appropriate reporting requirements, and

(E) which apply the provisions of this section to newly formed entities.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 38 is amended by striking ‘‘plus’’ at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ‘‘; plus’’, and by adding at the end of the paragraph the following new paragraph:

‘‘(i) in the case of the $2,000,000 amount, any increase under clause (iv) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000,

(ii) in the case of the $1.75 amount, any increase under clause (iv) which is not a multiple of 5 cents shall be rounded to the next lowest multiple of 5 cents.’’

(iii) in the case of the $2,000,000 amount, any increase under clause (iv) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

(c) CONFORMING AMENDMENTS.—

(1) Section 42(h)(3)(C), as amended by subsection (a), is amended—

(A) by striking ‘‘clause (ii)’’ in the matter following clause (iv) and inserting ‘‘clause (i)’’; and

(B) by striking ‘‘clauses (ii)’’ in the matter following clause (iv) and inserting ‘‘clauses (i)’’; and

(2) Section 42(h)(3)(D) is amended—

(A) by inserting ‘‘subparagraph (C)(iii)’’ and inserting (‘‘subparagraph (C)(i)’’); and

(B) by striking ‘‘clauses (i)’’ in subclause (ii) and inserting ‘‘clauses (ii)’’.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years after 2000.
(2) by striking clauses (v), (vi), and (vii) and inserting the following new clauses: ``(v) tenant populations with special housing needs; ``(vi) public housing waiting lists; ``(vii) tenant populations of individuals with children; and ``(viii) projects intended for eventual tenant ownership."

(b) **Preference for Community Revitalization Projects Located in Qualified Census Tracts**—Section 42(m)(1) (relating to determination of whether building is federally subsidized or the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) (as in effect on September 1, 2000)) after this subparagraph; and ``(c) in the subparagraph heading, by inserting `for Native American Housing Assistance after `HOMESTAY'".}

**Sec. 135. Additional Responsibilities of Housing Credit Agencies.**

(a) **Market Study; Public Disclosure of Rationale for Not Following Credit Allocation Priorities.**—Subparagraph (A) of section 42(m)(1) (relating to responsibilities of housing credit agencies) is amended by striking `and' and in the following clause (ii), by striking the period at the end of clause (i) and inserting a comma, and by adding at the end the following new clauses: ``(iii) comprehensive market study of the housing needs of low-income individuals in the area to be served by the project is conducted before the credit allocation is made and at the development of which contributes to a concerted community revitalization plan.

(b) **Preference for Community Revitalization Projects Located in Qualified Census Tracts**—Paragraph (4) of section 42(m)(1)(B) is amended—``(ii) the Secretary shall establish a period of 6 months after the date that the allocation was made to." (c) **Tenant Populations of Individuals with Children.**— Paragraph (4) of section 42(m)(1)(B) is amended—``(i) the Secretary shall establish a period of 6 months after the date that the allocation was made to.

**Sec. 136. Carryforward Rules.**

(a) **In General.**—Clause (ii) of section 42(h)(3)(D) (relating to unused housing credit properties) is amended by striking `the excess' and all that follows and inserting `the excess if any of—``(I) the unused State housing credit ceiling for the year preceding such year, over
``(II) the aggregate housing credit dollar amount allocated for such year.
``(b) **Conforming Amendment.**—The second sentence of section 42(h)(3)(E) (relating to State housing credit ceilings) is amended by striking `the excess' and all that follows and inserting `the excess if any of—``(I) the unused State housing credit ceiling for the year preceding such year, over
``(II) the aggregate housing credit dollar amount allocated for such year.
``(c) **Time Deadlines for Transfers under this Subsection.**—

(1) **Governments and Community Development Corporations.**—For purposes of this paragraph; and

(2) **New Markets Assistance.**—For purposes of this paragraph; the term `community service facility' means any facility designed to serve primarily individuals whose income is 60 percent or less of area median income (within the meaning of subsection (q)(1)(B))."

(b) **Certain Native American Housing Assistance Disregarded in Determining Whether Building is Federally Subsidized or the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) (as in effect on December 15, 2000)** after this subparagraph; and

(2) in the subparagraph heading, by inserting `for Native American Housing Assistance after `HOMESTAY'."

**Sec. 137. Effective Date.** Except as otherwise provided in this subtitle, the amendments made by this subtitle shall apply to—

(1) housing credit dollar amounts allocated after December 31, 2000; and

(2) buildings placed in service after such date to the extent paragraph (1) of section 42(h)(2) of the Internal Revenue Code of 1986 does not apply to any building by reason of paragraph (4) thereof, but only with respect to bonds issued after such date.

**Subtitle E—Other Community Renewal and New Markets Assistance.**

**Part I—Provisions Relating to Housing and Subsidy Abuse Prevention and the Native American Housing Assistance and Self-Determination Act of 1996.**

**Sec. 141. Transfer of Unoccupied and Substandard HUD-Held Housing to Local Governments and Community Development Corporations.**

Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z-11a) is amended—``(1) by striking `FLEXIBLE AUTHORITY,' and inserting `FLEXIBLE AUTHORITY FOR MULTIFAMILY PROJECTS,'; and

``(2) by adding at the end the following new subsection:``(b) Transfer of Unoccupied and Substandard Housing to Local Governments and Community Development Corporations—``(1) Transfer Authority.—Notwithstanding the authority under subsection (a) and the last sentence of section 204 of the National Housing Act (12 U.S.C. 1710(g)), the Secretary of Housing and Urban Development shall transfer ownership of any qualified HUD property, subject to such requirements as the Secretary determines that such transfer is practicable.

``(2) Qualified HUD Properties.—For purposes of this subsection, the term `qualified HUD property' means any property for which, as of the date that notification of the property is first made under paragraph (3)(B), not less than 6 months have elapsed since the later of the date that the property was acquired by the Secretary or the date that the property was determined to be unoccupied or substandard, that is acquired by the Secretary and—``(A) an unoccupied multifamily housing project;``(B) a substantially multifamily housing project; or``(C) an unoccupied single family property that—``(i) has been determined by the Secretary not to be eligible under section 204(h) of the National Housing Act (12 U.S.C. 1710(h)); or``(ii) is not subject to a specific sale agreement under such section; and``(iii) has been determined by the Secretary to be inappropriate for continued inclusion in the program under such section and paragraph (10) of such section.

``(3) Timing.—The Secretary shall establish procedures that provide that—``(A) time deadlines for transfers under this subsection;``(B) notification to units of general local government and community development corporations of qualified HUD properties in their jurisdictions;``(C) such units and corporations to express interest in the transfer under this subsection of such properties;``(D) a right of first refusal for transfer of qualified HUD properties to units of general local government and community development corporations, under which—``(i) the Secretary shall establish a period during which the Secretary may not transfer such properties except to such units and corporations;``(ii) the Secretary shall offer qualified HUD properties that are single family properties for purchase by units of general local government at a cost of $1 for each property, but only to the extent that the costs to the Federal Government are less than the costs to the Federal Government of disposing of property subject to the procedures for single family property established by the Secretary pursuant to the authority under the last sentence of section 204(g) of the National Housing Act (12 U.S.C. 1710(g)); and``(iii) the Secretary may accept an offer to purchase a property made by a community development corporation only if the offer provides for purchase at a cost of $1 for each property, but only to the extent that the costs to the Federal Government of disposing of property subject to the procedures for single family property established by the Secretary pursuant to the authority under subsection (a) and the last sentence of section 204(g) of the National Housing Act (12 U.S.C. 1710(g)); and"
qualified HUD property under this subsection that is not accepted, of the reason that such offer was not acceptable.

(4) Disposition.—With respect to any qualified HUD property, if the Secretary does not receive an acceptable offer to purchase the property pursuant to the procedure established under paragraph (3), the Secretary shall sell the property to the unit of general local government in which property is located or to community development corporations located in such unit of general local government at negotiated, competitive bid, or other basis, on such terms as the Secretary deems appropriate.

(5) Satisfaction of indebtedness.—Before transferring any HUD property pursuant to this subsection, the Secretary shall satisfy any indebtedness incurred in connection with the property to be transferred, by cancelling the indebtedness.

(6) Determination of status of properties.—To ensure compliance with the requirements of this subsection, the Secretary shall take the following actions:

(a) Upon enactment.—Upon the enactment of this subsection, the Secretary shall promptly determine whether any such property is a qualified HUD property.

(b) Upon acquiring a residential property, the Secretary shall promptly determine whether the property is a qualified HUD property.

(c) Updates.—The Secretary shall periodically reexamine the properties owned by the Secretary to determine whether any such properties have become qualified HUD properties.

(7) Tenant leases.—This subsection shall not affect the terms or the enforceability of any contract or lease entered into prior to any residential property before the date that such property becomes a qualified HUD property.

(8) Use of property.—Property transferred under this subsection shall be used only for appropriate neighborhood revitalization efforts, including homeownership, rental units, commercial space, and parks, consistent with local zoning regulations, local building codes, and subdivision regulations and restrictions of record.

(a) Inapplicability to properties made available for homeless persons.—Notwithstanding any other provision of this subsection, such subsection shall not apply to any properties that the Secretary determines are to be made available for homeless persons pursuant to title III of Part 291 of title 24, Code of Federal Regulations, during the period that the properties are so available.

(b) Protection of existing contracts.—This subsection may not be construed to alter, affect, or annul any legally binding obligations entered into with respect to a qualified HUD property before the property becomes a qualified HUD property.

(II) Definitions.—For purposes of this subsection, the following definitions shall apply:

(A) Community development corporation.—The term community development corporation means a nonprofit organization whose principal activity is to promote community development by providing housing opportunities for low-income families.

(B) Cost recovery basis.—The term cost recovery basis means, with respect to any sale of a residential property by the Secretary, that the purchase price paid by the purchaser is equal to the lesser of (i) the appraised value of the property, as determined in accordance with such requirements as the Secretary establishes; and (ii) the costs incurred by the Secretary in connection with such property during the period beginning on the date on which the Secretary acquires title to the property and ending on the date on which the sale is consummated.

(C) Multifamily housing project.—The term multifamily housing project has the meaning given the term in section 203 of the Housing and Community Development Amendments of 1978.

(D) Residential property.—The term residential property means a property that is a multifamily housing project or a single family property.

(E) Secretary.—The term Secretary means the Secretary of Housing and Urban Development.

(F) Severe physical problems.—The term severe physical problems means, with respect to a dwelling unit, that (i) there is no working electrical outlet, has experienced three or more blown fuses or tripped circuit breakers during the preceding 90-day period; (ii) there is no functioning electrical outlet, or has experienced a fire during the preceding 90-day period; (iii) there is no functioning electrical outlet, or has experienced a fire during the preceding 90-day period; (iv) there are no working light fixtures, loose electrical wires, any room in which there is not a working electrical outlet, or has experienced fire damage during the preceding 90-day period; and (v) there is no functioning electrical outlet, or has experienced fire damage during the preceding 90-day period.

(G) Single family property.—The term single family property means a 1- to 4-family property.

(H) Substandard.—The term substandard means, with respect to a multifamily housing project, that 25 percent or more of the dwelling units in the project have severe physical problems.

(I) Unit of general local government.—The term unit of general local government has the meaning given such term in section 102(a) of the Housing and Community Development Act of 1974.

(J) Unoccupied.—The term unoccupied means, with respect to a residential property, that the unit of general local government having jurisdiction over the area in which the project has located has certified in writing that the property is not inhabited.

(K) Regulations.—(A) Initial. Not later than 30 days after the date of the enactment of this subsection, the Secretary shall issue final regulations as required by paragraph (10) that are necessary to carry out this subsection.

(B) Final. Not later than 60 days after the date of enactment of this subsection, the Secretary shall issue final regulations as required by paragraph (10) that are necessary to carry out this subsection.

(L) Termination of insurance.—When the property is no longer a qualified HUD property, the insurance company may terminate the insurance provided to the property after such notice of termination is given to the Secretary and such notice is published in the Federal Register.

(M) Termination of loan.—When the property is no longer a qualified HUD property, the loan company may terminate the loan made to the property after such notice of termination is given to the Secretary and such notice is published in the Federal Register.

(N) Securitization of capital.—When the property is no longer a qualified HUD property, the Secretary may sell the property to a private mortgage insurer or insured community development financial institution for the purpose of securitization of capital.

(12) Regulations.—

(a) Interim. Not later than 30 days after the date of the enactment of this subsection, the Secretary shall issue interim regulations as required by paragraph (10) that are necessary to carry out this subsection.

(b) Final. Not later than 60 days after the date of the enactment of this subsection, the Secretary shall issue final regulations as required by paragraph (10) that are necessary to carry out this subsection.

SEC. 142. TRANSFER OF HUD ASSETS IN REVITALIZATION AREAS.

In carrying out the program under section 204(h) of the National Housing Act (12 U.S.C. 170d(h)), the chief executive officer of a county or the government of appropriate jurisdiction shall not later than 60 days after such request is made, the Secretary of Housing and Urban Development shall designate as a revitalization area all portions of such county that meet the criteria for such designation under paragraph (3) of such section.

SEC. 143. RISK-SHARING DEMONSTRATION.

Section 249 of the National Housing Act (12 U.S.C. 1715s–14) is amended—

(1) by striking the section heading and inserting the following—

"Risk-sharing demonstration;"—

(2) by striking "reinsure" each place such term appears and insert "risk-sharing;"—

(3) in subsection (a)—

(A) in the first sentence, by inserting "and with insured community development financial institutions after "private mortgage insurers;"—

(7) in the second sentence—

(i) by striking "two" and inserting "four"; and

(ii) by striking "March 15, 1988" and inserting "the expiration of the 5-year period beginning on the date of the enactment of the Community Renewal Tax Relief Act of 2000"; and

(C) in the third sentence—

(i) by striking "insured" and inserting "for which risk of nonpayment is shared;" and

(ii) by striking "20 percent" and inserting "20 percent of;"—

(4) in subsection (b)—

(A) in the first sentence—

(i) by striking "to provide" and inserting ", in providing;",

(ii) by striking "through" and inserting ", to enter into;" and

(iii) by inserting "and with insured community development financial institutions" before the period at the end;

(B) in the second sentence, by inserting "and insured community development financial institutions" after "private mortgage insurance companies;"

(C) by striking paragraph (1) and inserting the following new paragraph:

"(1) assume a secondary percentage of loss on any mortgage insured pursuant to section 202(b), 234, or 245 covering a one-to-four family dwelling, which percentage of loss shall be set forth in the risk-sharing contract, with the first percentage being 25 percent of loss to be borne by the Secretary; and"

(D) in paragraph (2)—

(i) by striking "carry out (under appropriate delegation) such "perform or delegate underwriting,;"

(ii) by striking "function as the Secretary pursuant to regulations," and inserting "functions as the Secretary," and

(iii) by inserting before the period at the end the following: "and shall set forth in the risk-sharing contract; and"

(5) in subsection (c)—

(A) in the first sentence—

(i) by striking "if" and inserting "the first place it appears and inserting for;"—

(ii) by inserting "received by the Secretary with a private mortgage insurer or insured community development financial institution after "sharing of premiums;"

(iii) by striking "insurance reserves and inserting "loss reserves;"

(iv) by striking "such insurance" and inserting "such risk-sharing contract; and"

(v) by striking "right and inserting "right;" and

(B) in the second sentence—

(i) by inserting "or insured community development financial institution after "private mortgage insurance company;"

(ii) by striking "for insurance" and inserting "for risk-sharing;"—

(6) in subsection (d), by inserting "or insured community development financial institution after "private mortgage insurance company;"

(7) by adding at the end the following new subsection:

"(e) INSURED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—For purposes of this section, the term insured community development financial institution means a community development financial institution, as such term is defined in section 103 of Reglie Community Development Regulatory Improvement Act of 1994 (12 U.S.C. 4702) that is an insured depository institution (as such term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1818) that is an insured credit union (as such term is defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1751));

SEC. 144. PREVENTION AND TREATMENT OF SUBSTANCE ABUSE; SERVICES PROVIDED THROUGH RELIGIOUS ORGANIZATIONS.

Título V of the Public Health Service Act (42 U.S.C. 299aa et seq.) is amended by adding the following paragraph:

SEC. 202. PREVENTION AND TREATMENT OF SUBSTANCE ABUSE; SERVICES PROVIDED THROUGH RELIGIOUS ORGANIZATIONS.

Título V of the Public Health Service Act (42 U.S.C. 299aa et seq.) is amended by adding the following paragraph:
"PART G—SERVICES PROVIDED THROUGH RELIGIOUS ORGANIZATIONS"

SEC. 581. APPLICABILITY TO DESIGNATED PROGRAMS.

"(a) DESIGNATED PROGRAMS.—Subject to subsection (b), this part applies to discretionary and formula grant programs administered by the Substance Abuse and Mental Health Services Administration. The term 'designated programs' includes the program under subpart II of part B of title XIX (relating to foster care payments and adoption assistance) that provides foster care payments and adoption assistance to public or private entities for the purpose of carrying out activities to prevent or treat substance abuse (in this part referred to as a 'designated program')."

"(b) LIMITATION.—This part does not apply to any award of financial assistance under a designated program for a purpose other than the purpose specified in subsection (a).

"(c) DEFINITIONS.—For purposes of this part and (and subject to subsection (b)):"

"(1) The term 'designated program' has the meaning given such term in subsection (a).

"(2) The term 'financial assistance' means a grant, cooperative agreement, or contract.

"(3) The term 'program beneficiary' means an individual who receives program services from such individual, and "(4) The term 'program participant' means a public or private entity that has received financial assistance under a designated program.

"(5) The term 'program services' means treating substance abuse, or preventing or providing recovery services regarding such abuse, provided pursuant to an award of financial assistance under a designated program.

"(6) The term 'religious organization' means a nonprofit religious organization.

"SEC. 582. RELIGIOUS ORGANIZATIONS AS PROGRAM PARTICIPANTS.

"(a) IN GENERAL.—Notwithstanding any other provision of law, a religious organization, on the same basis as any other nonprofit private provider without impairing the religious character of such organization, and without diminishing the religious freedom of the individual to whose services the individual has access."

"(b) RELIGIOUS ORGANIZATIONS.—The purpose of this section is to allow religious organizations to be program participants on the same basis as any other nonprofit private provider without impairing the religious character of such organizations, and without diminishing the religious freedom of the individual to whose services the individual has access."

"(c) NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS.—"

"(1) ELIGIBILITY AS PROGRAM PARTICIPANTS.—Religious organizations are eligible to be program participants on the same basis as any other nonprofit private organization as long as the programs are implemented consistent with the Establishment Clause and the Free Exercise Clause of the First Amendment to the United States Constitution. Nothing in this Act shall be construed to modify or affect the provisions of any other Federal or State law or regulation that relates to discrimination in employment. A religious organization's exemption from such law or regulation that relates to discrimination in employment shall not be affecting its participation in, or receipt of financial assistance under a designated program.

"(2) RIGHTS OF PROGRAM BENEFICIARIES.—"

"(1) IN GENERAL.—If an individual who is a program beneficiary objects to the religious character of a program participant, within a reasonable period of time after the date of such objection such program participant shall refer such individual to, and the appropriate Federal, State, or local government that administers a designated program or is a program participant shall provide to such individual (if otherwise eligible for such services), program services that—"

"(A) are from an alternative provider that is accessible to, and has the capacity to provide such program services to, such individual; and

"(B) have a value that is not less than the value of the services that the individual would have received from the program participant to which the individual had such objection."

"Upon referring a program beneficiary to an alternative provider, the program participant shall notify the appropriate Federal, State, or local government that administers a designated program or is a program participant shall provide to such individual (if otherwise eligible for such services), program services that—"

"(2) NOTICES.—Program participants, public agencies that refer individuals to designated programs, the National, State, or local governments that administer designated programs or are program participants shall ensure that notice is provided to program beneficiaries or prospective program beneficiaries of their rights under this section.

"(3) ADDITIONAL REQUIREMENTS.—A program participant making a referral pursuant to paragraph (1) shall—"

"(A) prior to making such referral, consider any list that the State or local government makes available of entities in the geographic area that provide program services; and

"(B) ensure that the individual makes contact with the alternative provider to which the individual is referred.

"(4) NONDISCRIMINATION.—A religious organization that is a program participant shall not in providing program services or engaging in outreach activities programs discriminate against a program beneficiary or prospective program beneficiary on the basis of religion or religious belief."

"(5) FISCAL ACCOUNTABILITY.—"

"(1) IN GENERAL.—Except as provided in paragraph (2), any religious organization that is a program participant shall be subject to the same regulations as recipients of awards of Federal financial assistance to account, in accordance with generally accepted auditing principles, for the use of the funds provided under such awards.

"(2) LIMITED AUDIT.—With respect to the award involved, a religious organization that is a program participant shall segregate Federal amounts provided under an award into a separate account from non-Federal funds. Only the award funds shall be subject to audit by the government.

"(3) COMPLIANCE.—With respect to compliance with this section by an agency, a religious organization may obtain judicial review of agency actions or decisions with chapter 7 of title 5, United States Code."

"SEC. 583. LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.

"(1) alter its form of internal governance; or

"(2) remove religious art, icons, scripture, or other symbols, in order to be a program participant."

"(b) EMPLOYMENT.—Nothing in this section shall be construed to modify or affect the provisions of any other Federal or State law or regulation that relates to discrimination in employment. An agency's exemption from such law or regulation provided under section 702 of the Civil Rights Act of 1964 regarding employment practices shall not be affected by its participation in, or receipt of financial assistance under a designated program."

"(f) FINDINGS.—The Congress finds that—"

"(1) establishing unduly rigid or uniform educational qualifications for counselors and other personnel in drug treatment programs may undermine the effectiveness of such programs; and

"(2) such educational requirements for counselors and other personnel may hinder or prevent the provision of needed drug treatment services."

"(b) NONDISCRIMINATION.—In determining whether personnel of a program participant that has a record of successful drug treatment for the prior three years or less than State or local requirements for education and training, a State or local government shall not discriminate against education and training provided to personnel by a religious organization, so long as such education and training includes basic content substantially equivalent to the content provided by nonreligious organizations that the State or local government would credit for purposes of determining whether the relevant requirements have been satisfied."

"PART II—ADVISORY COUNCIL ON COMMUNITY RENEWAL"

SEC. 515. SHORT TITLE.

This part may be cited as the "Advisory Council on Community Renewal Act".

SEC. 512. ESTABLISHMENT.

There is established an advisory council to be known as the "Advisory Council on Community Renewal" (in this part referred to as the "Advisory Council").

SEC. 513. DUTIES OF ADVISORY COUNCIL.

The Advisory Council shall advise the Secretary on community renewal pursuant to the amendments made by this title.

"(a) NUMBER AND APPOINTMENT.—The Advisory Council shall be composed of 7 members appointed by the Secretary.

"(b) CHAIRPERSON.—The Chairperson of the Advisory Council (in this part referred to as the "Chairperson") shall be appointed by the Secretary at the time of the appointment.

"(c) TERMS.—Each member shall be appointed for the life of the Advisory Council.

"(d) BASIC PAY.—"(1) CHAIRPERSON.—The Chairperson shall be paid at a rate equal to the daily rate of basic pay level I of the Executive Schedule for each day (including travel time during which the Chairperson is engaged in the actual performance of duties vested in the Advisory Council.

"(2) OTHER MEMBERS.—Each member other than the Chairperson shall be paid at a rate equal to the daily rate of basic pay level IV of the Executive Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Advisory Council.

"(2) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

"(f) QUORUM.—Four members of the Advisory Council shall constitute a quorum but a lesser number may hold hearings."

"(g) MEETINGS.—The Advisory Council shall meet at the call of the Secretary or the Chairperson.

SEC. 515. POWERS OF ADVISORY COUNCIL.

"(a) HEARINGS AND SESSIONS.—The Advisory Council may, for the purpose of carrying out this part, hold hearings, sit and act at times and places, take testimony, and receive evidence as
the Advisory Council considers appropriate. The Advisory Council may administer oaths or affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS.—Any member, or agent of the Advisory Council, that is authorized by the Advisory Council, take any action which the Advisory Council is authorized to take by this section.

(c) MANAGEMENT OF SPECIAL DATA.—The Advisory Council may secure directly from any department or agency of the United States information necessary to enable it to carry out this part. Upon request of the Chairperson of the Advisory Council, the head of that department or agency shall furnish that information to the Advisory Council.

SEC. 156. REPORTS.

(a) ANNUAL REPORTS.—The Advisory Council shall submit to the Secretary an annual report for each fiscal year.

(b) INTERIM REPORTS.—The Advisory Council may submit to the Secretary such interim reports as the Advisory Council considers appropriate.

(c) FINAL REPORT.—The Advisory Council shall transmit a final report to the Secretary not later than September 30, 2003. The final report shall contain a detailed statement of the findings and conclusions of the Advisory Council, together with any recommendations for legislative or administrative action that the Advisory Council considers appropriate.

SEC. 157. TERMINATION.

(a) IN GENERAL.—The Advisory Council shall terminate 30 days after submitting its final report under section 156(c).

(b) EXTENSION.—Notwithstanding subsection (a), the Secretary may postpone the termination of the Advisory Council for a period not to exceed 3 years after the Advisory Council submits its final report under section 156(c).

SEC. 158. APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.


SEC. 159. RESOURCES.

The Secretary shall provide to the Advisory Council appropriate resources so that the Advisory Council may carry out its duties and functions under this part.

SEC. 160. EFFECTIVE DATE.

This part shall be effective 30 days after the date of its enactment.

Subtitle F—Other Provisions

SEC. 161. ACCELERATION OF PHASE-IN OF INCREASE IN VOLUME CAP ON PRIORITIES.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 146(d) (relating to State ceiling) are amended to read as follows:

"(1) IN GENERAL.—The State ceiling applicable to any State for any calendar year shall be the greater of—

"(A) an amount equal to $75 ($62.50 in the case of calendar year 2001) multiplied by the State population, or

"(B) $225,000,000 ($187,500,000 in the case of calendar year 2001).

"(2) COST-OF-LIVING ADJUSTMENT.—In the case of calendar year 2002, each of the dollar amounts contained in paragraph (1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 313(e)(3) for such calendar year by substituting ‘calendar year 2001’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If any increase determined under the preceding sentence is not a multiple of $5 ($5,000 in the case of the dollar amount in paragraph (1)(B)), such increase shall be rounded to the nearest multiple thereof.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar years after 2000.

SEC. 162. MODIFICATIONS TO EXPENSES OF ENVIRONMENTAL REMEDIATION COSTS.

(a) EXPENSES NOT LIMITED TO SITES IN TARGETED AREAS.—Subsection (c) of section 198 is amended to read as follows:

"(c) QUALIFIED CONTAMINATED SITE.—For purposes of this section—

"(1) IN GENERAL.—The term ‘qualified contaminated site’ means any area—

"(A) which is held by the taxpayer for use in a trade or business for the production of income, or which is property described in section 1221(a)(1) in the hands of the taxpayer, and

"(B) at or on which there has been a release (or threat of release) or disposal of any hazardous substance.

"(2) NATIONAL PRIORITIES LISTED SITES NOT INCLUDED.—Any area shall not include any site which is, or proposed for, the national priorities list under section 105a(a)(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as in effect on the date of the enactment of this section).

"(3) TAXPAYER MUST RECEIVE STATEMENT FROM STATE ENVIRONMENTAL AGENCY.—An area shall be treated as a qualified contaminated site with respect to expenditures paid or incurred during any taxable year only if the taxpayer receives a statement from the appropriate agency of the State in which such area is located that such area meets the requirements of paragraph (1)(B).

"(4) APPROPRIATE STATE AGENCY.—For purposes of this section, the appropriate State agency is the appropriate environmental agency of the State in which the area is located, or, if such area is located in more than one State, the appropriate environmental agencies of such States.

(b) IN GENERAL.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2000.

(c) EXTENSION OF DEDUCTION.—The amendment made by subsection (a) shall be applied to taxable years beginning after December 31, 2000.

SEC. 163. EXTENSION OF DC HOMEOWNER TAX CREDIT.

Section 1400C(i) (relating to application of section) is amended by striking ‘2002’ and inserting ‘2004’.

SEC. 164. EXTENSION OF DC ZONE THROUGH 2003.

(a) IN GENERAL.—The following provisions are amended by striking ‘2002’ each place it appears and inserting ‘2003’:

"(1) Section 1400F.

"(2) Section 1400A(b).

"(3) ZERO CAPITAL GAST RATES.—Section 1400B (relating to zero percent capital gains rates) is amended by striking ‘2002’ and inserting ‘2003’.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 165. EXPANSION OF ENHANCED DEDUCTION FOR CORPORATE DONATIONS OF COMPUTER TECHNOLOGY DONATIONS TO PUBLIC LIBRARIES.

(a) EXPANSION OF COMPUTER TECHNOLOGY DONATIONS TO PUBLIC LIBRARIES.—

"(1) IN GENERAL.—Paragraph (6) of section 170(e) (relating to special rule for contributions of computer technology and equipment for elementary or secondary school purposes) is amended by striking ‘qualified elementary or secondary school purposes’ and inserting ‘qualified elementary or secondary educational contribution’ each place it occurs in the headings and text and inserting ‘qualified computer contribution’.

"(2) EXPANSION OF ELIGIBLE DONEES.—Clause (i) of paragraph (6)(B) (relating to qualified elementary or secondary educational contribution) is amended by striking ‘or’ at the end of subclause (I), by inserting ‘or’ at the end of subclause (II), and by inserting after subclause (II) the following new subclause:

"(I) a public library (within the meaning of section 3306(c)(2)(A)), a library services and technology act (20 u.s.c. 9122(a)(1)), as in effect on the date of the enactment of the community renewal tax relief act of 2000, established and maintained by an entity described in section 170(b)(1)(A).

(b) EFFECTIVE DATE.—The heading of paragraph (6) of section 170(e) is amended by striking ‘ELECTRONIC OR SECONDARY SCHOOL PURPOSES’ and inserting ‘ELECTRONIC OR SECONDARY EDUCATIONAL PURPOSES’.

SEC. 166. RESOURCES.
Self-Determination and Education Assistance
chapter, the term `Indian tribe' has the meaning of section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).''.


Amendments to section 3306 of the Internal Revenue Code of 1986 are each amended by striking "medical savings accounts'' each place it appears in the text and inserting "ARCHER MSAs:"

(1) Paragraph (4) and (7) of section 106(b).
(2) Subsections (c)(1)(D), (e)(2), (f)(3)(A), (i)(4)(B), and (j) of section 220.
(3) Paragraph (1) of section 4973(d).
(4) Subsections (b) and (d)(1) of section 4980E.
(5) Section 6603(b)(2).
(6) Section 6692.
(8) The following provisions of the Trade Act of 1974 (19 U.S.C. 2101 et seq.):
(B) Section 102(c)(1) (19 U.S.C. 2112(e)(1)).
(C) Section 102(e)(2) (19 U.S.C. 2112(e)(2)).
(D) Section 104(d) (19 U.S.C. 2114(d)).
(E) Section 125(e) (19 U.S.C. 2135(e)).
(F) Section 133(e) (19 U.S.C. 2135(e)).
(G) Section 141(c) (19 U.S.C. 2171(c)).
(H) Section 162 (19 U.S.C. 2212).
(I) Section 233(b) (19 U.S.C. 2233(b)).
(K) Section 230(b) (19 U.S.C. 2233(b)).
(L) Section 302(b)(2) (19 U.S.C. 2421(b)(2)).


(B) Section 208 (19 U.S.C. 2081).

The following provisions relating to the application of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2901 et seq.):

(A) Section 1102 (19 U.S.C. 2902).
(B) Section 1106 (19 U.S.C. 2903).
(a) CLOSING AND SIMILAR AGREEMENTS TREATED AS RETURN INFORMATION.—Paragraph (2) of section 6103(b) (defining return information) is amended by striking ‘‘and’’ at the end of subparagraph (B), by inserting ‘‘and’’ at the end of subparagraph (C), and by striking ‘‘(3) in any case not described in paragraphs (1) or (2), to the disclosure of any tax convention information not relating to a particular taxpayer if the Secretary determines, after consultation with such other party to the tax convention, that such disclosure would not impair tax administration’’ after subparagraph (C) the following new subparagraph: ‘‘(D) any agreement under section 7212, and any similar agreement, and any background information related to such agreement or request for such an agreement.’’.

(b) AGREEMENTS WITH FOREIGN GOVERNMENTS.—(1) IN GENERAL.—Subchapter B of chapter 61 (relating to miscellaneous provisions) is amended by inserting after section 6104 the following new section:

SEC. 6105. CONFIDENTIALITY OF INFORMATION ARISING UNDER TREATY OBLIGATIONS.

(a) IN GENERAL.—Tax convention information shall not be disclosed. 

(b) EXCEPTIONS.—(Subsection (a) shall not apply—

(1) to the disclosure of tax convention information to persons or authorities (including courts and administrative bodies) which are entitled to such disclosure pursuant to a tax convention, or

(2) to any generally applicable procedural rules governing applications for relief under a tax convention.

(3) in any case not described in paragraphs (1) or (2), to the disclosure of any tax convention information not relating to a particular taxpayer if the Secretary determines, after consultation with such other party to the tax convention, that such disclosure would not impair tax administration

(c) DEFINITIONS.—For purposes of this section—

(TAX CONVENTION INFORMATION.—The term ‘‘tax convention information’’ means any—

(A) agreement entered into with the competent authority of one or more foreign governments pursuant to a tax convention,

(B) application for relief under a tax convention,

(C) any background information related to such agreement or application,

(D) any document implementing such agreement, and

(E) any other information exchanged pursuant to a tax convention which is treated as confidential or secret under the tax convention.

(TAX CONVENTION.—The term ‘‘tax convention’’ means—

(A) any income tax or gift and estate tax convention, or

(B) any other convention or bilateral agreement (including multilateral conventions and agreements and any agreement with a possession of the United States) providing for the avoidance of double taxation, the prevention of fiscal evasion, nondiscrimination with respect to taxes, the exchange of tax relevant information with the United States, or mutual assistance in tax matters.

(d) EFFECTIVE DATE. The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 304. CONFIDENTIALITY OF CERTAIN DOCUMENTS RELATING TO CLOSING AND SIMILAR AGREEMENTS AND TO AGREEMENTS WITH FOREIGN GOVERNMENTS.

(1) CLOSED AND SIMILAR AGREEMENTS.—(A) IN GENERAL.—The term ‘‘written determination’’ means a ruling, determination letter, technical advice memorandum, or Chief Counsel advice, as the case may be.

(b) EXCEPTIONS.—Such term shall not include any matter referred to in subparagraph (C).

(2) AGREEMENTS WITH FOREIGN GOVERNMENTS.—(A) IN GENERAL.—The term ‘‘written determination’’ means an agreement as defined in section 6103(b) and includes an agreement entered into before such date of the enactment of this Act

(b) EFFECTIVE DATE. The amendment made by this subsection shall take effect on the date of the enactment of this Act.

SEC. 305. INCREASE IN THRESHOLD FOR JOINT COMMITTEE REPORTS ON REFUNDS AND CREDITS.

(a) GENERAL RULE.—Subsections (a) and (b) of section 6405 are each amended by striking ‘‘$1,000,000’’ and inserting ‘‘$2,000,000’’.

(b) EFFECTIVE DATE. The amendment made by this subsection (a) shall take effect on the date of the enactment of this Act, except that such amendment shall not apply with respect to any refund or credit with respect to a report that has been made before such date of the enactment.

SEC. 306. TREATMENT OF MISSING CHILDREN WITH RESPECT TO CERTAIN TAX BENEFITS.

(a) IN GENERAL.—Subsection (c) of section 151 (relating to additional exemption for dependents) is amended by adding at the end the following new paragraph:

(6) TREATMENT OF MISSING CHILDREN.—(A) IN GENERAL.— Solely for the purposes referred to in subparagraph (B), a child of the taxpayer—

(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

(ii) who was (without regard to this paragraph) the dependent of the taxpayer for the portion of the taxable year before the date of the kidnapping, shall be treated as a dependent of the taxpayer for all taxable years ending during the period that the child is kidnapped;

(B) PURPOSES.—Subparagraph (A) shall apply solely for purposes of determining—

(i) to the deduction under this section, and

(ii) whether an individual is a surviving spouse or a head of a household (such term is defined in section 2(i)).

(C) COMPARABLE TREATMENT FOR EARNED INCOME CREDIT.—For purposes of section 32, an individual—

(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such individual or the taxpayer, and

(ii) who, for the taxable year in which the kidnapping occurred, was entitled to the earned income credit, and

(iii) whether her individual is a surviving spouse or a head of a household (such terms are defined in section 2(i)).

(D) TERMINATION OF TREATMENT.—Subparagraph (C) shall cease to apply as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead or, if earlier, the date on which the child would have attained age 18.

(E) EFFECTIVE DATE. The amendment made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 307. AMENDMENTS TO STATUTES REFLECTING YIELD ON 52-WEEK TREATY DEBT:

(a) AMENDMENT TO THE ACT OF FEBRUARY 26, 1931.—Section 6 of the Act of February 26, 1931

December 15, 2000

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(40 U.S.C. 258e–1) (relating to the interest rate on compensation owed for takings of property) is amended—

(1) in paragraph (1), by striking ‘‘the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of 52 week United States Treasury bills settled immediately before’’ and inserting ‘‘the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding’’;

and

(2) in paragraph (2), by striking ‘‘the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of 52 week United States Treasury bills settled immediately before’’ and inserting ‘‘the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding’’.

Amendment to Title 18, United States Code—Section 3612(f)(2)(B) of title 18, United States Code (relating to the interest rate on unpaid criminal fines and penalties of more than $2,500 is amended by striking ‘‘the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately before’’ and inserting ‘‘the average weekly 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the year preceding’’.

Amendment to the Internal Revenue Code—Section 995(f)(4) (relating to the interest rate on tax-deferred liability of shareholders of domestic international sales corporations) is amended by striking ‘‘the average investment yield of United States Treasury bills with maturities as are issued by the Director pursuant to this section’’ and inserting ‘‘the average weekly 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the year preceding’’.

Amendment to Title 28, United States Code—

Amendment to Section 161—Section 161(a) of title 28, United States Code (relating to the interest rate on unpaid judgments in civil cases recovered in Federal district court) is amended by striking ‘‘the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately before’’ and inserting ‘‘the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar year preceding’’.

Amendment to Section 2516—Section 2516(b) of title 28, United States Code (relating to the interest rate on a judgment against the United States affirmed by the Supreme Court after review on petition of the United States) is amended by striking ‘‘the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately before’’ and inserting ‘‘the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar year preceding’’.

Amendment to Section 309—Section 309 of title 25, United States Code (relating to the interest rate on compensation owed for compensatory damages to beneficiaries of a Federal benefit program) is amended by striking ‘‘the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar year preceding’’.

Amendment to Title 18, United States Code—

Amendment to Section 3612(f)(2)(B) of title 18, United States Code (relating to the interest rate on payments as directed by the Director pursuant to this section, be disregarded in determining in what manner and to what extent such program to make a payment or payments that, insofar as the Director finds practicable and feasible, (1) are taken to the amount of the shortfall experienced by individual beneficiaries, and (2) compensate for the shortfall.

Amendment to Any Title or Political AGENCIES.—

As soon as practicable after the date of the enactment of this Act, each Federal agency that administers an applicable Federal benefit program shall and may make an initial determination of whether the CPI computation error for 1999 has or will result in a shortfall in payments to beneficiaries of an applicable Federal benefit program administered by such agency. Not later than 30 days after such date, the head of such agency shall submit a report to the Director and to each House of the Congress of such determination, together with a complete description of the nature of the shortfall.

Implementation Pursuant to Agency Reports.—Upon receipt of the report submitted by a Federal agency pursuant to subsection (b), the Director shall review the initial determination of the agency, the agency’s description of the nature of the compensation payments proposed by the agency. Prior to directing payment of such payments pursuant to subsection (a), the Director shall make appropriate adjustments (if any) in the compensation payments proposed by the agency that the Director determines are necessary to comply with the requirements of subsection (a) and transmit to the agency a summary report of the review, indicating any adjustments made by the Director.

The agency shall make the compensation payments as directed by the Director pursuant to subsection (a) in accordance with the Director’s summary report.

Income Disregard Under Federal Means-Tested Benefit Programs.—A payment made under this section to compensate for a shortfall in benefits shall, in accordance with guidelines issued by the Director pursuant to this section, be disregarded in determining income for purposes of any applicable Federal benefit program that is means-tested.

Funding.—Funds otherwise available under each applicable Federal benefit program for making benefit payments under such program are hereby made available for making compensation payments under this section in connection with such program.

No Judicial Review.—No action taken pursuant to this section shall be subject to judicial review.

Director’s Report.—Not later than April 1, 2001, the Director shall submit to each House of the Congress a report on the activities performed by the Director pursuant to this section.

Definitions.—For purposes of this section:

Applicable Federal Benefit Program.—The term ‘‘applicable Federal benefit program’’ means any program of the Government of the United States providing for regular or periodic payments or benefits to individuals that is designated as such by the Director after October 18, 1999.

Federal Agency.—The term ‘‘Federal agency’’ means any department, agency, or instrumentality of the Government of the United States.


Tax Provisions.—In the case of taxable years (and other periods) beginning after December 31, 2000, if any Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) reflects the CPI computation error for 1999, the correct amount of such Index shall (in such manner and to such extent as the Secretary of the Treasury determines to be appropriate) be taken into account for purposes of subsection.

Amendments to the Applicability To Which Subsection (d) Does Not Apply.—

(a) in general—If, after application of the other provisions of this section to an exchange or series of exchanges, the basis of property to which subsection (a)(1) applies exceeds the fair market value of such property, then such basis shall be reduced (but not below such fair market value) by the amount (determined as of the date of the exchange) of any liability—

(1) which is assumed in exchange for such property, and

(2) with respect to which subsection (d)(1) does not apply to the assumption.

(b) in general—If, after application of the Secretary, paragraph (1) shall not apply to any liability if—

(1) the trade or business with which the liability is associated is transferred to the person assuming the liability as part of the exchange, or

(2) substantially all of the assets with which the liability is associated are transferred to the person assuming the liability as part of the exchange.

Liability.—For purposes of this subsection, the term ‘‘liability’’ shall include any fixed or contingent obligation to make payment, without regard to whether the obligation is otherwise taken into account for purposes of this title.

Determination of Amount of Liability Assumed Under Subsection (d)(1).—Section 305(d)(1) is amended by inserting ‘‘section 358(c)(1)(C)’’ after ‘‘section 358(c)(1)’’.

Application of Comparable Rules to Partnerships and S Corporations.—The Secretary of the Treasury may prescribe rules which provide appropriate adjustments under subsection (c) of section 358 of the Internal Revenue Code of 1986 to properly allocate the acceleration of losses through the assumption of (or transfer of assets subject to) liabilities described in section 358(h)(3) of such Code (as added by subsection (a)) in transactions involving partnerships, and (2) may prescribe rules which provide appropriate adjustments under subsection 5 of chapter 1 of such Code in transactions described in such Code, including S corporations rather than partnerships.

Effective Dates.—

(a) in general—The amendments made by this section shall apply to assumptions of liability after October 18, 1999.

(b) Rules.—The rules prescribed under subsection (c) shall apply to assumptions of liability after October 18, 1999, or such later date as may be prescribed in such rules.

Disclosure of Certain Information To Congressional Budget Office.—

(a) Disclosure of Certain Tax Information—

(b) in general—Subsection (1) of section 6103 (relating to statistical use) is amended by adding at the end the following new paragraph:

(4) Except as provided by the Director of the Congressional Budget Office, the Secretary shall furnish
SEC. 312. AMENDMENTS RELATED TO TAX AND TRADE RELIEF EXTENSION ACT OF 1998.

(a) Amendment Related to Section 1004(b) of the Act.—Subsection (d) of section 6014 is amended by adding at the end the following new paragraph:

``(f) APPLICABILITY.—The amendments made by this subsection shall apply only to the extent necessary for the purposes of, but only to the extent necessary for, the Tax and Trade Relief Extension Act of 1998, and shall cease to have effect on the date that is 6 months after the date such election is filed with the Secretary, and (ii) not later than the close of the 90th day after the date described in clause (i).''

(b) Amendment Related to Section 4003 of the Act.—Subsection (b) of section 4003 of the Tax and Trade Relief Extension Act of 1998 is amended by inserting ``(7)(A)(i)(II),'' after ``(S)(A)(i)(II),''.

(c) Effective Date.—The amendments made by this section shall take effect as if included in section 4003 of the Tax and Trade Relief Extension Act of 1998 to which they relate.

SEC. 313. AMENDMENTS RELATED TO INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) Amendments Related to Innocent Spouse Relief.—

(1) Election may be made any time after deficiency asserted.—Subparagraph (B) of section 6015(c)(3) is amended by striking ``shall be made'' and inserting ``may be made at any time after a deficiency for such year is asserted but''.

(2) Clarification regarding disallowance of refunds and credits under section 6015(c)(3).—(A) In general.—Section 6015 is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

``(g) CREDITS AND REFUNDS.—

``(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), notwithstanding any other law or rule of law (other than section 6511, 6512(b), 7112, or 7122), credit or refund shall be allowed or made at the extent attributable to the application of this section.

``(2) Res judicata.—In the case of any election under subsection (b) or (c), if a decision of a court in any prior proceeding for the same taxable year has become final, such decision shall be controlling with respect to the qualification of the individual for relief which was not an issue in such proceeding. The exceptions contained in the preceding sentence shall not apply if the court determines that the individual participated meaningfully in such prior proceeding.

``(3) CREDIT AND REFUND NOT ALLOWED UNDER SUBSECTION (C).—No credit or refund shall be allowed as a result of an election under subsection (c).''

(b) Conforming Amendment.—Paragraph (3) of section 6015(c)(3) is amended to read as follows:

``(3) LIMITATION ON TAX COURT JURISDICTION.—If a suit for refund is begun by either individual filing the joint return pursuant to section 6532—

``(A) the Tax Court shall lose jurisdiction of the individual's action under this section to whatever extent jurisdiction is acquired by the district court or the United States Court of Federal Claims over the taxable years that are the subject of the suit for refund, and

``(B) the court acquiring jurisdiction shall have jurisdiction over the petition filed under this subsection.''

(c) Clarifications Regarding Review by Tax Court.—(1) Paragraph (1) of section 6015(e) is amended in the matter preceding subparagraph (A) by inserting after ``individual'' the following: "against whom a deficiency has been asserted and''.

(2) Paragraph (A) of section 6015(e)(1) is amended to read as follows: "(A) IN GENERAL.—(i) In addition to any other remedy provided by law, the individual may petition the Tax Court (and the Tax Court shall have jurisdiction to determine) if the appropriate relief available to the individual under this section if such petition is filed—

``(II) the date the Secretary mails, by certified or registered mail to the taxpayer's last known address, notice of the Secretary's final determination of the relief available, or

``(III) the date which is 6 months after the date such election is filed with the Secretary, and

``(ii) not later than the close of the 90th day after the date described in clause (i)).''

(d) Effective Date.—Subsection (c) and the amendments made by this section shall take effect as if included in the provisions of the Ticket to Work and Work Incentives Improvement Act of 1999 to which they relate.

SEC. 314. AMENDMENTS RELATED TO TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999.

(a) Amendments Related to Section 502 of the Act.—

(1) In general.—Section 280C(c)(1) is amended by striking "or credit" after "deduction" each place it appears.

(2) Section 30A is amended by redesignating subsections (i) and (j) as subsections (g) and (h), respectively, and by inserting after subsection (i) the following new subsection:

``(j) DEATH OF DOUBLE BENEFIT.—Any wages or other expenses taken into account in determining the credit under this section may not be taken into account in determining the credit under section 42.''

(b) Not Applicable to 502A.—(1) In general.—Section 502 of the Act.—Clause (ii) of section 5751(b)(7)(B) is amended to read as follows:

``(B) EXCEPTION FOR CERTAIN AMOUNTS.—Clause (i) shall not apply to amounts received directly or indirectly by a real estate investment trust—

``(I) for services furnished or rendered by a taxable REIT subsidiary that are described in paragraph (B)(2) of section 856(d), or

``(II) from a taxable REIT subsidiary that are described in paragraph (7)(C)(iii) of such section.''

(2) Clarification Related to Section 538 of the Act.—The reference to section 332(b)(1) of the Internal Revenue Code of 1986 in Treasury Regulation section 1.332-3 shall be deemed to include a reference to section 732(f) of such Code.
(B) Section 7421(a) is amended by inserting “6330(e)(1)” after “6246(b),”.

(c) AMENDMENT RELATED TO SECTION 1103 OF THE ACT.—Paragraph (6) of section 6103(k) is amended—

(1) by inserting “and an officer or employee of the Office of Treasury Inspector General for Tax Administration” after “internal revenue officer or employee,” and

(2) by inserting “internal revenue” in the heading and inserting “CERTAIN.”

(d) AMENDMENT RELATED TO SECTION 3401 OF THE ACT.—Section 6330(d)(1)(A) is amended by striking “to hear” and inserting “with respect to.”

(e) AMENDMENT RELATED TO SECTION 3509 OF THE ACT.—Paragraph (A) of section 6101(g)(5) is amended by inserting “‘officer’” and “a person who is an officer of a corporation.”

(f) EFFECTIVE DATES.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act. The amendments made by subsections (c), (d), and (e) shall take effect as included in the provisions of the Small Business JobProtection Act of 1998.

SEC. 310. AMENDMENTS RELATED TO TAXPAYER RELIEF ACT OF 1997.

(a) AMENDMENT RELATED TO SECTION 101 OF THE ACT.—Paragraph (4) of section 6211(b) is amended by striking “sections 32 and 34” and inserting “sections 246(d), 32, and 34.”

(b) AMENDMENT RELATED TO SECTION 302 OF THE ACT.—The last sentence of section 3405(e)(1)(B) is amended by inserting “(other than a Roth IRA)” after “individual retirement plan.”

(c) AMENDMENT TO SECTION 311 OF THE ACT.—Paragraph (3) of section 311(e) of the Taxpayer Relief Act of 1997 is amended by striking “the Secretary” and inserting “the Secretary of the Treasury.”

(d) AMENDMENT TO SECTION 313 OF THE ACT.—The last sentence of section 313(g)(1) is amended by striking “the provisions of the Taxpayer Relief of 1997 to provide qualified small business protection.”

SEC. 311. AMENDMENTS RELATED TO BUSINESS JOB PROTECTION ACT OF 1996.

(a) AMENDMENT RELATED TO SECTION 1201 OF THE ACT.—Subparagraph (B) of section 512(d)(2) is amended—

(1) by striking “the plan approved” and inserting “program funded,” and

(2) by striking “(relating to assistance for needy families with minor children).”

(b) AMENDMENT RELATED TO SECTION 1302 OF THE ACT.—Clause (i) of section 1302 of the Act is amended—

(1) by striking “the effect of” and inserting “as described in section 1301(d)(1),” and

(2) by striking “after the date of enactment of this Act.”

(c) AMENDMENT TO SECTION 314 OF THE ACT.—Subparagraph (A) of section 314 is amended by inserting “as if included in the amendments made by subsections (c), (d), and (e) of section 313 of this Act.”

(d) AMENDMENT TO SECTION 315 OF THE ACT.—Paragraph (6) of section 6103(k) is amended—

(1) by inserting “and the proper amount of employment tax under such determination” after “the provisions of the Small Business Job Protection Act of 1996 to which they relate.”

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Taxpayer Relief Act of 1997 to which they relate.

SEC. 312. AMENDMENTS RELATED TO BALANCED BUDGET ACT OF 1997.

(a) AMENDMENTS RELATED TO SECTION 9302 OF THE ACT.—

(1) Paragraph (1) of section 9302(j) of the Balanced Budget Act of 1997 is amended by striking “tobacco products and cigarette papers and tubes” and inserting “cigarettes.”

(2) Subsection (b) of section 5702 is amended to read as follows:

"(b) MANUFACTURER OF CIGARETTE PAPERS AND TUBES.—A manufacturer of cigarette papers and tubes means any person who manufactures cigarette papers, makes up cigarette paper into tubes, except for his own personal use or consumption.”

SEC. 313. OTHER TECHNICAL CORRECTIONS.

(a) MODIFIED ENDOWMENT CONTRACTS.—Paragraph (d) of section 7702A(a) is amended by inserting “(or this paragraph)” before the period.

(b) Clause (ii) of section 7702A(c)(3)(A) is amended by striking “under the contract” and inserting “under the old contract.”

(c) The amendments made by this subsection shall take effect as if included in the amendments made by section 5102 of the Technical and Miscellaneous Revenue Act of 1988.

(b) AFFILIATED CORPORATIONS IN CONTEXT OF WHITE COLLAR SECURITY MOVEMENT.—Paragraph (A) of section 615(e)(3) is amended to read as follows:

"(A) the taxpayer owns directly stock in such corporation meeting the requirements of section 1504(a)(2), and”.

(b) AMENDMENT TO SECTION 615(e)(3) OF THE ACT.—Paragraph (4) of section 615(e)(3) is amended by striking “the corporation shall” and inserting “such corporation”.

(c) AMENDMENT TO SECTION 7702A(a)(1) OF THE ACT.—Subsection (d) of section 7702A(a) is amended—

(1) by adding at the end the following: “This subsection and section 5754 shall not apply to any person who relieves tobacco products or tobacco product containers of the tax and duty under chapter 98 of the Harmonized Tariff Schedule of the United States, and such person may voluntarily relinquish to the Secretary at the time of entry of any excess of such quantity without incurring the penalty under this subsection. No quantity of tobacco products other than the quantity referred to in the preceding sentence may be relented or received as a personal use quantity.”.

(d) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendments made by section 41 of the Tax Reform Act of 1984.

SEC. 314. TENTATIVE CARRYBACK ADJUSTMENTS OF LOSSES FROM SECTION 1256 CONTRACTS.—

(a) Subsection (a) of section 6411 is amended—

(1) by striking “section 1252(a)” and inserting “section 1252(a)(1)” and “section 1252(a)(2)”.

(b) The amendment made by paragraph (1) shall take effect as if included in the amendments made by section 504 of the Economic Recovery Tax Act of 1981.

(c) CORRECTION OF CALCULATION OF AMOUNTS TO BE DISTRIBUTED.—Subsection (C) of section 7702A(c) of the Act is amended by striking “October 18, 2000.”

(d) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendments made by section 7702A(c) of the Act.

(e) DISTRIBUTIONS OF EXCESS CONTRIBUTIONS AFTER DUE DATE FOR TAXABLE YEAR AND CERTAIN EXCESS ROLLOVER CONTRIBUTIONS.—

(1) Paragraph (3) of section 475(g) is amended by striking “267(b)” of and inserting “267(b) or”.

(2) Paragraph (4) of section 530(d)(4)(B) is amended—

(1) by striking “subsection (c)(3)(A)” and inserting “subsection (c)(3)(B)”.

(2) by striking “or” at the end and inserting “or”.

(3) by striking “clause (ii)” and inserting “clause (i)”.

(f) DEFINITION OF ‘ADMITTED ORGANIZATION’.—Subsection (a) of section 664(d) is amended by striking “December 31, 1999” and inserting “December 31, 1999.”

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 103 of the Tax Reform Act of 1984.

(h) AMENDMENT TO SECTION 529 OF THE ACT.—Subsection (a) of section 529 of the Internal Revenue Code of 1986 is amended by striking “under guaranteed plans” and inserting “under guaranteed plans.”

(i) AMENDMENT TO SECTION 529I OF THE ACT.—Subsection (a) of section 529I of the Act is amended by striking “as if included in the reconciliation Act of 1990.”

(j) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 501 of the Technical and Miscellaneous Revenue Act of 1988.

(k) AFFILIATED CORPORATIONS FOR PURPOSES OF TREATMENT OF DEBT EQUITY INSTRUMENTS.—Subsection (A) of section 616(g)(3) is amended by striking “after the date of enactment of this Act.”

(l) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendments made by section 501 of the Technical and Miscellaneous Revenue Act of 1988.

(m) AFFILIATED CORPORATIONS IN CONTEXT OF WHITE COLLAR SECURITY MOVEMENT.—Subsection (A) of section 616(g)(3) is amended by striking “after the date of enactment of this Act.”

(n) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendments made by section 501 of the Technical and Miscellaneous Revenue Act of 1988.

(o) AFFILIATED CORPORATIONS FOR PURPOSES OF TREATMENT OF DEBT EQUITY INSTRUMENTS.—Subsection (A) of section 616(g)(3) is amended by striking “after the date of enactment of this Act.”

(p) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendments made by section 501 of the Technical and Miscellaneous Revenue Act of 1988.
which an election under section 1362(a) was in effect, or"

(9) Paragraph (7) of section 856(c) is amended by striking "paragraph (4)(B)(iii)(1)" and inserting "paragraph (4)(B)(iii)(II)"

(10) Paragraph (A) of section 856(I)(4) is amended by striking "paragraph (9)(D)(ii)" and inserting "subsection (d)(9)(D)(ii)"

(11) Paragraph (B) of section 871(f)(2) is amended by striking "19 U.S.C." and inserting "19 U.S.C.


(13) Section 1391(g)(3)(C) is amended by striking "paragraph (11)" and inserting "paragraph (11)"

(14) Paragraph (2) of section 2035(c) is amended by striking "paragraph (1)" and inserting "subsection (a)"

(15) Paragraph (A) of section 2035 is amended by inserting "and paragraph (1) of subsection (c)" after "Subsection (a)"

(16) Paragraph (A) of section 4946(c)(3) is amended by striking "the lowest rate of compensation (GA-16 of the General Schedule under section 5332)" and inserting "the lowest rate of basic pay for the Senior Executive Service under section 5382"

(17) Paragraph (p) of section 6103 is amended

(18) Paragraph (5) of section 6166(e) is amended by striking "2035(d)(4)" and inserting "2035(d)(12)"

(19) Subsection (a) of section 6512 is amended by striking "and" at the end of paragraphs (1), (2), (3), and (5) and inserting "and"

(20) Paragraph (c)(3) is amended by striking the comma after "(13)", and inserting a comma.

(21) Paragraphs (A) and (B) of section 6655(e)(5) are amended by striking "paragraphs (d)(1) and (1)(2)(B)" and inserting "subsection (d)(5)"

(22) The subchapter heading for subchapter D of chapter 67 is amended by capitalizing the first letter of the second word.

(23) (A) Section 6724(d)(1)(B) is amended by striking clauses (xiv) through (xvii) and inserting the following:

"(xv) section 4101(d) (relating to information reporting with respect to tax on diesel and aviation fuels),

"(xvi) section 4101(d) (relating to information reporting with respect to tax on fuels taxes),

"(xvii) subparagraph (C) of section 338(h)(10) (relating to information required to be furnished to the Secretary in the case of elective recognition of gain or loss), or"

(xviii) section 264(f)(5)(A)(i)(iv) (relating to reporting with respect to certain life insurance and annuity contracts), and"

(B) Section 6010(o)(4)(C) of the Internal Revenue Service Restructuring and Reform Act of 1998 is amended by striking "inserting "or", and by adding at the end" and inserting "inserting "or", or", and by adding after subparagraph (Z)"

(24) Subsection (a) of section 7421 is amended by striking "6622(b)" and inserting "6622(c)"

(25) Paragraph (3) of section 7430(c) is amended—

(26) Paragraph (2) of section 7603(b) is amended by striking the semicolon at the end of sub paragraphs (A), (D), (E), (F), and (G) and inserting a comma.

(27) Clause (ii) of section 7802(b)(2)(B) is amended by striking "; and"; and at the end and inserting "; and"

(28) Paragraph (3) of section 7811(a) is amended by striking "taxpayer assistance order" and inserting "Taxpayer Assistance Order"

(29) Paragraph (d)(11) is amended by striking "Ombudsman" and inserting "National Taxpayer Advocate"

(30) Paragraph (3) of section 7821(f) is amended by striking "forfeiture" and inserting "forfeiture"

TITLE IV—TAX TREATMENT OF SECURITIES FUTURES CONTRACTS

SECTION 401. TAX TREATMENT OF SECURITIES FUTURES CONTRACTS.

(a) IN GENERAL.—Subpart IV of subchapter P of chapter 1 (relating to special rules for determining gains and losses) is amended by inserting after section 1234A the following new section:

SEC. 1234B. GAINS OR LOSSES FROM SECURITIES FUTURES CONTRACTS.

(a) TREATMENT OF GAIN OR LOSS.—

(1) IN GENERAL.—Gain or loss attributable to the sale or exchange of a securities futures contract shall be considered gain or loss from the sale or exchange of property which has the same character as the property to which the contract relates has in the hands of the taxpayer (or would have in the hands of the taxpayer if acquired by through the cancellation of a debt).

(2) NONAPPLICATION OF SUBSECTION.—This subsection shall not apply to—

(1) a contract which constitutes property described in paragraph (1) or (7) of section 1221(a), and

(2) any income derived in connection with a contract which, without regard to this subsection, is treated as other than gain from the sale or exchange of a capital asset.

(b) SHORT-TERM GAINS AND LOSSES.—Except as provided in the regulations under section 1012(f)(2)(A) and (B), gain or loss from the sale or exchange of a securities futures contract to sell property is considered as gain or loss from the sale or exchange of a capital asset, such gain or loss shall be treated as short-term capital gain or loss.

(c) SECURITIES FUTURES CONTRACT.—For purposes of this section, the term "securities futures contract" means any securities futures contract that is entered into by such dealer (or, in the case of an option, is purchased or granted by such dealer) in the normal course of his activity of dealing in such contracts or options, as the case may be, and

"(i) is entered into by such dealer (or, in the case of an option, is purchased or granted by such dealer) in the normal course of his activity of dealing in such contracts or options, as the case may be, and

"(ii) is traded on a qualified board or exchange.

(d) DEALER SECURITIES FUTURES CONTRACT.—(1) In General.—The term "dealer securities futures contract" means a contract for the sale or purchase of a securities futures contract or option on such a contract unless such contract or option is a dealer securities futures contract.

(2) Subsection (g) of section 1256 is amended by adding at the end the following new paragraph:

"(9) DEALER SECURITIES FUTURES CONTRACT.—

(A) IN GENERAL.—The term "dealer securities futures contract" means, with respect to any dealer, any securities futures contract, and any option on such a contract, which—

"(i) is entered into by such dealer (or, in the case of an option, is purchased or granted by such dealer) in the normal course of his activity of dealing in such contracts or options, as the case may be, and

"(ii) is traded on a qualified board or exchange.

(B) DEALERS FOR PURPOSES OF SUBPARAGRAPH (A) OF THE PROVISION, A PERSON SHALL BE TREATED AS A DEALER IN SECURITIES FUTURES CONTRACTS OR OPTIONS ON SUCH CONTRACTS IF THE SECRETARY DETERMINES THAT SUCH PERSON PERFORMS, WITH RESPECT TO SUCH CONTRACTS OR OPTIONS, AS THE CASE MAY BE, FUNCTIONS SIMILAR TO THE FUNCTIONS PERFORMED BY PERSONS DESCRIBED IN PARAGRAPH (8)(A). SUCH DETERMINATION SHALL BE MADE TO THE EXTENT APPROPRIATE TO CARRY OUT THE GOAL OF THIS SECTION.

"(C) SECURITIES FUTURES CONTRACT.—The term "securities futures contract" has the meaning given to such term in section 1256B.

(2) Paragraph (4) of section 1256(f) is amended—

(A) by inserting "or", and dealer securities futures contracts, after "dealer equity options" in the text,

(B) by inserting "and dealer securities futures contracts" after "DEALER EQUITY OPTIONS" in the heading.

(3) Paragraph (6) of section 1256(g) is amended to read as follows:

"(C) EQUITY OPTIONS.—The term "equity option" means any option—

"(A) to buy or sell stock, or

"(B) the value of which is determined directly or indirectly by reference to the price of any stock or any narrow-based security index (as defined in section 3(a)(55) of the Securities Exchange Act of 1934)."
Designation process

Designation of 40 renewal communities.—The Secretary of HUD,2 is authorized to designate up to 40 "renewal communities" from areas nominated by States and local governments.2 A renewal community must be in a rural area. Of the 12 rural renewal communities, one shall be an area within Mississippi, designated by the State and local governments in accordance with the requirements for a narrow-based security as of December 31, 2009, if (1) an earlier termination date is specified, or (2) the community is located within a tribe whose territory includes an Indian reservation. The Secretary of HUD is required to publish (within four months after enactment) regulations describing the nomination and selection process. Designations of renewal communities are to begin on the first day of the month after the regulations are published and ending on December 31, 2001. The designation of an area as a renewal community generally will be effective on January 1, 2002, and will terminate after December 31, 2009.3

Eligibility criteria.—To be designated as a renewal community, a nominated area must meet the following criteria: (1) each census tract must have a poverty rate of at least 20 percent,4 (2) in the case of an urban area, at least 70 percent of the households have incomes below 80 percent of the median income of households within the local government jurisdiction; (3) the unemployment rate is at least 1.5 times the national unemployment rate; and (4) the area is one of pervasive poverty, unemployment, and general distress. Those areas with the highest average ranking of eligibility factors (1), (2), and (3) above would be designated as renewal communities. One nominated area within the District of Columbia becomes a renewal community. (Without ranking of eligibility factors provided that it satisfies the area and eligibility requirements and the required State and local commitments described below.) The area shall take into account in selecting areas for designation the extent to which such areas have a high incidence of crime, as well as whether the area has census tracts identified in the May 12, 1998, report of the General Accounting Office regarding the identification of economically distressed areas. In lieu of the power of eminent domain, renewal communities are required to submit a written plan to the Secretary of HUD describing how the community will apply for designation as a renewal community. There are no geographic size limitations placed on renewal communities. Instead, the boundary of a renewal community must be continuous. In addition, the renewable community must have a population of 4,000 if the community is located within a metropolitan statistical area. (at least 1,000 in all other cases) and a maximum population of not more than 200,000. The population limitations do not apply to any renewal community that is entirely within an Indian reservation.

Required State and local commitments.—In order for an area to be designated as a renewable community, State and local governments are required to submit a written course of action in which the State and local governments promise to take at least four of the following: (1) a reduction of tax rates or fees; (2) an increase in the level of efficiency of local services; (3) crime reduction strategies; (4) a reduction in or streamline governmental requirements; (5) involvement by private entities and community groups, such as to provide jobs and job training, and financial support; and (6) the gift (or sale at below fair market value) of surplus realty by the State or local government to community organizations or private companies.

In addition, the nominating State and local governments must promise to promote economic growth in the nominated area by repealing or not enforcing four of the following: (1) licensing requirements for occupations that do not ordinarily require a professional degree; (2) zoning restrictions on home-based businesses that do not create a public nuisance; (3) permit requirements for street vendors that do not create a public nuisance; (4) zoning or other restrictions that impede the performance of schools or child care centers; and (5) franchises or other restrictions on competition for businesses providing public services, including but not limited to taxicabs, jitneys, cable television, or trash hauling, unless such regulations are required for unique or extraordinary public health and safety.

Empowerment zones and enterprise communities seeking designation as renewal communities.—With respect to the first 20 designations of nominated areas as renewal communities, preference will be given to nominated areas that are enterprise communities and empowerment zones that otherwise meet the requirements for designation as a renewal community. An empowerment zone or enterprise community can apply for designation as a renewal community if a renewal community designation is granted, then an area’s designation as an empowerment zone enterprise community ceases as of the date the area’s designation as a renewal community takes effect.

Tax incentives for renewal communities

The following tax incentives generally are available during the period beginning January 1, 2002, and ending December 31, 2009:

Zero-percent capital gain rate.—A zero-percent capital gain rate applies with respect to the sale of a qualified community asset acquired after December 31, 2001, and before January 1, 2010, and held for more than five years. A “qualified community asset” includes: (1) qualified community stock (meaning original-issue stock purchased for cash in a renewal community business); (2) a qualified community partner- ship interest (meaning a partnership interest purchased for cash in a renewal community business); (3) a qualified community property (meaning tangible property originally used in a renewal community business); (4) a qualified community property (meaning tangible property originally used in a renewal community business by the taxpayer) that is purchased or substantially improved after December 31, 2001. A “renewal community business” is similar in concept to present-law “empowerment zone business.” Property will continue to be a qualified community asset if sold (or otherwise transferred) to a subsequent purchaser that continues to use the property to represent an interest in (or tangible property used in) a renewable community business.
The bill expands the high-risk youth and qualified summer youth categories in the WOTC to include qualified individuals who live in a renewal community.

Present Law

Renewal community employment credit. The Omnibus Budget Reconciliation Act of 1993 ("OBRA 1993") authorized the designation of up to 12 additional Round I urban empowerment zones to provide tax incentives for businesses to locate within targeted areas designated by the Secretaries of HUD and Agriculture. The Taxpayer Relief Act of 1997 ("1997 Act") authorized the designation of two additional Round I urban empowerment zones.

Businesses in the 11 Round I empowerment zones qualify for the following tax incentives: (1) a 20-percent wage credit for the first $15,000 of wages paid to a zone resident per employee; (2) an additional $20,000 of section 179 expensing for qualifying zone property, and (3) tax-exempt financing for certain qualifying zone facilities. The tax incentives with respect to the Round I empowerment zones designated by OBRA 1993 generally are available during the 10-year period of 1995 through 2004. The tax incentives with respect to the Round II empowerment zones generally are available during the 10-year period of 2000 through 2009.

Round II empowerment zones. The 1997 Act also authorized the designation of 20 additional empowerment zones ("Round II empowerment zones"), of which 15 are located in urban areas and five are located in rural areas.

The Round II empowerment zones also are eligible for more generous tax-exempt financing benefits than those available in the Round I empowerment zones. Specifically, the tax-exempt financing benefits for the Round II empowerment zones are not subject to the State private activity bond volume caps (but are subject to separate, per-zone volume limitations), and the per-business size limitations that apply to the Round I empowerment zones and enterprise communities (i.e., $3 million for each qualified enterprise business with a maximum of $20 million for each principal user for all zones and communities) do not apply to qualifying bonds issued for Round II empowerment zones.


gao report. the general accounting office will audit and report to congress on january 31, 2004, and again in 2007 and 2010, on the renewal community program and its effect on poverty, unemployment, and economic growth within the designated renewal communities.

effective date. renewal communities must be designated during the period beginning on the first business day of the calendar month following the publication of regulations by hud and ending on december 31, 2001. the tax benefits available in renewal communities are effective for the period beginning january 1, 2002, and ending december 31, 2009.
No provision. However, H.R. 5542 conforms and enhances the tax incentives for the Round I and Round II empowerment zones and extends their designations through December 31, 2009. The bill also authorizes the designation of nine new empowerment zones ("Round III empowerment zones").

Effective date
The extension of the existing empowerment zone designations is effective after the date of enactment. The extension of the tax incentives with respect to the Round III empowerment zones passed by the House conferees is generally effective after December 31, 2001.

The conference agreement follows H.R. 5542. The conference agreement also provides that the Secretaries of HUD and Agriculture are authorized to designate nine additional empowerment zones ("Round III empowerment zones"). Seven of the Round III empowerment zones will be located in urban areas, and two will be located in rural areas.

The eligibility and selection criteria for the Round III empowerment zones are the same as the criteria that applied to the Round I and Round II empowerment zones. Specifically, the Round III empowerment zones must be designated by January 1, 2002, and the tax incentives with respect to the Round III empowerment zones generally are available for the period beginning on January 1, 2002, and ending on December 31, 2009.

Effective Date.—The provision is effective for qualifying assets purchased after the date of enactment.

No provision. However, S. 3152 provides that the GAO will audit the implementation of the limitations on the amount of new empowerment zone investments (sec. 116 of the bill and sec. 1202 of the Code). The present-law rules of sections 1394 and 1400A (the small business stock rollover provisions) are applicable to qualified small business stock held for more than five years.

No provision. However, H.R. 5542 increases the exclusion for qualified small business stock held for more than five years to $25,000 per taxpayer (sec. 1202 of the Code). The portion of the capital gain realized upon the sale of qualified small business stock held for more than five years that is eligible for the zero-percent capital gains rate applies to qualifying property purchased after the date of enactment.
C. NEW MARKETS TAX CREDIT (SEC. 121 OF THE BILL AND NEW SEC. 45D OF THE CODE)  

PRESENT LAW  

Tax incentives are available to taxpayers making investments and loans to low-income communities. For example, tax incentives are available to taxpayers that invest in specialized small business investment companies licensed by the SBA to make direct equity or equity investments in small businesses owned by persons who are socially or economically disadvantaged.

No provision. However, H.R. 5542 includes a provision that creates a new tax credit for qualified equity investments made to acquire stock in a selected community development entity ("CDE"). The maximum annual amount of qualifying equity investments is capped as follows:

<table>
<thead>
<tr>
<th>Calendar year</th>
<th>Maximum qualifying equity investment</th>
</tr>
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<tbody>
<tr>
<td>2002</td>
<td>$1.5 billion</td>
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<tr>
<td>2003</td>
<td>$1.5 billion per year</td>
</tr>
<tr>
<td>2004</td>
<td>$1.5 billion per year</td>
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<tr>
<td>2005</td>
<td>$1.5 billion per year</td>
</tr>
<tr>
<td>2006</td>
<td>$1.5 billion per year</td>
</tr>
</tbody>
</table>

The amount of the new tax credit to the investor (either the original purchaser or any subsequent holders) is (1) a five percent credit for the year in which the equity interest is purchased from the CDE and the first two anniversary dates thereafter, and (2) a six percent credit on each anniversary date thereafter for the following four years. The taxpayer’s basis in the investment is reduced by the amount of the credit (other than for purposes of calculating the capital gain exclusion under sections 1202, 1400B, and 1400F).

D. INCREASE THE LOW-INCOME HOUSING TAX CREDIT CAP AND MAKE OTHER MODIFICATIONS (SECS. 131-137 OF THE BILL AND SEC. 42 OF THE CODE)  

PRESENT LAW  

The low-income housing tax credit may be claimed over a 10-year period for the cost of rental housing occupied by tenants having incomes below specified levels. The credit percentage for newly constructed or substantially rehabilitated housing that is not Federally subsidized is adjusted monthly by the Internal Revenue Service so that the annual installments have a present value of 70 percent of the total qualified expenditures. The credit percentage for new substantially rehabilitated housing that is Federally subsidized and for existing housing that is substantially rehabilitated is calculated to have a present value of 30 percent qualified expenditures.

Credit cap  

The aggregate credit authority provided annually to each State is $1.25 per resident, as of December 15, 2000.
except in the case of projects that also receive financing with proceeds of tax-exempt bonds issued subject to the private activity bond volume limit and certain carry-over amounts.

Expenditure test

Generally, the building must be placed in service in the year in which it receives an allocation to qualify for the credit. An exception is made in the case where the taxpayer has expended an amount equal to 10 percent or more of the taxpayer’s reasonably expected basis in the building by the end of the calendar year in which the allocation is received and certain other requirements are met.

Basis of building eligible for the credit

Buildings receiving assistance under the HOME Investment Partnerships program (“HOME”) are treated as States.

Generally limited to the portion of the building used by qualified low-income tenants for residential living and some common areas.

State allocation plan

Each State must develop a plan for allocating credits and such plan must include certain allocation criteria including: (1) project location; (2) housing needs characteristics; (3) project characteristics; (4) sponsor characteristics; (5) participation of local tax-exempt; (6) tenant populations with special needs; and (7) public housing waiting lists. The State allocation plan must also give preference to housing projects: (1) that serve individuals in the area to be served by the project; (2) that are obligated to serve qualified tenants for the longest periods.

Credit administration

There are no explicit requirements that housing credit agencies perform a comprehensive market study of the housing needs of the low-income individuals in the area to be served by the project, or that such agency conduct site visits to monitor for compliance with habitability standards.

Stacking rule

Authority to allocate credits remains at the State (as opposed to local) government level unless State law provides otherwise. Generally, credits may be allocated only to projects within a State under an allocation made in accordance with the established priorities and selection criteria of the housing credit agency. They also require site inspections by the housing credit agency to monitor for compliance with habitability standards applicable to the project.

Credit cap

The provisions in S. 3152 relating to the treatment of buildings receiving assistance under the Native American Housing Assistance and Self-Determination Act of 1996 is the same as one of the provisions in H.R. 5542.

State allocation plans

No provision.

Effective date

The provisions are effective for calendar years beginning after December 31, 2000, and buildings placed-in-service after such date in the case of projects that also receive financing with proceeds of tax-exempt bonds subject to the private activity bond volume limit which are issued after such date.
CONGRESSIONAL RECORD—HOUSE

December 15, 2000

H12409

buildings placed-in-service after such date in the case of projects that also receive financ- ing with proceeds of tax-exempt bonds which are issued after such date subject to the pri- vate activity bond volume limit.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 5542.

E. ACCELERATE SCHEDULED INCREASE IN STATE VOLUME LIMITS ON TAX-EXEMPT PRIVATE ACTIVITY BONDS (SEC. 151 OF THE BILL AND SEC. 146 OF THE CODE)

PRESENT LAW

Interest on bonds issued by States and local governments is excluded from income if the proceeds of the bonds are used to finance activities conducted and paid for by the govern- ment ("private activity bonds"). Interest on bonds issued by these governmental units to fi- nance activities carried out and paid for by private persons ("private activity bonds") is taxable unless the activities are specified in the Internal Revenue Code. Private activity bonds on which interest may be tax-exempt include bonds for privately operated trans- portation facilities (airports, docks, and wharves, mass transit, and high speed rail fa- cilities), privately owned and/or provided municipal services (water, sewer, solid waste disposal, electric and heating fa- cilities), economic development (small manu- facturing facilities and redevelopment in economically depressed areas), and certain social welfare programs (some rental housing, qualified mortgage bonds, student loan bonds, and exempt activities of charitable organizations described in sec. 501(c)(3)).

The volume of tax-exempt private activity bonds that States and local governments may issue for most of these purposes in each calendar year is limited by State-wide vol- ume limits. The current annual volume lim- its are $50 per resident of the State or $150 million if greater. The volume limits do not apply to private activity bonds to finance airports, docks and wharves, certain government- owned, but privately operated solid waste disposal facilities, certain high speed rail facilities, and to certain types of private activity tax-exempt bonds that are subject to other limits on their volume (qualified veterans' mortgage bonds and certain empowerment zone and enterprise community bonds).

The current annual volume limits that apply to private activity tax-exempt bonds increase to $75 per resident of each State or $225 million if greater, beginning in calendar year 2003. The increase is, ratably phased in, beginning with $5,000 in calendar year 2001. The volume of bond issues conducted and paid for by governmental units (sec. 198). The deduction applies for taxable years beginning after December 31, 1997 and held for more than five years. With respect to the tax-exempt financing incentives, the D.C. Zone generally is treated like a Round I empowerment zone; therefore, the issuance of such bonds is subject to the District of Columbia's annual private activity bond volume limitation. However, the aggregate face amount of all outstanding qualifying bonds issued by the D.C. Zone may not exceed $15 million (rather than $3 million, as is the case for Round I empowerment zones).

CONFERENCE AGREEMENT

The conference agreement follows H.R. 5542.

F. EXTENSION AND MODIFICATION TO EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS (SEC. 152 OF THE BILL AND SEC. 196 OF THE CODE)

PRESENT LAW

Taxpayers can elect to treat certain envi- ronmental remediation expenditures that would otherwise be chargeable to capital ac- count as deductible in the year paid or in- curred. The election applies for both regular and alternative minimum tax purposes. The expenditure must be incurred in connection with the abatement or control of hazardous substances at a qualified con- taminated site.

A "qualified contaminated site" generally is any property that (1) is held for use in a trade or business involving the production of income, or as inventory; (2) is certified by the proper- site at which the site is located; and (4) any other properties that are adjacent to the contaminated site. The provision is effective for expenditures incurred before January 1, 2002.

NO PROVISION. However, H.R. 5542 extends the first-time homebuyer credit for two years (through December 31, 2003).

Effective date.—The provision is effective for taxable years beginning after December 31, 2000.

CONGRESSIONAL RECORD—HOUSE

H12409

December 15, 2000

No provision. However, S. 3152 includes a provision that extends the first-time home- buyer credit for two years, through December 31, 2003. The provision also extends the phase-out range for married individuals fil- ing joint returns so that it applies to 5 percent of individuals. Thus, under the provision, the District of Columbia homebuyer credit is phased out for joint filers with adjusted gross income between $140,000 and $180,000.

Effective date.—The provision is effective for taxable years beginning after December 31, 2000.

CONGRESSIONAL RECORD—HOUSE

H12409

December 15, 2000

No provision. However, S. 3152 includes a provision that extends the first-time homebuyer credit for two years, through December 31, 2003. The provision also extends the phase-out range for married individuals fil- ing joint returns so that it applies to 5 percent of individuals. Thus, under the provision, the District of Columbia homebuyer credit is phased out for joint filers with adjusted gross income between $140,000 and $180,000.

Effective date.—The provision is effective for taxable years beginning after December 31, 2000.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 5542.

G. EXPANSION OF DISTRICT OF COLUMBIA HOMEOWNER TAX CREDIT (SEC. 153 OF THE BILL AND SEC. 1400C OF THE CODE)

PRESENT LAW

First-time homeowners of a principal resi- dence in the District of Columbia are eligible for a tax credit for up to $5,000 of the amount of the purchase price. The $5,000 maximum credit applies both to indi-
The maximum charitable contribution deduction that may be claimed by a corporation for any one taxable year is limited to 10 percent of the corporation's taxable income for the preceding taxable year (and with certain other modifications, see Sec. 170(b)(2)). Corporations are also subject to certain limitations based on the type of organization to which the contribution is made. In the case of a charitable contribution of short-term gain property, inventory, or other ordinary income property, the amount of the deduction generally is limited to the fair market value of the property (generally, cost) in the property. However, special rules in the Code provide an augmented deduction for certain corporate contributions. Under these special rules, the amount of the augmented deduction is equal to the lesser of (1) the basis of the donated property plus one-half of the amount of ordinary income that would have been realized if the property had been sold, or (2) twice the basis of the donated property.

Section 170 also allows corporate taxpayers an augmented deduction for qualified contributions of computer technology and equipment (i.e., computer software, computer equipment, peripheral equipment, fiber optic cable related to computer use) to be used within the United States for educational purposes in grades K-12. Eligible donees are: (1) any educational organization that normally maintains a regular faculty and curriculum and has a regularly enrolled body of pupils in attendance at the place where such activities are regularly carried on; and (2) tax-exempt charitable organizations that are organized primarily for purposes of supporting elementary and secondary education. A private foundation may transfer the donated property for money or depreciable trade or business property in situations in which the number of actual retail sales of used computers similar to those donated is small in relation to the number of such computers that are donated.

In addition, the conference agreement provides that the Secretary may prescribe by regulations the procedures to ensure that the donations meet minimum functionality and suitability standards for educational purposes.

TREATMENT OF INDIAN TRIBES AS NON-PROFIT ORGANIZATIONS AND STATE OR LOCAL GOVERNMENTS FOR PURPOSES OF THE FEDERAL UNEMPLOYMENT TAX ("FUTA") (Sec. 330 of the Bill and Sec. 200 of the Code)

Present Law

Present law imposes a net tax on employers equal to 0.8 percent of the first $7,000 paid annually to each employee. The current tax rate for employers of 10 or fewer employees is 1.4 percent. The maximum annual contribution that non-profit organizations and State and local governments are permitted to make to an MSA for a year is 65 percent of the deductible under the high deductible health plan (other than a plan that provides certain permitted coverage). A self-employed individual is not an eligible individual (by reason of being self-employed) if the high deductible plan under which the individual is covered is established or maintained by an employer of the individual (or the individual's spouse). The maximum annual contribution that can be made to an MSA for an individual under age 65 is 65 percent of the deductible under the high deductible health plan (other than a plan that provides certain permitted coverage). A self-employed individual is not an eligible individual (by reason of being self-employed) if the high deductible plan under which the individual is covered is established or maintained by an employer of the individual (or the individual's spouse). The maximum annual contribution that can be made to an MSA for an individual under age 65 is 65 percent of the deductible under the high deductible health plan (other than a plan that provides certain permitted coverage). A self-employed individual is not an eligible individual (by reason of being self-employed) if the high deductible plan under which the individual is covered is established or maintained by an employer of the individual (or the individual's spouse). The maximum annual contribution that can be made to an MSA for an individual under age 65 is 65 percent of the deductible under the high deductible health plan (other than a plan that provides certain permitted coverage). A self-employed individual is not an eligible individual (by reason of being self-employed) if the high deductible plan under which the individual is covered is established or maintained by an employer of the individual (or the individual's spouse).
The number of taxpayers benefiting annually from an MSA contribution is limited to a threshold level (generally 750,000 taxpayers). If it is determined in a year that the threshold level has been exceeded (called a “cut-off” year), then, in general, for succeeding years during the 4-year period after the year of exceeding the threshold level, no MSA contributions are made in any year to an MSA on behalf of employees who previously had MSA contributions for the year following a cut-off year or any other year in which the threshold level has been exceeded. MSAs of individuals who were not covered under a health insurance plan for the six month period ending on the date on which coverage under a high deductible plan commences would not be taken into account. However, if the threshold level is exceeded in a year, previous uninsured individuals are subject to the same restriction on contributions in succeeding years as other individuals. That is, the threshold level for an MSA contribution for a year following a cut-off year is the sum of (1) the threshold level for any year in which the threshold level has been exceeded, plus any balance owed on the date of enactment.

The number of MSAs established has not exceeded the threshold level. After December 31, 2000, no new contributions may be made to MSAs except by or on behalf of individuals who previously had MSA contributions and employees who are employed by a participating employer. Employers who are participating employers may make contributions to their employees, but only if the employer made any MSA contributions for any year to an MSA on behalf of employees or the predecessor of the employer covered under a high deductible plan made MSA contributions of at least $100 in the year 2000.

Self-employed individuals who made contributions to an MSA during the period 1997-2000 also may continue to make contributions after 2000.

No provision. However, H.R. 5542 exempts certain plans from the MSA contribution limitations. No provision. The conference agreement follows H.R. 5542.

B. EXTENSION OF DEADLINES FOR IRS COMPLIANCE WITH CERTAIN NOTICE REQUIREMENTS (SEC. 303 OF THE BILL AND SECS. 6631 AND 6751(a) OF THE CODE)

Present Law

The Internal Revenue Service Restructuring and Reform Act of 1998 ("IRS Restructuring Act") imposed new notice requirements relating to penalties, interest and installment agreements. Section 6715 of the Code, added by section 3306 of the IRS Restructuring Act of 1998, requires that each notice imposing a penalty include the name of the penalty, the Code section under which the penalty is imposed, and a computation of the penalty. This requirement applies to notices issued after December 31, 2000. Section 6653 of the Code, added by section 3306 of the IRS Restructuring Act of 1998, requires that every IRS notice sent to an individual taxpayer that includes an amount of interest required to be paid by the taxpayer also include a detailed computation of the interest charged and a citation of the Code section under which the penalty is imposed, and a computation of the penalty. This requirement applies to notices issued after December 31, 2000.

The provision is effective on July 1, 2001.

No provision. However, H.R. 5542 extends the authority of the IRS to "churn" the income earned from undercover operations for an additional five years, through 2005.

Effective date—The provision is effective on the date of enactment.

No provision. The conference agreement follows H.R. 5542.

C. EXTENSION OF AUTHORITY FOR UNDERCOVER OPERATIONS (SEC. 303 OF THE BILL AND SEC. 7608 OF THE CODE)

Present Law

The Anti-Drug Abuse Act of 1988 exempted IRS undercover operations from the otherwise applicable statutory restrictions controlling the use of Government funds (which generally provide that all receipts must be deposited in the general fund of the Treasury and all expenses be paid out of appropriated funds). In general, the exemption permits the IRS to "churn" the income earned by an undercover operation to pay additional expenses incurred in the undercover operation. The IRS is required to conduct a detailed financial audit of IRS undercover operations, and, in the event that the IRS is "churning" funds to provide an annual audit report to Congress. The conference agreement extends the authority to churn funds from undercover operations was extended for five years, through 2000.
the amount thereof) of any person under this title for any tax, penalty, interest, fine, forfeiture, or other imposition, or offense. Any part of any written determination or any other written communication of the Commissioner, or any other written communication of any person with the Commissioner, or any written determination which is not open to the public inspection under section 6103 and any advance pricing agreement entered into by a taxpayer and the Secretary and any background information related to the agreement or any application for an advance pricing agreement is required to enter into tax information exchange agreements.

The term "return information" does not include data in a form that cannot be associated with any particular person, directly or indirectly, a particular taxpayer.

Secrecy of information exchanged under tax treaties. U.S. tax treaties typically contain articles governing the exchange of information. These articles generally provide for the exchange of information between the tax authorities of the two countries when such information is necessary for carrying out provisions of the treaty or of the countries' domestic tax laws. The exchange of information between the tax authorities of the two countries when such information is necessary for carrying out provisions of the treaty or of the countries' domestic tax laws is facilitated by designating "competent authorities" as being any person or the Secretary of the Treasury or his delegate. The U.S. competent authority is the Secretary of the Treasury or his delegate.

The United States and other countries, some of which can be used indirectly, a particular taxpayer.

The term "return information" does not include information that is not open to public inspection under section 6103, or any application for an advance pricing agreement executed after December 31, 1990.

In addition to the exchange of information articles in U.S. tax treaties, exchange of information provisions are contained in tax information exchange agreements entered into between the United States and another country. In addition, information may be exchanged pursuant to the Convention on Mutual Administrative Assistance in Tax Matters developed by the Council of Europe and in the Organization for Economic Cooperation and Development ("the Mutual Administrative Assistance Convention"), which limits the use of exchanged information and permits disclosure only with the prior authorization of the competent authority of the country providing the information. The United States has entered into a number of implementation coordination agreements with possessions that provide for the exchange of tax information. Moreover, the United States has entered into a number of regulations that are similar to, or represent the IRS view of the law. Your committee understands that a closing agreement is generally the result of a negotiated settlement and, as such, does not necessarily represent the IRS view of the law. Your committee intends, however, that the closing agreement exception apply as a means of avoiding public disclosure of determinations which, under present practice, is issued in a form which would be open to public inspection [under the bill].

Section 6101 and section 7212. Section 6101 of the Code provides for disclosure of written determinations. With certain exceptions, section 6101 makes the text of any written determination the Internal Revenue Code available for public inspection. A written determination is any ruling, determination letter, technical advice memorandum, or Chief Counsel advice memorandum. The IRS does not redact any material before making these documents publicly available. Among the information to be redacted is information specifically exempted from disclosure by another statute (other than Title 26) that is applicable to the IRS. Once the IRS makes the written determination publicly available, the background file associated with the written determination are available for public inspection upon written request. Section 6110 delays "informational" written material submitted by the taxpayer or other requester in support of the request. Background file documents also include any

will be used by such persons or authorities only for such purposes." Sec. 274(h)(6)(C).

The U.S. Senate ratified the Multilateral Mutual Agreement, subject to certain reservations, in September 1990. The Multilateral Mutual Assistance Convention entered into force on April 1, 1996, and has been signed by France, Germany, Spain, Italy, Austria, Belgium, Denmark, Finland, Iceland, the Netherlands, Norway, Sweden, and the United States.

For rulings, determination letters and technical advice memorandum, section 6110(c) provides the following exemptions from disclosure:

(1) The names and social security numbers of the person to whom the written determination pertains and of any other person, other than a person with respect to whom a notation is made under subsection(d)(1) (relating to third party contacts), identified in the written determination or any background file documents.

(2) Information specifically authorized under criteria established in regulations to be kept secret in the interest of national defense or foreign policy, and which is in fact properly classified pursuant to such regulations.

(3) Information specifically exempted from disclosure by any statute (other than Title 26) that is applicable to the IRS.

(4) Trade secrets and commercial or financial information obtained from a person and privileges or confidential.

(5) Information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(6) Information contained in or related to examination, operating, or condition reports prepared by, or for use of an agency responsible for the regulation or supervision of financial institutions;

(7) Geological and physical geological information and data, including maps, concerning wells;

For Chief Counsel Advice, paragraphs 2 through 7 do not apply to factual matters determined in accordance with subsections (b) and(c) of the FOIA (except that in applying Exemption 3 of the FOIA, no statutory provision of the Code is to be taken into account.) See sec. 6101(b)(3).

The IRS view of the law. Your committee understands that a closing agreement is generally the result of a negotiated settlement and, as such, does not necessarily represent the IRS view of the law. Your committee intends, however, that the closing agreement exception apply as a means of avoiding public disclosure of determinations which, under present practice, is issued in a form which would be open to public inspection [under the bill].

Closings agreements are entered into under the authority of section 7211. Closing agreements finally and conclusively settle a tax between the IRS and a taxpayer. Closing agreements may: (1) determine a taxpayer's entire tax liability for a previous tax period; (2) settle the tax treatment of one or more specific items affecting tax liability or any tax period. Thus, closing agreements may settle the treatment of a specific item for periods outside the scope of the agreement. A single closing agreement may cover both the determination of a taxpayer's entire tax liability for a previous tax period and fix the tax treatment of specific items for any tax period.

Freedom of Information Act. The Freedom of Information Act ("FOIA"), enacted in 1966, established a statutory right to access government information. While the purpose of section 6030 is to restrict access to returns and return information, the basic purpose of the FOIA is to ensure that the public has access to government documents. In general, the FOIA provides that any person has a right of access to Federal agency records, except to the extent that such records have special law enforcement record exclusions. Exemption 3 of the FOIA allows the withholding of information prohibited from disclosure by another statute if certain requirements are met. The right of access is enforceable in court.

Paying FOIA requests and litigation involving IRS records.

Records covered by treaty secrecy clauses. A publisher of tax-related material and commentary has made a FOIA request for the disclosure of competent authority agreements. The request has been pending since March 14, 2000. The IRS has not denied the
request, nor has it produced any documents responsive to the request. At this time, no suit has been filed to compel disclosure of these documents, although such a suit may be brought in the future.

In connection with a separate request, the IRS was sued under the FOIA to compel disclosure of a Field Service Advice memoranda ("FSA") prepared by IRS field personnel with respect to assertions of privilege, including issues relating to a particular taxpayer. FSAs usually contain a statement of issues, facts, legal analysis and conclusions. The primary purpose of FSA is to ensure that IRS field personnel apply the law correctly and uniformly. The D.C. Circuit determined that FSAs are subject to disclosure. However, the district court remanded the case to district court to address assertions of privilege, including those based on treaty secrecy. A decision on this issue by the district court is still pending.

Pre-filing agreements

On February 11, 2000, the IRS issued Notice 2000-12, in which the IRS established a pilot program for "Pre-filing Agreements." Under this program, large businesses may seek technical advice, clarification that return information includes disclosures of law or other written determinations as defined in section 6103, or other material clearly available to the public. The general rule does not contain an explanation of the law or application of law to facts. Instead, such agreements are negotiated arrangements to provide guidance in connection with a tax convention or otherwise contain any legal interpretations. FSAs are prepared by attorneys for the IRS and are generally intended for use by the IRS to resolve issues that are likely to be disputed in post-filing audits. The provision is not intended to foreclose the disclosure of tax-exempt organization closing agreements to the extent such disclosure is required by law. Since the General Agreement on Tariffs and Trade, section 6103 permits the disclosure of return information as authorized by title 26, a disclosure authorized by section 6104 is permissible for a closing agreement, and any other information contained in a closing agreement is return information.

Pre-filing agreement program

It is intended that the Secretary make publicly available an annual report relating to pre-filing agreements, including the number of applications received no later than March 30, 2001. The information contained in the report is to be submitted to the House of Representatives and the Senate Finance Committee.

Protection for agreements and information exchanged pursuant to tax treaty

The provision adds a new Code section 6105, which provides that tax convention information, with limited exceptions, cannot be disclosed by virtue of the fact that such material is contained in a background file for a closing agreement. For example, if a revenue agent seeks technical advice in connection with a pre-filing agreement, such technical advice would remain subject to the requirements of section 6103. The report is to include (1) the number of pre-filing agreements completed, (2) the number of applications received, (3) the number of applications withdrawn, (4) the types of issues which are involved only settled issues of law, it is the understanding of the conferees that documents of this nature generally would not be generated in this process.

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publicized by press release IR-INT-1999-13. The conference intends that the “impaired of tax administration” for purposes of this provision include, but not be limited to, the releases of data that would adversely affect the working relationship of the treaty partners. Under the provision, except as otherwise provided, taxpayer-specific tax convention information generated in conjunction with the existence of a possible existence of liability (or amount thereof) of any person for any tax, penalty, interest, fine, forfeiture, or other imposition or offense under the Code is return information under section 6103. It is also an agreement pursuant to a tax convention under section 6105. Return information, including taxpayer-specific statutory authority agreements, remains subject to the confidentiality provisions of section 6103. Thus, civil and criminal penalties for the unauthorized disclosure of returns and return information continue to apply to return information that is also covered by section 6105. However, tax convention information that is return information and that is disclosed to the extent provided in, and subject to the terms and conditions of, the relevant tax convention. Interaction with FOIA and section 6110

Under the provision, closing agreements and information contained in the existing written determinations for purposes of section 6110 and, thus, would not be subject to public disclosure. Such agreements would be defined as return information under section 6103 and, therefore, such documents would be protected from disclosure pursuant to Exemption 3 of the FOIA in conjunction with section 6110.

In addition, under the provision, section 6110 would not apply to material covered by section 6105. In the litigation context, there has been some dispute as to whether treaties qualify as statutes for purposes of withholding information pursuant to Exemption 3 of the FOIA. The conferences believe that treaties are the equivalent of statutes for purposes of Exemption 3 of the FOIA. Section 6105 satisfies Exemption 3 of the FOIA. Taxpayer-specific tax convention information, including the taxpayer’s tax liability, such as taxpayer-specific competent authority agreements, would be exempt from the FOIA. All tax convention information under section 6103 and information protected from disclosure by tax convention under section 6105. Agreements not relating to a particular taxpayer and other tax convention information related to such agreements, could be disclosed under FOIA if it is determined that the disclosure would not impair tax administration.

Effective date

The provision applies to disclosures on, or after, the date of enactment, and thus, applies to all documents in existence on, or created after, the date of enactment.

Senate amendment

No provision.

Conference agreement

The conference agreement follows H.R. 5542.

E. INCREASE JOINT COMMITTEE ON TAXATION REFUND REVIEW THRESHOLD TO $2 MILLION (SEC. 306 OF THE BILL AND SEC. 6405 OF THE CODE)

Present Law

No refund or credit in excess of $1,000,000 of any income tax, estate or gift tax, or certain other taxes, may be made until 30 days after the date a refund is provided to the Joint Committee on Taxation. 

A. EFFECTIVE DATE

No provision.

Conference agreement

The conference agreement follows H.R. 5542.

G. CONFORMING CHANGES TO ACCOMMODATE REDUCED ISSUANCES OF CERTAIN TREASURY SECURITIES (SEC. 307 OF THE BILL AND SEC. 955(f)(14) OF THE CODE)

Present Law

Code section 955(f)(14) dealing with the interest charge on the deferred tax liability of the shareholders of a domestic international sales corporation provides that the interest rate be determined by reference to the average investment yield on United States Treasury bills with maturities of 52 weeks. In addition, provisions of Federal law relating to interest on monetary judgments in civil cases recovered in Federal district court and on a judgment against the United States affirmed by the Supreme Court (Title 28), interest on certain unpaid criminal fines and penalties (Title 18), and interest on monetary judgments in civil cases recovered in Federal district court and on a judgment against the United States affirmed by the Supreme Court (Title 40) determine the applicable interest rate by reference to 52-week Treasury bills.

As a result of prior Congressional efforts at budget control, Federal budget surpluses are reducing the need of the Treasury Department to issue certain securities. The Treasury Department has informed the Congress that on grounds of efficient debt management, and predictability and liquidity for the financial markets, the Treasury Department has announced it is likely to cease issuing 52-week Treasury bills.

House bill

No provision.

Conference agreement

The conference agreement follows H.R. 5542.
December 15, 2000

without the error. Consistent with agency
guidelines and past practices, the BLS announced that it is revising the reported CPI
back to January 2000 to the fully correct levels. The BLS will make no changes to reported levels for January through December
1999. However, the BLS will make the corrected levels of the CPI for 1999 available
upon request.
HOUSE BILL

No provision. However, H.R. 5542 authorizes the Secretary of the Treasury to use the
corrected levels of the CPI for 1999 and 2000
for all purposes of the Code to which they
might apply. H.R. 5542 directs the Secretary
to prescribe new tables reflecting the correct
levels of the 1999 CPI for the 2000 tax year.
In addition, H.R. 5542 provides that the Director of the Office of Management and
Budget (‘‘OMB’’) shall assess Federal benefit
programs to ascertain the extent to which
the CPI error has or will result in a shortfall
in program payments to individuals for 2000
and future years. The Director is directed to
issue guidelines to agency administrators to
determine the extent, if any, of such shortfalls in payments to individuals. The agency
administrators are to report their findings to
the Director and to Congress within 30 days.
H.R. 5542 provides that, within 60 days of the
date of enactment, the Director instruct the
head of any Federal agency which administers an affected program to make a payment or payments to compensate for the
shortfall and that such payments are targeted to the amount of the shortfall experienced by individual beneficiaries. Applicable
Federal benefit programs include the old-age
and survivors insurance program, the disability insurance program and the supplemental security income program under the
Social Security Act and other programs as
determined by the Director. H.R. 5542 directs
the Director to report to the Congress on the
activities performed pursuant to this provision by April 1, 2001.
Effective date.—The provision is effective
on the date of enactment.
SENATE BILL

No provision.
CONFERENCE AGREEMENT

The conference agreement follows H.R.
5542, except that the conference agreement
directs the Secretary to prescribe new tables
reflecting the correct levels of the CPI for
the 2001 tax year.
The conferees note that error in the CPI
was computational in nature. The conferees
support the BLS’s policy to incorporate
methodological changes only on a prospective basis. The conferees also understand
that BLS policy provides that published indices generally not be revised except for those
found to be in error for the year in which the
error was discovered or within the past
twelve months. The conferees recognize that
the errors in the CPI date to as long as 20
months prior to the announcement of the
error. The conferees recognize that the
BLS’s policy of not publishing corrected
index numbers, beyond those provided as described above, has been applied in those rare
cases where an error has been discovered in
the past. However, the conferees understand
that in the past 25 years the few errors that
have been discovered have involved sub-indices and have not affected the level of the CPI
itself. The last time the U.S. City Average
All Items CPI was revised was in December
1974, when the values for the months of April
through October 1974 were recalculated and
released with issuance of the November CPI.
Therefore, past precedent does not strictly
apply to the present situation.
The conferees believe that integrity of official government data is vital to policy-

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makers and private individuals and businesses throughout the country. The conferees emphasize that the CPI plays an important role in economic planning. For this
reason the conferees are concerned that,
while the BLS has published corrected CPI
numbers for 2000, the BLS does not intend to
publish correct CPI numbers for 1999 as part
of the official CPI series. To its credit, the
BLS announced the error publicly. The national press reported the error.50 In the absence of a correction to the official CPI series, the Federal government will be left in
the position of maintaining, as an official
data series, index numbers that the Federal
government has admitted are incorrect. The
conferees believe that the public’s trust in
the integrity of official government data is a
paramount goal and the conferees strongly
encourage the Commissioner of the Bureau
of Labor Statistics to review carefully the
agency’s current policy with the respect to
publishing as part of an official series corrections to data found to be in error for reasons
of computational error. The conferees believe such a review should be made both with
respect of computational error. The conferees believe such a review should be made
both with respect to the error announced on
September 28, 2000, and as a matter for the
future for those rate circumstances when
such a similar computational error might
once again arise.
1. PREVENT DUPLICATION OR ACCELERATION OF
LOSS THROUGH ASSUMPTION OF CERTAIN LIABILITIES (SEC. 309 OF THE BILL AND SEC. 358
OF THE CODE)
PRESENT LAW

Generally, no gain or loss is recognized
when one or more persons transfer property
to a corporation in exchange for stock and
immediately after the exchange such person
or persons control the corporation. However,
a transfer recognizes gain to the extent it receives money or other property (‘‘boot’’) as
part of the exchange (sec. 351).
The assumption of liabilities by the controlled corporation generally is not treated
as boot received by the transferor,51 except
that the transferor recognizes gain to the extent that the liabilities assumed exceed the
total of the adjusted basis of the property
transferred to the controlled corporation
pursuant to the exchange (sec. 357(c)).
The assumption of liabilities by the controlled corporation generally reduces the
transferor’s basis in the stock of the controlled corporation that assumed the liabilities. The transferor’s basis in the stock of
the controlled corporation is the same as the
basis of the property contributed to the controlled corporation, increased by the amount
of any gain (or dividend) recognized by the
transferor on the exchange, and reduced by
the amount of any money or property re50 For example, John M. Berry, ‘‘Inflation Higher
Than Reported,’’ The Washington Post, September
27, 2000, p. E–1, John M. Berry, ‘‘Rent Error Leads to
Revision Of the CPI,’’ The Washington Post, September 29, 2000, p. E–3, Nicholas Kulish, ‘‘Major
Price Index Is Revised Upward As Result of Error,’’
The Wall Street Journal, September 28, 2000, p. A2,
and Nicholas Kulish, ‘‘Second-Period GDP Rose at
5.6% Annual Rate,’’ The Wall Street Journal, September 29, 2000, p. A2. The conferees observe that
these press reports highlight the potential confusion
for the public regarding these data. The Washington
Post reported that ‘‘the CPI figures for 1999 were not
revised’’ (September 29, 2000 story) while The Wall
Street Journal reported that ‘‘[t]he BLS said a complete revision of all the data sets would be released’’
(September 28, 2000 story) and ‘‘it [BLS] announced
that it would revise the index’’ (September 29, 2000
story.
51 The assumption of liabilities is treated as boot if
it can be shown that ‘‘the principal purpose’’ of the
assumption is tax avoidance on the exchange, or is
a non-bona fide business purpose (sec. 357(b)).

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ceived, and by the amount of any loss recognized by the transferor (sec. 358). For this
purpose, the assumption of a liability is
treated as money received by the transferor.
An exception to the general treatment of
assumption of liabilities applies to assumptions of liabilities that would give rise to a
deduction, provided the incurrence of such
liabilities did not result in the creation or
increase of basis of any property. The assumption of such liabilities is not treated as
money received by the transferor in determining whether the transferor has gain on
the exchange. Similarly, the transferor’s
basis in the stock of the controlled corporation is not reduced by the assumption of
such liabilities. The Internal Revenue Service has ruled that the assumption by an accrual basis corporation of certain contingent
liabilities for soil and groundwater remediation would be covered by this exception.52
HOUSE BILL

No provision. However, H.R. 5542 contains a
provisions to limit the acceleration or duplication of losses through assumptions of liabilities.
Under H.R. 5542, if the basis of stock (determined without regard to this provision)
received by a transferor as part of a tax-free
exchange with a controlled corporation exceeds the fair market value of the stock,
then the basis of the stock received is reduced (but not below the fair market value)
by the amount (determined as of the date of
the exchange) of any liability that (1) is assumed in exchange for such stock, and (2) did
not otherwise reduced the transferor’s basis
of the stock by reason on the assumption.
Except as provided by the Secretary of the
Treasury, this provision does not apply
where the trade or business with which the
liability is associated is transferred to the
corporation as part of the exchange, or
where substantially all the assets which the
liability is associated are transferred to the
corporation as part of the exchange.
The exception for transfers of a trade or
business, or substantially all the assets with
which a liability is associated, are intended
to obviate the need for valuation or basis reduction in such cases. The exceptions are not
intended to apply to situation involving the
selective transfer of assets that may bear
some relationship to the liability, but that
do not represent the full scope of the trade
or business, (or substantially all the assets)
with which the liability is associated.
For purposes of the provision, the term ‘‘liability’’ includes fixed or contingent obligation to make payments, without regard to
whether such obligation or potential obligation is otherwise taken into account under
the Code. The determination whether a liability (as more broadly defined for purposes
of this provision) has been assumed is made
in accordance with the provisions of section
357(d)(1) of the Code. Under the standard of
357(d)(1), a recourse liability is treated as assumed if, based on all the facts and circumstances, the transferee has agreed to and
52 Rev. Rul. 95–74, 1995–2 C.B. 36. The ruling addressed a parent corporation’s transfer to a subsidiary of substantially all the assets of a manufacturing business, in exchange for stock and the assumption of liabilities associated with the business,
including certain contingent environmental remediation liabilities. These liabilities arose due to contamination of land during the parent corporation’s
operation of the manufacturing business. The transferor has no plan or intention to dispose of (or to
have the subsidiary issue) any subsidiary stock. The
IRS ruled that the contingent liabilities would not
reduce the transferor’s basis in the stock of the subsidiary because the liabilities would not reduce the
transferor’s basis in the stock of the subsidiary because the liabilities had not been taken into account
by the transfer prior to the transfer and had not
given rise to deductions or basis for the transferor.

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is expected to satisfy such liability (or portion thereof), whether or not the transferor has been relieved of the liability. For example, if a transferee corporation does not formally assume the legal obligation of the transferor, but instead agrees and is expected to indemnify the transferor with respect to all or a portion of a such liability, then the amount (if any) that is agreed to be indemnified is treated as assumed for purposes of the provision, whether or not the transferor has been relieved of such liability. Similarly, if a non-recourse liability is treated as assumed by the transferee of any asset subject to such liability.53

The Secretary of the Treasury is directed to prescribe rules providing for tax technical corrections. The provisions under the IRS Re-authorization Act of 1999 (Relating to innocent spouse and to procedural and administrative issues (other than the provision relating to clarification of Tax Court procedure to issue appealable decisions) are effective upon the date of enactment of the bill.

AMENDMENTS RELATING TO THE TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1998

Research credit.—The provision clarifies the anti-double dip rule coordinating the research credit (sec. 43) and the Puerto Rico activity credit (sec. 631A). It is arguable that the present-law provisions could be construed so that the amount of wages on which a taxpayer could claim the section 30A credit is reduced only by the amount of credit it claimed under section 41, rather than by the amount of wages upon which the section 30A credit was claimed (subject to the amount of wages to which the Secretary is entitled to claim the section 30A credit with the legislative history of the original provisions. The provision deletes the words "or credit" after "deduction" in section 280C(c)(1), and adds a new subsection in section 30A specifying that wages or other expenses taken into account for section 30A may not be taken into account for section 41. The tax treatment with respect to the transferee corporation.

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The conference agreement amends section 6103 to permit the Secretary to furnish to CBO returns and return information such information is necessary for purposes of CBO's long-term models of Social Security and Medicare. This authority extends to the development of a long-term model for CBO's of its long-term models of Social Security and Medicare. It is the intent of Congress that all requests for information made by CBO under this provision be made to the Secretary and that the Secretary use his authority under section 6103(p)(2) such that the SSA or other agency can furnish directly to CBO, for purposes of CBO's long-term models of Social Security and Medicare, the data on which they possess that incorporates return information. It is also the intent of Congress that the Secretary furnish such other return information under this provision as is necessary for purposes of CBO's Social Security and Medicare long-term models.

Under the provision, CBO is subject to the present-law safeguard requirements for tax returns and return information. Further, CBO is prohibited from disclosing any tax returns and return information furnished to CBO under this provision except in a form that cannot be associated with, or otherwise identify, directly or indirectly a particular taxpayer. Present-law safeguard requirements apply to the unauthorized disclosure or inspection of tax returns or return information.

Addition of general CBO confidentiality provisions.

The conference agreement adds to the CBO's confidentiality provisions which would require CBO to provide the same level of confidentiality to data it obtains from other agencies as that to which the agencies themselves are subject. Officials and employees of CBO would be subject to the same penalties for unauthorized disclosure as the employees from which CBO obtains the data.

Subtitle B.—Tax Technical Corrections (secs. 311-319 of the bill)

No provision. However, H.R. 5542 includes tax technical corrections.56 Except as otherwise provided, the technical corrections contained in the bill generally are effective as if included in the originally enacted related legislation. The provisions under the IRS Re-authorization Act of 1999 (Relating to innocent spouse and to procedural and administrative issues (other than the provision relating to clarification of Tax Court procedure to issue appealable decisions) are effective upon the date of enactment of the bill.

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No provision.
Amendments related to the Internal Revenue Service Restructuring and Reform Act of 1998

Innocent spouse

Timing of request for relief.—Confusion currently exists as to whether the period for which a request for innocent spouse relief should be made by the taxpayer and considered by the IRS. Some have read the statute to provide for relief by the IRS only after an assessment has been made; Congress intended in enacting section 6033 to provide a simple and efficient procedure by which the IRS could consider relief, and if relief was denied (in whole or in part) and the spouse requesting such relief was aggrieved by such decision, that decision could be considered by the Tax Court. Congress did not intend to require a rigid formal process when the IRS and the spouse requesting relief were agreed on the extent of relief to be granted. However, the provisions of section 6033(e) have been interpreted as requiring the issuance in all circumstances of a formal written notice. Amendment 8900 contains a statement of the time period within which a petition may be filed with the Tax Court and which delays final resolution of the dispute until the expiration of the period for filing a petition with the Tax Court. The issuance of the Notice of Determination is confusing to the taxpayer when the requested relief was fully granted or when the IRS and the spouse otherwise agreed on the application of the innocent spouse provisions to the taxpayer’s case. It also may cause unnecessary filings with the Tax Court and delay the closing of the case until the time for filing with the Tax Court expires.

Congress has addressed the analogous situation in the deficiency context in section 6213(d). In such situations, upon written agreement by the IRS, the taxpayer can waive the taxpayer’s liability as agreed, and no additional formal notice is necessary. The bill reflects that an analogous waiver was intended to apply in the context of innocent spouse relief. The bill consequently permits taxpayers and the IRS to enter into a similar written agreement in innocent spouse cases, which allows the taxpayer’s liability to be immediately adjusted as agreed, and makes unnecessary a formal Notice of Determination or Tax Court review. This written agreement is to specify the amount of relief to be granted, including any tax liabilities remaining to be paid by the spouse, with the concurrence of the Tax Court. In view of the recent enactment of the innocent spouse and pre-levy administrative due process hearing procedures, it is anticipated that the Tax Court will give careful consideration to (1) a motion by the Commissioner of Internal Revenue to remove the small case procedures of the Tax Court, (2) a motion by the IRS to remove the small case procedures, (3) a motion by an IRS employee to remove the small case procedures, (4) a motion by a taxpayer to remove the small case procedures, and (5) a motion by the IRS to remove the small case procedures. The bill clarifies that the permissible extension of the time period is governed by an agreement of the IRS and the spouse with respect to innocent spouse disputes and disputes continuing from the pre-levy administrative due process hearing procedures. In the context of installment agreements, it is intended that the Tax Court and would be reviewable as such.

Procedural and administrative issues

Disputes involving $50,000 or less.—The provision clarifies the small case procedures of the Tax Court, applicable with respect to innocent spouse disputes and disputes continuing from the pre-levy administrative due process hearing procedures. The small case procedures provide an accessible forum for taxpayers who have small claims with less formal rules of evidence and procedure. Use of the procedures is optional to the taxpayer, with the concurrence of the Tax Court. In view of the recent enactment of the innocent spouse and pre-levy administrative due process hearing procedures, it is anticipated that if a taxpayer requests relief, the Tax Court will give careful consideration to (1) a motion by the Commissioner of Internal Revenue to remove the small case procedures of the Tax Court, (2) a motion by the IRS to remove the small case procedures, (3) a motion by an IRS employee to remove the small case procedures, (4) a motion by a taxpayer to remove the small case procedures, and (5) a motion by the IRS to remove the small case procedures. The bill clarifies that the permissible extension of the time period is governed by an agreement of the IRS and the spouse with respect to innocent spouse disputes and disputes continuing from the pre-levy administrative due process hearing procedures. In the context of installment agreements, it is intended that the Tax Court and would be reviewable as such.

Other issues

IRS restructuring.—When the Office of the Chief Inspector was replaced by the Treasury Inspector General for Tax Administration (TIGTA), the IRS Restructuring and Reform Act of 1998 expanded inspection's responsibilities assigned to the TIGTA. TIGTA personnel are Treasury, rather than IRS, personnel. TIGTA personnel need to make investigative disclosures to carry out the duties they took over from inspection and their additional tax administration responsibilities. However, section 6033(k)(6) refers only to “internal revenue” personnel. The provision clarifies that section 6033(k)(6) permits TIGTA personnel to make investigatory disclosures.

Compliance.—Section 3509 of the IRS Restructuring and Reform Act of 1998 expanded the disclosure rules of section 6103 to also cover Chief Counsel advice (section 6103(k)). This is a conforming change related to ongoing investigations. The provision adds to section 6103(g)(3)(A), after the words technical advice memorandum, "Chief Counsel advice memorandum.

Amendments related to the Taxpayer Relief Act of 1997

Deficiency created by overstatement of refundable portion of child credit.—The provision treats the refundable portion of the child credit under section 24(d) as part of a “deficiency.” This, thus, reverses the conclusion reached by Internal Revenue Service (IRS) memorandum 1999-006, a decision which has been rendered under the current tax law. Thus, the usual assessment procedures applicable to income taxes will apply to both the nonrefundable and the refundable portions of the child credit. This will reverse the conclusion reached by Internal Revenue Service (IRS) memorandum 1999-006, a decision which has been rendered under the current tax law.

Roth IRAs.—Code section 3405 provides for withholding with respect to designated distributions from tax-exempt retirement arrangements, including IRAs. In general, section 3405(e)(i)(B)(ii) excludes from the definition of a designated distribution the portion of the distribution which it is reasonable to believe is excludable from gross income. However, all distributions from IRAs are treated
as includable in income. The exception was consistent with prior law when all IRA distributions were taxable, but does not account for the tax-free nature of certain Roth IRA distributions. This provision extends the exception to Roth IRAs.

Capital gain election.—The provision provides that an election to recognize gain or loss under section 311(e) of the Taxpayer Relief Act of 1997 does not apply to assets disposed of in a recognition transaction occurring within two years of the date the election becomes effective. Thus, for example, if an asset is sold in 2001, no election may be made with respect to that asset. In addition, it is clarified that the disposition by reason of such an election is not taken into account in applying the wash sales rules of section 1091.

Exclusion under AMT.—The provision clarifies that the Taxpayer Relief Act of 1997 did not change the requirement that the straight-line method of depreciation be used in computing the alternative minimum tax amount ("AMT") depreciation allowance for section 1250 property. It is arguable that the changes made by that Act could be read as unintentionally allowing accelerated depreciation under the AMT for section 1250 property which is allowed accelerated depreciation under the regular tax.

Trade rules.—Under present law, salary reduction amounts are generally treated as compensation for purposes of the limits on contributions and benefits under qualified plans. In addition, an employer can elect whether or not to include such amounts for nondiscrimination testing purposes. The IRS Reform Act permitted employers to elect a "small business" in lieu of qualified transportation benefits. The provision treats salary reduction amounts used for qualified transportation benefits the same as other salary reduction amounts for purposes of the section 1250 property which is allowed accelerated depreciation under the regular tax.

Tax Court jurisdiction.—The Tax Court recently held that its jurisdiction pursuant to section 7463 extends only to employment status, not to be amount of employment tax in dispute (Henry Randolph Consulting v. Commissioner, 112 T.C. #1 Jan. 6, 1999). The provision provides that the Tax Court also has jurisdiction over the amount.

Amendments related to the Balanced Budget Act of 1997.—

Tobacco floor stocks tax.—The provision clarifies that the floor stocks taxes imposed on January 1, 2000, and January 1, 2002, apply only to cigarettes rather than to tobacco products, as enacted, the law could be construed as ambiguous, referring to imposition on all tobacco products but imposing liability only with respect to cigarettes.

Tobacco excise tax.—Conforming amendments are provided to two provisions to reflect the fact that the tax on cigarette papers is now "in books" or papers since January 1, 2000.

Coordination of trade rules and tobacco excise tax.—Clarification is provided that the penalty on improper depreciations other than for return to a manufacturer (effective January 1, 2000) does not apply to cigarettes re-imported by individuals to the extent those cigarettes can be entered into the U.S. without duty or tax under the Harmonized Tariff Schedule.

Amendment related to the Small Business Job Protection Act of 1988.—

Work opportunity tax credit.—Section 51(d)(2) refers to eligibility for the work opportunity tax credit with respect to certain welfare recipients without taking into account the work site or tax year for needy families ("TANF") program. The provisions conform references in the work opportunity tax credit to the operation of TANF.

Electing small business trusts holding S corporation stock.—The provision allows an S corporation to elect to have an organization described in section 170(c)(1) (relating to State and local governments) as a beneficiary if the organization holds a TANF trust, and is not a potential current beneficiary.

Definition of lump-sum distribution.—Section 1401(b) of the Small Business Job Protection Act of 1988, as amended, provided that the term "lump-sum distribution" is defined as a distribution that involves the deemed sale and repurchase by reason of the individual's election for section 402(d)(4)(A) to section 402(e)(4)(D)(i). This definition included the following sentence: "A distribution of an annuity contract from a trust or annuity plan referred to in the first sentence of this subparagraph shall be treated as a lump-sum distribution." The provision adds this language back into the definition of lump-sum distribution. The sentence is relevant to section 401(k)(1)(B), which permits certain distributions if made as a "lump-sum distribution.

IRAs for nonworking spouses.—Section 1427 of the Small Business Job Protection Act of 1988, as amended, provides that if the modified earned income of such a nonworking spouse is not more than $200 per year, then the portion of the IRA contributions due to surrender charges, then the 7-pay premium test for a contract that failed to meet the 7-pay test of section 7702(b), then exchange the second contract for a third contract, which would not include the death benefit payable in exchange for a contract that failed to meet the 7-pay test. The provision clarifies section 7702(a)(2) to correspond to the legislative history, effective with the Technical and Miscellaneous Revenue Act of 1988 (generally, for contracts entered into on or after June 21, 1988).

Insurance.—Under section 7702A, if a life insurance contract that is not a modified endowment contract is actually or deemed exchanged for a new life insurance contract, then the 7-pay limit under the new contract would be computed with respect to the premium paid using the cash surrender value of the old contract, and then would be reduced by 1/9 of the premium paid taking into account the premium paid for the old contract. For example, if the old contract had a cash surrender value of $14,000 and the 7-pay premium on the new contract would be equal $12,000 per year so that there was an exchange, the 7-pay premium on the new contract would equal $8,000 ($12,000×1/9).

Amendments to other Acts (sec. 318 of the bill) —

Worthless securities.—Section 165(g)(3) provides a special rule for worthless securities acquired by a corporation for affiliation in section 165(g)(3)(A) is the 80-percent vote test for affiliated groups under section 1594(a) that was in effect prior to 1984. The provision provides that the Deficit Reduction Act of 1984 to adopt the vote and value test of present law, no corresponding change was made to section 165(g)(3)(A), even though the tests had been identical until then. The provision conforms the affidavit test of section 165(g)(3)(A) to the test in section 1594(a)(2), effective for taxable years beginning after December 31, 1984.

Exception for certain annuities under OIL rules.—The Deficit Reduction Act of 1984 expanded the prior-law rules for inclusion in income of original issue discount ("OID") on debt instruments. That Act provided an exception from the definition of a debt instrument for certain annuity contracts, including any annuity contract to which section 72 applies and that is issued by an insurance company subject to tax under subchapter L of the Code (and meets certain other requirements). Section 1272(a) of the Act clarifies that an annuity contract otherwise meeting the applicable requirements also comes within the exception of section 72. The provision clarifies that if an annuity contract is described in section 501(c) and exempt from tax under section 501(a), that would be subject to...
A capital asset generally includes all property held by the taxpayer except certain enumerated types of property such as inventory (sec. 1221).

Section 1256 contracts

Special rules apply to "section 1256 contracts," which include regulated futures contracts, certain foreign currency contracts, non-equity options, and dealer equity options. Each section 1256 contract is treated as if it were sold (and repurchased) for its fair market value on the last business day of the year (i.e., "marked to market"). Any gain or loss with respect to a section 1256 contract which is subject to the mark-to-market rule is treated as if 40 percent of the gain or loss were short-term capital gain or loss and 60 percent long-term capital gain or loss. This results in a maximum rate of 27.84 percent on any gain for taxpayers other than corporations. The mark-to-market rule (and the special 60/40 capital treatment) is not applicable to hedging transactions.

A "regulated futures contract" is a contract (1) which is traded on or subject to the rules of a national securities exchange registered with the Securities and Exchange Commission, a domestic board of trade that was recognized by the Secretary of the Treasury as a market maker in listed options, or who the Secretary of the Treasury determines performs functions similar to market makers and specialists; (2) which is traded in the normal course of the activities of a market maker or specialist in listed options, or who the Secretary of the Treasury determines performs functions similar to market makers and specialists; (3) which is traded in the normal course of the activities of a commodity futures trading commission registered board of trade, or market, and (4) which is interest that is generally considered to begin on the date of the closing of the short sale.
holding one or more other positions in personal property. A "position" in personal property is an interest (including a futures or forward contract or option) in personal property. The straddle rules provide that the Secretary of the Treasury may issue regulations applying the short sale holding period rules to positions in a straddle. Temporary regulations have been issued setting forth the holding period rules applicable to positions in a straddle. To the extent these rules apply to a position, the rules in section 1233(b) and (d) do not apply.

The straddle rules generally do not apply to positions in stock. However the straddle rules apply if one of the positions is stock and at least one of the offsetting positions is either (i) with respect to substantially similar or related property (other than stock) as defined in Treasury regulations. Under property Treasury regulations, a position with respect to substantially similar or related property does not include stock or a short sale of stock, but includes any other position with respect to substantially similar or related property. If a straddle consists of both positions that are not contracts or positions that are not such contracts, the taxpayer may designate the positions as a mixed straddle. Positions in a mixed straddle are not subject to the two-risk-market rule of section 1266, but instead are subject to rules written under regulations to prevent the deferral of gain or loss from the sale of property in different months does not apply. The determination of who is a dealer in securities futures contracts is to be made in a manner similar to an equity options dealer, as defined under present law. The determination of who is a dealer in securities futures contracts (and options) if the relevant contracts or options, on the other. Although traders in securities futures contracts (and options on such contracts) may not have the same market-making obligations as market makers or specialists in equity options, many traders are expected to perform analogous functions to provide comparable tax treatment to traders in securities futures contracts. To the extent that the market functions of the traders are expected to perform analogous functions to market makers or specialists in equity options, many traders are expected to perform analogous functions to provide comparable tax treatment to traders in securities futures contracts. To the extent that the market functions of the traders is to be made in a manner similar to an equity options dealer, as defined under present law. The determination of who is a dealer in securities futures contracts (and options) if the relevant contracts or options, on the other. Although traders in securities futures contracts (and options on such contracts) may not have the same market-making obligations as market makers or specialists in equity options, many traders are expected to perform analogous functions to provide comparable tax treatment to traders in securities futures contracts.
into account changes made by the non-tax provisions of the bill. Only options dealers are eligible for section 1256 with respect to equity options. The term “equity option” is modified to include an option to buy or sell stock, or an option the value of which is determined, directly or indirectly, by reference to any stock, or any “narrow-based security index,” as defined in section 3(a)(55) of the Securities Exchange Act of 1934 (as modified by the bill). An equity option includes an option with respect to a group of stocks only if the group meets the requirements for a narrow-based security index.

As under present law, listed options that are not “equity options” are considered “nonequity options” to which section 1256 applies for all taxpayers. For example, options relating to broad-based groups of stocks and broad based stock indexes will continue to be treated as nonequity options under section 1256.

**Definition of contract markets**

The non-tax provisions of the bill designate certain new contract markets. The new contract markets will be contract markets for purposes of the Code, except to the extent provided in Treasury regulations.

**Effective Date**

These provisions will take effect on the date of enactment of the bill.

### Senate Amendment

No provision.

### Conference Agreement

The conference agreement follows the tax provisions contained in H.R. 4541.

### Tax Complexity Analysis

Section 4022(b) of the Internal Revenue Service Reform and Restructuring Act of 1998 (the “IRS Reform Act”) requires the Joint Committee on Taxation (in consultation with the Internal Revenue Service and the Department of the Treasury) to provide a tax complexity analysis. The complexity analysis is required for all legislation reported by the House Committee on Ways and Means, the Senate Committee on Finance, or any committee of conference if the legislation includes a provision that directly or indirectly amends the Internal Revenue Code and has widespread applicability to individuals or small businesses.

The staff of the Joint Committee on Taxation has determined that a complexity analysis is not required under section 4022(b) of the IRS Reform Act because the bill contains no provisions that amend the Internal Revenue Code and that have “widespread applicability” to individuals or small businesses.
## ESTIMATED REVENUE EFFECTS OF
THE "COMMUNITY RENEWAL TAX RELIEF ACT OF 2000"

**Fiscal Years 2001 - 2010**

[Millions of Dollars]

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<td>I. Community Revitalization Provisions</td>
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<td>A. Tax Incentives for Renewal Communities and Empowerment Zones</td>
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<td>1. Designate 40 renewal communities, 12 of which are in rural areas, to receive the following tax benefits: a wage credit of 15% on first $10,000 of qualified wages; an additional $35,000 of section 179 expensing; deduction for qualified revitalization expenditures, capped at $12 million per community; and 0% capital gains tax rate on qualifying assets held more than 5 years</td>
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<td>2. Designate 9 new empowerment zones, extend present-law empowerment zone designations through 12/31/09, expand the 20% wage credit to all empowerment zones, increase the additional section 179 expensing to $35,000 for all empowerment zones including D.C. in 2002 and 2003, and extend the more favorable round II tax exempt financing rules to all existing and new empowerment zones excluding D.C.</td>
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<td>B. New Markets Tax Credit - provide new markets tax credit with allocation authority of $1.0 billion in 2001, $1.5 billion in 2002 and 2003, $2.0 billion in 2004 and 2005, and $3.5 billion in 2006 and 2007</td>
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<td>C. Increase the Low-Income Housing Tax Credit and Make Other Modifications - increase per capita credit to $1.50 in 2001, $1.75 in 2002, and indexed for inflation thereafter; $2 million small State minimum in 2001 and 2002 and index for inflation thereafter; modify stacking rules and credit allocation rules; certain Native American housing assistance disregarded in determining whether building is Federally subsidized for purposes of the low-income housing credit</td>
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*Note: DOE and IMA are acronyms for the Department of Energy and the Indian Office, respectively.*
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<td>D. Private Activity Bond State Volume Limits - increase annual State volume cap to the greater of: $62.50 per resident or $187.5 million in 2001, and $75 per resident or $225 million in 2002; index for inflation thereafter</td>
<td>cyba 12/31/00</td>
<td>-16</td>
<td>-95</td>
<td>-195</td>
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<td>-361</td>
<td>-425</td>
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<td>-951</td>
<td>-3,519</td>
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<td>H. Extend Present-Law Section 170(e)(6) Relating to Corporate Contributions of Computer Equipment Through 12/31/03: Expand List of Eligible Donees to Include Public Libraries; Expand to Include 3-Year Property; Include Reacquired Computers</td>
<td>oma 12/31/00</td>
<td>-63</td>
<td>-118</td>
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<td>Total of Community Revitalization Provisions</td>
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<td>-5,997</td>
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<td>II. Two-Year Extension of Availability of Medical Savings Accounts</td>
<td>DOE [1]</td>
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<td>III. Administrative and Technical Provisions</td>
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<td>A. Administrative Provisions</td>
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<td>2. Extension of deadlines for IRS compliance with certain notice requirements</td>
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<td>No Revenue Effect</td>
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<td>4. Confidentiality of certain documents relating to closing and similar agreements and to agreements with foreign governments</td>
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<td>Negligible Revenue Effect</td>
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<td>5. Increase in Joint Committee on Taxation refund review threshold</td>
<td>DOE</td>
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<td>Negligible Revenue Effect</td>
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<td>7. Conforming changes to accommodate reduced issuances of certain treasury securities</td>
<td>DOE</td>
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<td>Negligible Revenue Effect</td>
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<td>8. Authorization to Use Corrected Consumer Price Index [5]:</td>
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<td>9. Prevent duplication or acceleration of loss through assumption of certain liabilities</td>
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<td>10. Disclosure of certain return information to the Congressional Budget Office</td>
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<td>B. Technical Correction Provisions</td>
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<td>IV. Tax Treatment of Securities Futures Contracts</td>
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**NET TOTAL**

*NOTE: Details may not add to totals due to rounding.*

Legend for "Effective" column:
- adoa = assumption of liabilities on or after
- cma = contributions made after
- cyba = calendar years beginning after
- dyea = date of enactment
- eoa = expenditures paid or incurred after
- ima = investments made after
- tya = taxable years ending after

[1] The Secretary of Housing and Urban Development must prescribe regulations for the nomination process no later than 4 months after the date of enactment.

The tax benefits for the designated communities generally are effective beginning on 1/1/02, and terminating on 12/31/09.

[2] Area may be designated as an empowerment zone any time after the date of enactment and before 1/1/02. The tax benefits generally become effective after 12/31/01 and terminate on 12/31/09.

[3] Loss of less than $500,000.


[5] Estimate provided by the Congressional Budget Office.

[6] The proposal generally would be effective with respect to service performed beginning on or after the date of enactment. Under a transition rule, service performed in the employ of an Indian tribe would not be treated as employment for FUTA purposes if: (1) it is service which is performed before the date of enactment and with respect to which FUTA tax has not been paid; and (2) such Indian tribe reimburses a State unemployment fund for unemployment benefits paid for service attributable to such tribe for such period.


[8] Gain of less than $5 million.


[10] Estimate for fiscal year 2002 includes an increase in EIC outlays of $17 million.


[12] Estimate includes a loss of $4,100 million over the Federal fiscal year period 2001-2010 to the Social Security trust fund.
ACT OF 2000.

as the "New Markets Venture Capital Program

Congress assembled,

section of the United States of America in Congress assembled.

SEC. 101. NEW MARKETS VENTURE CAPITAL PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "New Markets Venture Capital Program Act of 2000." (b) NEW MARKETS VENTURE CAPITAL PROGRAM.—Title III of the Small Business Investment Act of 1958 (15 U.S.C. 631 et seq.) is amended—

(1) in the heading for the title, by striking "SMALL BUSINESS INVESTMENT COMPANIES" and inserting "INVESTMENT DIVISION PROGRAMS";

(2) by inserting before the heading for section 101 the following:

"PART A—SMALL BUSINESS INVESTMENT COMPANIES;"

and

(3) by adding at the end the following:

"PART B—NEW MARKETS VENTURE CAPITAL PROGRAM

SEC. 351. DEFINITIONS.

"In this part, the following definitions apply:

(1) DEVELOPMENTAL VENTURE CAPITAL.—The term 'developmental venture capital' means capital in the form of equity capital investments in businesses made with a primary objective of fostering economic development in low-income geographic areas. For the purposes of this paragraph, the term 'equity capital' has the same meaning given such term in section 303(g)(1).

(2) LOW-INCOME AREA.—The term 'low-income area' means an area with an income (adjusted for family size) per capita below the poverty level for the area.

(3) LOW-INCOME GEOGRAPHIC AREA.—The term 'low-income geographic area' means—

(A) any population census tract (or in the case of an area that is not tracted for population census tract purposes, the equivalent county division, as defined by the Bureau of the Census of the Department of Commerce for purposes of defining poverty areas), if—

(i) the poverty rate for that census tract is not less than 20 percent;

(ii) in the case of a tract,

(I) that is located within a metropolitan area, 50 percent or more of the households in that census tract have an income equal to less than 60 percent of the area median gross income; or

(II) any area located within—

(ii) a HUB Zone (as defined in section 3(p) of the Small Business Act and the implementing regulations that may be promulgated under that section); (iii) an urban empowerment zone or urban enterprise community (as designated by the Secretary of Housing and Urban Development); or

(iii) a rural empowerment zone or rural enterprise community (as designated by the Secretary of Agriculture).

(4) NEW MARKETS VENTURE CAPITAL COMPANY.—The term 'New Markets Venture Capital company' means a company that—

(A) has been granted final approval by the Administrator under section 354(e); and

(B) has entered into a participation agreement with the Administrator.

(5) OPERATIONAL ASSISTANCE.—The term 'operational assistance' means management, marketing, and other technical assistance that assists a small business concern with business development.

(6) PARTICIPATION AGREEMENT.—The term 'participation agreement' means an agreement, between the Administrator and a company granted final approval under section 354(e), that—

(A) details the company's operating plan and investment criteria; and

(B) requires the company to make investments in smaller enterprises at least 80 percent of which are located in low-income geographic areas.

(7) SPECIALIZED SMALL BUSINESS INVESTMENT COMPANY.—The term 'specialized small business investment company' means any small business investment company that—

(A) invests solely in small business concerns that contribute to a well-balanced national economy by factoring in social or economic disadvantages;

(B) is organized or chartered under State law; and

(C) was licensed under section 301(d), as in effect before September 30, 1996.

(8) STATE.—The term 'State' means such of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

SEC. 352. PURPOSES.

"The purposes of the New Markets Venture Capital Program established under this part are—

(1) to promote economic development and the creation of wealth and job opportunities in low-income geographic areas and among individuals living in such areas by encouraging developmental venture capital investments in smaller enterprises primarily located in such areas and by establishing and providing risk capital to smaller enterprises in such areas.

(2) to establish a developmental venture capital program, with the mission of addressing the unmet equity investment needs of small enterprises primarily located in low-income geographic areas, to be administered by the Administrator—

(A) to enter into participation agreements with New Markets Venture Capital companies; (B) to guarantee debentures of New Markets Venture Capital companies to enable each such company to make developmental venture capital investments in smaller enterprises in low-income geographic areas; and

(C) to make grants to New Markets Venture Capital companies, and to other entities, for the purpose of providing operational assistance to smaller enterprises financed, or expected to be financed, by such companies.

SEC. 353. ESTABLISHMENT.

"In accordance with this part, the Administrator shall establish a New Markets Venture Capital Program, under which the Administrator may—

(1) enter into participation agreements with companies granted final approval under section 354(e) for the purposes set forth in section 352;

(2) guarantee the debentures issued by New Markets Venture Capital companies as provided in section 353; and

(3) make grants to New Markets Venture Capital companies, and to other entities, under section 358.

SEC. 354. SELECTION OF NEW MARKETS VENTURE CAPITAL COMPANIES.

(a) ELIGIBILITY.—A company shall be eligible to apply to participate, as a New Markets Venture Capital company, in the program established under this part if—

(1) the company is a newly formed for-profit entity or a newly formed for-profit subsidiary of an existing entity;

(2) the company has a management team with experience in community development financing or relevant venture capital financing; and

(3) the company has a primary objective of economic development of low-income geographic areas.

(b) APPLICATION.—To participate, as a New Markets Venture Capital company, in the program established under this part, a company meeting the eligibility requirements set forth in subsection (a) shall submit an application to the Administrator that includes—

(1) a business plan describing how the company intends to make successful developmental venture capital investments in identified low-income geographic areas;

(2) information regarding the community development finance or relevant venture capital qualifications and general reputation of the company's management;

(3) a description of how the company intends to work with community organizations and to seek to address the unmet capital needs of the communities served;

(4) a proposal describing how the company intends to use the grant funds provided under this part to provide operational assistance to smaller enterprises financed by the company, including information regarding whether the company intends to use licensed professionals, when necessary, on the company's staff or from an outside entity;

(5) with respect to binding commitments to be made to the company under this part, an estimate of the ratio of cash to in-kind contributions;

(6) a description of the criteria to be used to evaluate whether and to what extent the company meets the objectives of the program established under this part;

(7) information regarding the management and financial strength of any parent firm, affiliate, or any other firm essential to the success of the company's business plan; and

(b) such other information as the Administrator may require.

(c) ADDITIONAL APPROVAL.—(1) IN GENERAL.—From among companies submitting applications under subsection (b), the Administrator shall, in accordance with this subsection, conditionally approve companies to participate in the New Markets Venture Capital Program.

(2) SELECTION CRITERIA.—In selecting companies under paragraph (1), the Administrator shall consider the following:

(A) The likelihood that the company will meet the goals of its business plan.

(B) The experience and background of the company's management team.

(C) The need for developmental venture capital investments in the geographic areas in which the company intends to invest.

(D) The extent to which the company will concentrate its activities on serving the geographic areas in which it intends to invest.

(E) The likelihood that the company will be able to satisfy the conditions under subsection (b) of this section.

(F) The extent to which the activities proposed by the company will expand economic opportunities in the geographic areas in which the company intends to invest.

(G) The strength of the company's proposal to provide operational assistance under this part as the proposal relates to the ability of the applicant to meet applicable requirements and properly utilize in-kind contributions, including the use of resources for the services of

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required under paragraph (A).

(ii) Amount raised under this section shall not exceed 10 years; and

(iii) Unless the Administrator determines that such an amount is not required, the Administrator may make guarantees under this section.

(iii) The Administrator may, in the discretion of the Administrator and based upon a showing of special circumstances and good cause, consider an applicant to have satisfied the requirements of subparagraph (A) if the applicant—

(i) has purchased an annuity—

(ii) has binding commitments (for contributions in cash or in-kind)—

(iii) has binding commitments (in cash or in-kind) required under paragraph (A).

(iv) Binding commitments in an amount equal to not less than 30 percent of the total amount of capital and commitments raised under paragraph (1); and

(v) That yields cash payments over a multiyear period acceptable to the Administrator (not to exceed 10 years); and

(C) REGULATION OF BROKERS AND DEALERS.—The Administrator may regulate brokers and dealers in trust certificates issued under this section.

(3) REGULATION OF BROKERS AND DEALERS.—The Administrator may regulate brokers and dealers in trust certificates issued under this section.

(4) ELECTRONIC REGISTRATION.—Nothing in this subsection may be construed to prohibit the use of a book-entry or electronic form of registration for trust certificates issued under this section.

(5) SEC. 357. FEES.—Except as provided in section 356(d), the Administrator may charge such fees as it deems appropriate with respect to any guarantee or grant issued under this part.

(6) SEC. 358. OPERATIONAL ASSISTANCE GRANTS.—

(a) IN GENERAL.—In accordance with this section, the Administrator may make grants to New Markets Venture Capital companies and to other entities, as authorized by this part, to provide operational assistance to smaller enterprises financed, or expected to be financed, by such companies or other entities.

(b) TERMS.—Grants made under this subsection shall be made over a multiyear period not to exceed 10 years, under such other terms as the Administrator may require.

(c) GRANTS TO SPECIALIZED SMALL BUSINESS INVESTMENT COMPANIES.—

(A) AUTHORITY.—In accordance with this section, the Administrator may make grants to specialized small business investment companies.

(B) USE OF FUNDS.—The proceeds of a grant made under this paragraph may be used by the recipient to provide operational assistance to smaller enterprises financed, or expected to be financed, by such companies or other entities.

(C) SUBMISSION OF PLANS.—A specialized small business investment company shall be eligible for a grant under this section only if the grantee submits to the Administrator in such form and manner as the Administrator may require, a plan for use of the grant.
conducted with the assistance of a private sector entity that has both the qualifications and the expertise necessary to conduct such examinations.

(c) COSTS.—

(1) ASSESSMENT.—

(A) IN GENERAL.—The Administrator may assess the costs of performing an examination, including compensation of the examiners, against the company examined.

(B) PAYMENT.—Any company against which the Administrator conducts an examination under this subsection shall pay such costs.

(d) DEPOSIT OF FUNDS.—Funds collected under this section shall be deposited in the account for expenses of the Small Business Administration.

SEC. 363. INJUNCTIONS AND OTHER ORDERS.

(a) IN GENERAL.—Whenever, in the judgment of the Administrator, a New Markets Venture Capital company or any other person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act, or of any rule or regulation under this Act, or of any order issued under this Act, the Administrator may make application to the proper district court of the United States for an order directing such person to cease and desist from engaging in such acts or practices, or for an order enforcing compliance with such provision, rule, regulation, or order, and such courts shall have jurisdiction of any place subject to the jurisdiction of the United States for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, rule, or regulation, or other order, or other order, shall be granted without bond.

(b) JURISDICTION.—In any proceeding under subsection (a), the court as a court of equity may, to such extent as it deems necessary, take jurisdiction of any New Markets Venture Capital company and the assets thereof, wherever located, and the court shall have jurisdiction in any proceeding to appoint a trustee or receiver of a New Markets Venture Capital company that violates any provision of this Act, or of any regulation issued under this Act, or of any order issued under this Act, or of any court order, or other order, or other order, shall be granted without bond.

(c) UNLAWFUL ACTS.—Except with the written consent of the Administrator, it shall be unlawful—

(1) for any person to take office as an officer, director, employee, or any other participant in the management or conduct of the affairs of a New Markets Venture Capital company to engage in any act or practice, or to be an agent or participant in the conduct of any act or practice, or

(2) for any person to exercise, directly or indirectly, any right of control over a New Markets Venture Capital company, or any officer, director, employee, or agent of a New Markets Venture Capital company.

(d) DEPOSIT OF FUNDS.—Funds collected under section 362(c)(2) are deposited under this section shall be deposited in the account for expenses of the Small Business Administration.

SEC. 364. ADDITIONAL PENALTIES FOR NON-COMPLIANCE.

(a) IN GENERAL.—With respect to any New Markets Venture Capital company that violates or fails to comply with any of the provisions of this Act, or of any regulation issued under this Act, or of any participation agreement entered into under this Act, the Administrator may in accordance with this section—

(1) void the participation agreement between the Administrator and the company; and

(2) cause the company to forfeit all of the rights and privileges derived by the company from this Act.

(b) ADJUDICATION OF NON-COMPLIANCE.—

(1) IN GENERAL.—Before the Administrator may cause a New Markets Venture Capital company to forfeit rights or privileges under subsection (a), a court of the United States of competent jurisdiction must find that the company committed the violation, in a cause of action brought for that purpose in the district, territory, or other place subject to the jurisdiction of the United States, in which the principal office of the company is located.

(2) PARTIES AUTHORIZED TO FILE CAUSES OF ACTION.—Each cause of action brought by the Administrator under this subsection shall be brought by the Administrator or by the Attorney General.

SEC. 365. UNLAWFUL ACTS AND OMISSIONS; BREACH OF TRUST.

(a) PARTIES DEEMED TO COMMIT A VIOLATION.—Whenever any New Markets Venture Capital company violates any provision of this Act, or any regulation issued under this Act, or of a participation agreement entered into under this Act, by reason of its failure to comply with its terms or by reason of its engaging in any act or practice that constitutes or will constitute a violation thereof, such violation shall also be deemed to be a violation and an unlawful act committed by any person who, directly or indirectly, participates in, or has been permanently or temporarily enjoined by an order of competent jurisdiction, by reason of any act or practice involving fraud, breach of trust, or

(1) causes, brings about, counsels, aids, or abets in the commission of any acts, practices, or transactions that constitute or will constitute, in whole or in part, such violation.

(b) FIDUCIARY DUTIES.—It shall be unlawful for any officer, director, employee, agent, or any other participant in the management or conduct of the affairs of a New Markets Venture Capital company to engage in any act or practice, or to omit any act or practice, in breach of the person's fiduciary duty as such officer, director, employee, agent, or participant if, as a result thereof, the company suffers or is in imminent danger of suffering financial loss or other damage.

(1) UNLAWFUL ACTS.—Except with the written consent of the Administrator, it shall be unlawful—

(1) to act as trustee or receiver of a New Markets Venture Capital company.

(2) to join any person to take office as an officer, director, employee, or any other participant in the management or conduct of the affairs of a New Markets Venture Capital company.

(3) to act as an agent of any New Markets Venture Capital company, or to become an agent or participant in the conduct of the affairs of any New Markets Venture Capital company.

(c) UNLAWFUL ACTS.—Except with the written consent of the Administrator, it shall be unlawful—

(1) to act as trustee or receiver of a New Markets Venture Capital company.

(2) to engage in any act or practice, or to be an agent or participant in the conduct of any act or practice, or

(3) to exercise, directly or indirectly, any right of control over a New Markets Venture Capital company, or any officer, director, employee, or agent of a New Markets Venture Capital company.

(4) to file with the Administrator any false or misleading information.

(d) DEPARTMENT OR AGENCY.—Any officer, employee, or agent of any New Markets Venture Capital company, or any department, agency, or instrumentality of the United States, may institute a civil action against any person who, directly or indirectly, participates in, or joins in, any act or practice involving fraud, breach of trust, or

(1) causes, brings about, counsels, aids, or abets in the commission of any acts, practices, or transactions that constitute or will constitute, in whole or in part, such violation.

(2) breaches of fiduciary duty.

SEC. 366. REMOVAL OR SUSPENSION OF DIRECTORS OR OFFICERS.

Using the procedures for removing or suspending a director or an officer of a licensee set forth in section 313 (to the extent such procedures are not inconsistent with the requirements of this part), the Administrator may remove or suspend any director or officer of any New Markets Venture Capital company.

SEC. 367. REGULATIONS.

The Administrator may issue such regulations as it deems necessary to carry out the provisions of this part, in accordance with its purposes.

SEC. 368. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for fiscal years 2003 through 2006, to remain available until expended, the following sums:

(1) $150,000,000 to guarantee any New Markets Venture Capital company that has committed the violation, in a cause of action brought for that purpose in the district, territory, or other place subject to the jurisdiction of the United States, in which the principal office of the company is located.

(2) $30,000,000 to guarantee any New Markets Venture Capital company that has committed the violation, in a cause of action brought for that purpose in the district, territory, or other place subject to the jurisdiction of the United States, in which the principal office of the company is located.

(3) IN GENERAL.—Funds collected under section 362(c)(2) are authorized to be appropriated only for the costs of
examinations under section 362 and for the costs of other oversight activities with respect to the program established under this part." (c) CONFORMING AMENDMENT.—Section 206(a)(2)(A) of the Small Business Act (15 U.S.C. 631 note) is amended by inserting ‘‘part A of’’ before ‘‘title I’’.

§ 104. Calculation of Maximum Amount of SBIC Leverage.—

(1) Maximum Leverage.—Section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 657(b)(2)) is amended to read as follows:

‘‘(A) IN GENERAL.—After March 31, 1993, the maximum amount of outstanding leverage made available by the company licensed under section 301(c) of this Act shall be determined by the amount of such company’s private capital—

(1) if the company has private capital of not more than $30,000,000, the total amount of leverage shall not exceed 50 percent of private capital;

(2) if the company has private capital of more than $30,000,000 but not more than $30,000,000, the total amount of leverage shall not exceed $45,000,000 plus 200 percent of the amount of private capital over $30,000,000; and

(3) if the company has private capital of more than $30,000,000, the total amount of leverage shall not exceed $75,000,000 plus 100 percent of the amount of private capital over $30,000,000 but not exceed an additional $15,000,000.

(2) Adjustments.—

‘‘(A) IN GENERAL.—After March 31, 1993, the dollar amounts in clauses (1) and (3) of subparagraph (A) shall be adjusted annually to reflect increases in the Consumer Price Index established by the Bureau of Labor Statistics of the Department of Labor.

(3) Initial Adjustments.—The initial adjustments made under this subparagraph after the date of the enactment of the Small Business Reauthorization Act of 1997 shall reflect only increases from March 31, 1993.

(b) Investments in low-income geographic areas.—In calculating the outstanding leverage of a company for the purposes of subparagraph (A), the Administrator shall not include the amount of the cost basis of any equity investment made by the company in a smaller enterprise located in a low-income geographic area (as defined in section 351), to the extent that the total of such amounts does not exceed 50 percent of the company’s private capital.

§ 105. Calculation of Qualifying Leverage.—

Section 303(b)(4) of the Small Business Investment Act of 1958 (15 U.S.C. 657(b)(4)) is amended by adding at the end the following new subparagraph:

‘‘(3) INVESTMENTS IN LOW-INCOME GEOGRAPHIC AREAS.—In calculating the aggregate outstanding leverage of a company for the purposes of subparagraph (A), the Administrator shall not include the amount of the cost basis of any equity investment made by the company in a smaller enterprise located in a low-income geographic area (as defined in section 351), to the extent that the total of such amounts does not exceed 50 percent of the company’s private capital.’’

§ 106. Bankruptcy Exemption for New Markets Venture Capital Companies.—Section 109(b)(2) of title 11, United States Code, is amended by inserting ‘‘a New Markets Venture Capital company as defined in section 391 of the Small Business Investment Act of 1958,’’ after ‘‘homestead association’’.

(f) Federal Savings Associations.—Section 5(c)(4) of the Home Owners’ Loan Act (12 U.S.C. 1464(c)(4)) is amended by adding at the end the following:

‘‘(F) NEW MARKETS VENTURE CAPITAL COMPANIES.—Seventy percent of savings association ownership may be in stock, obligations, or other securities of any New Markets Venture Capital company as defined in section 391 of the Small Business Investment Act of 1958, and a Federal savings association may not make any investment under this subparagraph if its aggregate outstanding investment under this subparagraph would exceed 5 percent of the capital and surplus of such savings association.’’

§ 107. Business Grants and Cooperative Agreements.—

Section 8 of the Small Business Act (15 U.S.C. 677) is amended by adding at the end the following:

‘‘(n) BUSINESS GRANTS AND COOPERATIVE AGREEMENTS.—

‘‘(1) IN GENERAL.—In accordance with this subsection, the Administrator may make grants to or lend money to enter into cooperative agreements with any coalition of private entities, public entities, or any combination of private and public entities—

(A) to expand business-to-business relationships between large and small businesses; and

(B) to provide businesses, directly or indirectly, with online information and a database of companies that are interested in mentor-protege programs or community-based, statewide, or local business development programs.

‘‘(2) MATCHING REQUIREMENT.—Subject to subparagraph (B), the Administrator may make a grant to a coalition under paragraph (1) only if the coalition provides for activities described in paragraph (1) in an amount, either in kind or in cash, equal to the grant amount.

‘‘(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $6,600,000, to remain available until expended, for each of fiscal years 2001 through 2006.’’

§ 108. Small Business Reauthorization Act of 2000.—The conference agreement would enact the provisions of H.R. 5667, as introduced on December 15, 2000. The text of that bill follows:

‘‘To provide for reauthorization of small business loan and other programs, and for other purposes.’’

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ‘‘Small Business Reauthorization Act of 2000’’.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Title I—Small Business Innovation Research Program

Sec. 101. Short title.

Sec. 102. Definitions.

Sec. 103. Authorization of Appropriations.

Sec. 104. Report on programs for annual performance and productivity.

Sec. 105. Third phase assistance.

Sec. 106. Report on programs for annual performance and productivity; data collection.

Sec. 107. Final report;

Sec. 108. National Research Council reports.

Sec. 109. Third phase assistance.

Title II—Small Business Loan Programs

Sec. 201. Short title.

Sec. 202. Levels of participation.

Sec. 203. Loan amounts.

Sec. 204. Loan documentation.

Sec. 205. Prepayment of loans.

Sec. 206. Guarantee fees.

Sec. 207. Loan liquidation.

Title III—Certified Development Company Program

Sec. 301. Short title.
critical importance in a wide variety of high-
technology fields, including biology, medicine,
education, and defense;
(4) the SBIR program is a catalyst in the pro-
motion of research and development, the com-
mercialization of innovative technology, the de-
velopment of new products and services, and the
continued excellence of this Nation’s high-tech-
nology industries; and
(5) the continuation of the SBIR program will
provide expanded opportunities for one of the
Nation’s strongest engines to foster invention, re-
search, and technology, will create jobs, and will
increase this Nation’s competitiveness in interna-
tional markets.
SEC. 103. EXTENSION OF DUE DATE.
Section 9(b)(4)(C) of the Small Business Act (15
U.S.C. 638(m)) is amended to read as follows:
``(m) TERMINATION.—The authorization to carry
out the Small Business Innovation Re-
search Program established under this section
shall terminate on September 30, 2008.’’
SEC. 104. ANNUAL REPORT.
Section 9(b)(7) of the Small Business Act (15
U.S.C. 638(b)(7)) is amended by striking ‘‘and
the Committee on Small Business of the House
of Representatives’’ and inserting ‘‘and’’, and
to the Committee on Science and the Committee on
Small Business of the House of Representa-
tives,’’.
SEC. 105. THIRD PHASE ASSISTANCE.
Section 9(e)(4)(D) of the Small Business Act (15
U.S.C. 638(m)(4)(D)) is amended by striking
‘‘; and’’ and inserting ‘‘; or’’.
SEC. 106. REPORT ON PROGRAMS FOR ANNUAL
PERFORMANCE PLAN.
Section 9(g) of the Small Business Act (15
U.S.C. 638(g)) is amended—
(1) in paragraph (7), by striking ‘‘and’’ at the
end;
(2) in paragraph (8), by striking the period at
the end and inserting a semicolon; and
(3) by adding at the end the following:
``(19) include, as part of its annual performance
plan as required by subsections (a) and (b)
of title 31, United States Code, a
section on its SBIR program, and shall submit
such section to the Committee on Small Business
of the Senate, and the Committee on Science
and the Committee on Small Business of the
House of Representatives; and’’.
SEC. 107. OUTPUT AND OUTPUT DATA.
(a) COLLECTION.—Section 9(g) of the Small
Business Act (15 U.S.C. 638(g)), as amended by
section 106 of this Act, is further amended by
adding at the end the following:
``(10) collect, and maintain in a common form
in accordance with subsection (v), such in-
formation as is necessary to address the SBIR
program, including information necessary to
maintain the database described in subsection (k).’’
(b) REPORT TO CONGRESS.—Section 9(b)(7) of
the Small Business Act (15 U.S.C. 638(b)(7)), as
amended by section 104 of this Act, is amended
by inserting before the period at the end
``including on output and outcomes
collected pursuant to subsections (g)(10)
and (o)(9), and a description of the extent to
which Federal agencies are providing a timely
maintenance of the database described in subsection (k)’’.
(c) DATABASE.—Section 9(k) of the Small
Business Act (15 U.S.C. 638(k)) is amended to read as follows:
``(k) DATABASE—
(1) PUBLIC DATABASE.—Not later than 180
days after the date of enactment of the Small
Business Innovation Research Program Reau-
torization Act of 2000, the Administrator shall
develop, maintain, and make available to the
public a searchable up-to-date, electronic data-
base that includes—
``(A) the name, size, location, and an identi-
ifying number assigned by the Administrator, of
each small business concern receiving a first
phase or second phase SBIR award from a
Federal agency;
``(B) a description of each first phase or sec-
cond phase SBIR award received by that small
business concern, including—
``(i) an abstract of the project funded by the
award, excluding any information so identified
by the small business concern;
``(ii) the Federal agency making the award;
``(iii) the date and amount of the award;
``(iv) an identification of any business concern or
subsidiary established for the commercial appli-
cation of a product or service for which an
SBIR award is made;
``(D) information regarding mentors and Men-
toring Networks, as required by section 35(d).
(2) GOVERNMENT DATABASE.—Not later than
180 days after the date of enactment of the Small
Business Innovation Research Program Reau-
torization Act of 2000, the Administrator, in
consultation with the Federal agencies required
to have an SBIR program pursuant to subsec-
tion (f)(1), shall develop and maintain a
database to be used solely for SBIR program
evaluation that—
``(A) contains for each second phase award
made by a Federal agency—
``(i) information collected in accordance with
paragraph (3) on additional investment from
any source, other than first phase or second
phase SBIR or STTR awards, to further the
research and development conducted under the
award; and
``(ii) any other information received in connec-
tion with the award that the Administrator,
conjunction with the SBIR program man-
nagers of Federal agencies, considers relevant
and appropriate;
``(B) includes any narrative information that
a small business concern receiving a second
phase award voluntarily submits to further de-
scribe the outputs and outcomes of its awards;
``(C) includes for each applicant for a first
phase or second phase award that does not re-
sign an award—
``(i) the name, size, and location, and an iden-
tifying number assigned by the Administration;
``(ii) an abstract of the project; and
``(iii) the Federal agency to which the appli-
cation was made;
``(D) includes any other data collected by or
available to and that such agency or the
Administrator considers may be useful for SBIR
program evaluation; and
``(E) is available for use solely for program
evaluation purposes by the Federal Government
or, in accordance with policy directives issued
by the Administration, by other authorized
persons who are subject to a use and nondisclo-
sure agreement with the Federal Government
covering the use of the database.
``(3) UPDATING INFORMATION FOR DATABASE.—
(A) IN GENERAL.—A small business concern
applying for a second phase award under this
section shall be required to update information
in the database established under this subsec-
tion on output and outcomes received by that small
business concern. In com-
plying with this paragraph, a small business
can concern may apportion sales or additional in-
vestment information relating to more than one
second phase award among those awards, if it
notes the apportionment for each award.
``(B) ANNUAL UPDATES UNTIL TERMINATION.—A
small business concern receiving a second phase
award under this section shall—
``(i) update information in the database con-
cerning the award at the termination of the
award period;
``(ii) be requested to voluntarily update such
information annually thereafter for a period of
5 years.
``(C) PROTECTION OF INFORMATION.—Informa-
tion provided under paragraph (2) shall be con-
sidered privileged and confidential and not sub-
ject to disclosure pursuant to section 552 of title
5, United States Code.
``(D) RULE OF CONSTRUCTION.—Inclusion of
information in the database under this subsection
shall not be considered publication for purposes of
section (a) or (b) of section 102 of title 35, United States Code.’’.
SEC. 108. NATIONAL RESEARCH COUNCIL RE-
PORTS.
(a) STUDY AND RECOMMENDATIONS.—The head
of each agency with a budget of more than
$50,000,000 for its SBIR program for fiscal year
1999, in consultation with the Small Business
Administration, shall, not later than 6 months
after the date of enactment of this Act, coopera-
tively enter into an agreement with the National
Science Foundation for the purpose of performing
the study under this section; and
(2) to the extent practicable, an evaluation of
the economic benefits achieved by the SBIR pro-
gram, including the economic rate of return, in
cluding the economic rate of return, achieved by
the SBIR program with the economic benefits,
including the economic rate of return, of other
Federal research and development expenditures;
(C) an evaluation of the noneconomic benefits
achieved by the SBIR program over the life of
the program;
(D) a comparison of the allocation for fiscal
year 2000 of Federal research and development
funds to small businesses with such allocation
for fiscal year 1983, and an analysis of the fac-
tors that have contributed to such allocation; and
(E) an analysis of whether Federal agencies,
in fulfilling their procurement needs, are mak-
ing sufficient effort to use small businesses that
have completed a second phase award under the
SBIR program; and
(2) make recommendations with respect to—
(A) measures of outcomes for strategic plans
submitted under section 306 of title 5, United
States Code, and performance plans submitted
under section 1115 of title 31, United States
Code, of each Federal agency participating in
the SBIR program;
(B) whether companies who can demonstrate
project feasibility, but who have not received a
first phase award, should be eligible for second
phase awards, and the potential impact of such
awards on the competitive selection process of
the agency;
(C) whether the Federal Government should
be permitted to recoup some or all of its expenses
by a controlling interest in a company receiving
an award is sold or transferred to another
company that is not a small business con-
cern;
(D) how to increase the use by the Federal
Government in its programs and procurements
of technology-oriented small businesses; and
(E) improvements to the SBIR program, if any
are considered appropriate.
(b) PARTICIPATION BY SMALL BUSINESS.—
(1) IN GENERAL.—In a manner consistent with
law and with National Research Council study
questions and procedures, knowledgeable indi-
viduals from the small business community with
experience in the SBIR program shall be included—
(2) on any panel established by the National
Research Council for the purpose of performing
the study conducted under this section; and

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(B) among those who are asked by the National Research Council to peer review the study.

(2) CONSULTATION.—To ensure that the concerns of small business are adequately considered under this subsection, the National Research Council shall consult with and consider the views of the Office of Technology and the Office of the Small Business Administration and other interested parties, including entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns.

(c) PROGRESS REPORTS.—The National Research Council shall provide semiannual progress reports on the study conducted under this section to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate.

(d) REPORT.—The National Research Council shall transmit to the heads of agencies entering into an agreement under this section and to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate:

(1) not later than 3 years after the date of enactment of this Act, a report including the results of the study conducted under subsection (a)(1) and recommendations made under subsection (a)(2);

(2) not later than 6 years after that date of enactment, an update of such report.

SEC. 109. FEDERAL AGENCY EXPENDITURES FOR THE SBIR PROGRAM.

Section 9(i) of the Small Business Act (15 U.S.C. 638(i)) is amended—

(1) by striking “(ii) Each Federal” and inserting the following:

“(ii) annual reporting.—

“(1) IN GENERAL.—Each Federal”;

and

(2) by adding at the end the following:

“(2) EXTRAMURAL BUDGET.—

“(A) In general.—Not later than 4 months after the date of enactment of each appropriation Act for a Federal agency required by this section to have an SBIR program, the Federal agency shall submit to the Administrator a report, which shall include a description of the methodology used for calculating the amount of the extramural budget for that Federal agency.

“(B) Administrator’s analysis.—The Administrator shall include an analysis of the methodology referred to in subparagraph (A) in the report required by subsection (b)(1).”.

SEC. 110. POLICY DIRECTIVE MODIFICATIONS.

Section 9(i) of the Small Business Act (15 U.S.C. 638(i)) is amended by adding at the end the following:

“(3) ADDITIONAL MODIFICATIONS.—Not later than 120 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall modify the policy directives issued pursuant to this subsection—

“(A) to clarify that the rights provided for under paragraph (2)(A) apply to all Federal funding awards under this section, including the first phase (as described in subsection (e)(4)(A)), the second phase (as described in subsection (e)(4)(B)), and the third phase (as described in subsection (e)(4)(C));

“(B) to provide for the requirement of a succinct commercialization plan with each application for a second phase award that is moving toward commercialization;

“(C) to require agencies to report to the Administrator, not less frequently than annually, all instances in which an agency pursued research, development, or production of a technology developed by a small business concern using Federal funding under the SBIR program of that agency, and determined that it was not practicable to enter into a follow-on non-SBIR program funding agreement with the small business concern, which report shall include, at a minimum—

“(i) the reasons why the follow-on funding agreement was not practicable;

“(ii) the identity of the entity with which the agency contracted to perform the research, development, or production; and

“(iii) a description of the type of funding agreement under which the research, development, or production was obtained; and

“(D) to require, including establishing standardized procedures for the provision of information pursuant to subsection (k)(3).”.

SEC. 111. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) programs to foster economic development among small high-technology firms vary widely among the States;

(2) States that do not aggressively support the development of small high-technology firms, including participation by small business concerns in the SBIR program, are at a competitive disadvantage in establishing a business climate that is conducive to technology development; and

(3) building stronger national, State, and local support for science and technology research in these disadvantaged States will expand economic opportunities for small businesses, create jobs, and increase the competitiveness of the United States in the world market.

(b) FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesigning section 34 as section 36; and

(2) by inserting after section 33 the following:

“SEC. 34. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

(a) DEFINITIONS.—In this section and section 35, the following definitions apply:

(1) APPLICANT.—The term ‘applicant’ means an entity, organization, or individual that submits a proposal for an award or a cooperative agreement under this section.

(2) BUSINESS ADVICE AND COUNSELING.—The term ‘business advice and counseling’ means providing advice and assistance on matters described in section 35(c)(2)(B) to small business concerns to guide them through the SBIR and STTR program process, from application to award and successful completion of each phase of the program.

(3) FAST PROGRAM.—The term ‘FAST program’ means the Federal and State Technology Partnership Program established under this section.

(4) MENTOR.—The term ‘mentor’ means an individual described in section 35(c)(2).

(5) MENTORING NETWORK.—The term ‘mentoring network’ means an association, organization, coalition, or other entity (including an individual) that meets the requirements of section 35(c).

(6) RECIPIENT.—The term ‘recipient’ means a person that receives an award or becomes party to a cooperative agreement under this section.

(7) SBIR PROGRAM.—The term ‘SBIR program’ has the same meaning as in section 9(e).

(8) STATE.—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(9) STTR PROGRAM.—The term ‘STTR program’ has the same meaning as in section 9(e).

(b) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to be known as the Federal and State Technology Partnership Program, pursuant to which the Administrator shall develop and implement a plan for SBIR program offices under the SBIR program of an entity that intends to use a portion of the Federal funding for the proposed activities.

(c) GRANTS AND COOPERATIVE AGREEMENTS.—

(1) JOINT REVIEW.—In carrying out the FAST program under this section, the Administrator and the SBIR program managers at the National Science Foundation and the Department of Defense shall jointly review proposals submitted by applicants and enter into cooperative agreements under this section based on the factors for consideration set forth in paragraph (2), in order to enhance or develop in a State—

“(A) technology research and development by small business concerns;

“(B) technology transfer from university research to technology-based small business concerns;

“(C) technology deployment and diffusion benefiting small businesses;

“(D) the technological capabilities of small business concerns through the establishment or operation of consortia comprised of entities, organizations, or individuals, including—

“(i) State and local development agencies and entities;

“(ii) representatives of technology-based small business concerns;

“(iii) industries and emerging companies;

“(iv) universities, and

“(v) small business development centers; and

“(E) outreach, financial support, and technical assistance to technology-based small business concerns participating in or interested in participating in an SBIR program, including initiatives—

“(1) to make grants or loans to companies to pay a portion or all of the cost of developing SBIR proposals;

“(2) to establish or operate a Mentoring Network within the FAST program business advice and counseling that will assist small business concerns that have been identified by FAST program participants, program managers of participating SBIR agencies, the Administrator, or other entities that are knowledgeable about the SBIR and STTR programs as good candidates for the SBIR and STTR programs, and that would benefit from mentoring, in accordance with section 35;

“(3) to create or participate in a training program for individuals providing SBIR outreach and assistance at the State and local levels; and

“(4) to encourage the commercialization of technology developed through SBIR program funding.

(2) SELECTION CONSIDERATIONS.—In making awards or entering into agreements under this section, the Administrator and the SBIR program managers referred to in paragraph (1)—

“(A) may only consider proposals by applicants that intend to use a portion of the Federal assistance provided under this section to provide outreach, financial support, or technical assistance to technology-based small business concerns participating in or interested in participating in the SBIR program; and

“(B) shall consider, at a minimum—

“(i) whether the applicant has demonstrated that the assistance to be provided would address unmet needs of small business concerns in the community, and whether it is important to use Federal funding for the proposed activities;

“(ii) whether the applicant has demonstrated that a need exists to increase the number or success rate of small high-technology firms in the State, as measured by the number of first phase SBIR awards in the State, that a need exists to increase the number or success rate of small high-technology firms in the State, as measured by the number of second phase SBIR awards in the State, that a need exists to increase the number or success rate of small high-technology firms in the State, as measured by the number of second phase STTR awards in the State, and whether it is important to use Federal funding for the proposed activities;

“(iii) whether the applicant has demonstrated that a need exists to increase the number or success rate of small high-technology firms in the State, as measured by the number of first phase SBIR awards in the State, and whether it is important to use Federal funding for the proposed activities;

“(iv) whether the applicant has demonstrated that a need exists to increase the number or success rate of small high-technology firms in the State, as measured by the number of second phase SBIR awards in the State, and whether it is important to use Federal funding for the proposed activities;

“(v) whether the project costs of the proposed activities are reasonable;

“(vi) whether the proposal integrates and coordinates the proposed activities with other State programs and activities assisting small high-technology firms in the State; and

“(vii) whether the applicant will measure the results of the activities to be conducted.”
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“(3) PROPOSAL LIMIT.—Not more than 1 proposal may be submitted for inclusion in the FAST program under this section to provide services in any one State in any 1 fiscal year.

“(4) REQUIREMENTS.—Proposals and applications for assistance under this section shall be in such form and subject to such procedures as the Administrator shall establish.

“(d) OPERATION AND COORDINATION.—In carrying out the FAST program under this section, the Administrator shall cooperate and coordinate with—

“(1) Federal agencies required by section 9 to have a SBIR program; and

“(2) entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns, including—

“(A) State and local development agencies and entities; and

“(B) State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation (as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862a));

“(C) State science and technology councils; and

“(D) representatives of technology-based small business concerns.

“(e) ADMINISTRATIVE REQUIREMENTS.—

“(1) COMPETITIVE BASIS.—Awards and cooperative agreements under this section shall be made or entered into, as applicable, on a competitive basis.

“(2) MATCHING REQUIREMENTS.—

“(A) IN GENERAL.—The non-Federal share of the cost of an activity (other than a planning activity) carried out under an award or under a cooperative agreement under this section shall be—

“(i) 50 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 16 States receiving the fewest SBIR first phase awards (as described in section 9(e)(4)(A));

“(ii) except as provided in subparagraph (B), 1 dollar for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 16 States receiving the greatest number of such SBIR first phase awards; and

“(iii) except as provided in subparagraph (B), 75 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in clause (i) or (ii) that is receiving such SBIR first phase awards.

“(B) LOW-INCOME AREAS.—The non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 50 percent of the direct costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

“(C) TYPES OF FUNDING.—The non-Federal share of the cost of an activity carried out by a recipient shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

“(D) RANKINGS.—For purposes of subparagraph (A), the Administrator shall reevaluate the ranking of a State once every 2 fiscal years, beginning with fiscal year 2001, based on the most recent statistics compiled by the Administrator.

“(3) DURATION.—Awards may be made or cooperative agreements entered into under this section for multiple years, not to exceed 5 years in total.

“(f) REPORTS.—

“(1) INITIAL REPORT.—Not later than 120 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall prepare and submit to the Committee on Small Business of the Senate and the Committee on Science and Technology of the Committee of Representatives a report, which shall include, with respect to the FAST program, including Mentoring Networks—

“(A) a description of the structure and procedures of the program;

“(B) a management plan for the program; and

“(C) a description of the merit-based review process to be used in the program.

“(2) ANNUAL REPORT.—The Administrator shall submit an annual report to the Committee on Small Business of the Senate and the Committee on Science and Technology of the Committee of Representatives reporting—

“(A) the number and amount of awards provided and cooperative agreements entered into under the FAST program during the preceding year;

“(B) a list of recipients under this section, including their location and the activities being performed with the awards made under the cooperative agreement; and

“(C) the Mentoring Networks and the mentoring database, as provided for under section 35, including—

“(i) the status of the inclusion of mentoring information in the database required by section 9(k); and

“(ii) the status of the implementation and description of the usage of the Mentoring Networks.

“(g) REVIEWS BY INSPECTOR GENERAL.—

“(1) IN GENERAL.—The Inspector General of the Administration shall conduct a review of—

“(A) the extent to which recipients under the FAST program are measuring the performance of the activities being conducted and the results of such measurements; and

“(B) the overall management and effectiveness of the FAST program.

“(2) REPORT.—During the first quarter of fiscal year 2004, the Inspector General of the Administration shall submit a report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives on the reviews referred to in subparagraph (A).

“(h) PROGRAM LEVELS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out the FAST program, including Mentoring Networks, under this section and section 35, $10,000,000 for each of fiscal years 2001 through 2005.

“(2) MENTORING DATABASE.—Of the total amount made available under paragraph (1) for fiscal years 2001 through 2005, a reasonable amount, not to exceed a total of $500,000, may be used by the Administration to carry out section 35(d).

“(i) TERMINATION.—The authority to carry out the FAST program under this section shall terminate on September 30, 2005.

“(j) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:—

“(1) DEFINITION OF TECHNOLOGY DEVELOPMENT PROGRAM.—In this subsection, the term ‘technology development program’ means—

“(A) the SBIR program or STTR program; or

“(B) another program described in section 34(c)(1)(E)(ii) as potential candidates for the SBIR or STTR programs.

“(k) AUTHORIZATION FOR MENTORING NETWORKS.—

“(1) FUNDING.—Congress finds that—

“(i) the SBIR and STTR programs create jobs, increase the technology capacity for transforming research into useful products, and enhance competition for such awards and boost international competitiveness;

“(ii) increasing the quality of applications from all States to the SBIR and STTR programs would enhance competition for such awards and the quality of the completed projects; and

“(iii) mentoring is a natural complement to the FAST program of reaching out to new companies regarding the SBIR and STTR programs as an effective and low-cost way to improve the likelihood that such companies will succeed in such programs and developing commercial applications of their research.

“(2) AUTHORIZATION FOR MENTORING NETWORKS.—The recipient of an award or participant in a cooperative agreement under section 34 shall—

“(A) provide assistance for the establishment of a Mentoring Network and identify under section 34(c)(1)(E)(iii) as potential candidates for the SBIR or STTR programs;

“(B) identify volunteers who—

“(i) are persons associated with a small business concern that has successfully completed
one or more SBIR or STTR funding agreements; and
(B) have agreed to guide small business concerns through all stages of the SBIR or STTR program process, including providing assistance relating to—
(i) proposal writing;
(ii) marketing;
(iii) Government accounting;
(iv) Government audits;
(v) project facilities and equipment;
(vi) human resources;
(vii) third phase partners;
(viii) commercialization;
(ix) venture capital networking; and
(x) other matters relevant to the SBIR and STTR programs;
(3) experience working with small business concerns participating in the SBIR and STTR programs;
(4) contribute information to the national database referred to in subsection (d); and
(5) agree to reimburse volunteer mentors for out-of-pocket expenses related to service as a mentor under this section.
SEC. 113. SIMPLIFIED REPORTING REQUIREMENTS.
Sections 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is further amended by adding at the end the following:
"(v) SIMPLIFIED REPORTING REQUIREMENTS.ÐThe Administrator shall work with the Federal agencies required by this section to maintain and update the database; and
(3) take such action as may be necessary to aggressively promote Mentoring Networks under this section; and
(4) fulfill the requirements of this subsection either directly or by contract.
SEC. 114. RURAL OUTREACH PROGRAM EXTENSION.
(b) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.—Section 9(s)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended by striking "for fiscal years 1998, 1999, 2000, or 2001" and inserting "for each of the fiscal years 2002 through 2005.
TITLE II—BUSINESS LOAN PROGRAMS
SEC. 201. SHORT TITLE.
This title may be cited as the "Small Business Loan Improvement Act of 2000".
SEC. 202. LEVELS OF PARTICIPATION.
Section 7(a)(2)(A) of the Small Business Act (15 U.S.C. 636(a)(2)(A)) is amended by striking "$10,000" and inserting "$5,000,000"; and
(2) in paragraph (ii)—
(A) in subparagraph (B) by striking "$200,000" and inserting "$125,000"; and
(B) by striking "$25,000" and inserting "$12,500".
SEC. 203. LOAN AMOUNTS.
Section 7(a)(3)(A) of the Small Business Act (15 U.S.C. 636(a)(3)(A)) is amended by striking "$750,000," and inserting, "$1,000,000 (or if the gross loan amount would exceed $2,000,000),".
SEC. 204. INTEREST ON DEFAULTED LOANS.
Section 7(a)(4)(B) of the Small Business Act (15 U.S.C. 636(a)(4)(B)) is amended by adding at the end the following:
"(iii) APPLICABILITY.—Clauses (i) and (ii) shall not apply to loans made on or after October 1, 2001.
SEC. 205. PREPAYMENT OF LOANS.
Section 7(a)(4)(C) of the Small Business Act (15 U.S.C. 636(a)(4)(C)) is further amended—
(1) by striking "(4) INTEREST RATES AND FEES." and inserting "(4) INTEREST RATES AND PREPAYMENT CHARGES."; and
(2) by adding at the end the following:
"(C) PREPAYMENT.—
(i) IN GENERAL.—A borrower who prepays any loan guaranteed under this subsection shall remit to the Administration a subsidy recoupment fee calculated in accordance with clause (ii) if—
(I) the loan is for a term of not less than 15 years;
(II) the prepayment is voluntary;
(III) the amount of prepayment in any calendar year is more than 25 percent of the outstanding balance of the loan; and
(IV) the prepayment is made within the first 3 years after disbursement of the loan proceeds.
(ii) SUBSIDY RECOUPMENT FEE.—The subsidy recoupment fee charged under clause (i) shall be—
(I) 5 percent of the amount of prepayment, if the borrower prepays during the first year after disbursement;
(II) 3 percent of the amount of prepayment, if the borrower prepays during the second year after disbursement; and
(III) 1 percent of the amount of prepayment, if the borrower prepays during the third year after disbursement.
SEC. 206. GUARANTEE FEES.
Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended to read as follows:
"(18) GUARANTEE FEES.—
(A) IN GENERAL.—With respect to each loan guaranteed under this subsection (other than a loan that is repayable in 1 year or less), the Administration shall collect a guarantee fee, which shall be payable by the participating lender, and may be charged to the borrower, as follows:
(I) A guarantee fee equal to 2 percent of the deferred participation share of a total loan amount that is not more than $150,000.
(II) A guarantee fee equal to 3 percent of the deferred participation share of a total loan amount that is more than $150,000, but not more than $700,000.
(III) A guarantee fee equal to 3.5 percent of the deferred participation share of a total loan amount that is more than $700,000.
(B) RETENTION OF CERTAIN FEES.—Lenders participating in the programs established under this subsection may retain not more than 25 percent of a fee collected under subparagraph (A)(i).
SEC. 207. LEASE TERMS.
Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is further amended by adding at the end the following:
"(B) LEASING.—In addition to such other lease arrangements as may be authorized by the Administrator, a borrower may permanently lease to one or more tenants not more than 20 percent of any property constructed with the proceeds of a loan guaranteed under this subsection, if the borrower permanently occupies and uses not less than 60 percent of the total business space in the property.
SEC. 208. APPRAISALS ON LOANS SECURED BY REAL PROPERTY.
(a) SMALL BUSINESS ACT.—Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended by adding at the end the following:
"(9) REAL PROPERTY.
(A) IN GENERAL.—With respect to a loan under this subsection that is secured by real commercial real property, an appraisal of such property by a State licensed or certified appraiser—
(I) shall be required by the Administration in connection with any such loan for more than $250,000; or
(II) may be required by the Administrator or the lender in connection with any such loan for $250,000 or less if such appraisal is necessary for appropriate evaluation of creditworthiness.
(1) by striking "The collateral"; and
(2) by adding at the end the following:
"(i) IN GENERAL.—The collateral; and
(ii) by adding at the end the following:
"(9) MORTGAGE LOANS ON REAL ESTATE APPRAISALS.—With respect to commercial real property provided by the small business concern as collateral, an appraisal of the property by a State licensed or certified appraiser—
(I) shall be required by the Administrator in connection with any such loan for more than $250,000; or
(II) may be required by the Administrator or the lender in connection with any such loan for $250,000 or less if such appraisal is necessary for appropriate evaluation of creditworthiness.
SEC. 209. SALE OF GUARANTEED LOANS MADE FOR EXPORT PURPOSES.
Section 5(f)(1)(C) of the Small Business Act (15 U.S.C. 634(f)(1)(C)) is amended to read as follows:
"(C) each loan, except each loan made under section 7(a)(14), shall have been fully disbursed to the borrower prior to any sale.
SEC. 210. MICROLOAN PROGRAM.
(a) IN GENERAL.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—
(1) in paragraphs (1)(B)(iii) and (3)(E), by striking "$25,000", each place it appears and inserting "$35,000";
(2) in paragraphs (1)(A)(iii), (1)(A)(ii), and (4)(C)(iii), by striking "$7,500", each place it appears and inserting "$10,000";
(3) in paragraph (4)(E), by striking "$15,000" and inserting "$20,000";
(4) in paragraph (5)(A)—
(A) by striking "25 grants" and inserting "50 grants";
(B) by striking "$125,000" and inserting "$200,000";
(5) in paragraph (6)(B), by striking "$10,000" and inserting "$15,000";
(6) in paragraph (7), by striking subparagraph (A) and inserting the following:
"(A) NUMBER OF PARTICIPANTS.—Under the program authorized by this subsection, the Administration may fund, on a competitive basis, not more than 300 intermediaries.
(b) CONFORMING AMENDMENTS.—Section 7(m)(11)(B) of the Small Business Act (15 U.S.C. 636(m)(11)(B)) is amended by striking "$25,000" and inserting "$35,000".
TITLE III—CERTIFIED DEVELOPMENT COMPANY PROGRAM
SEC. 301. SHORT TITLE.
This title may be cited as the "Certified Development Company Program Improvements Act of 2000".
SEC. 302. WOMEN-OWNED BUSINESSES.
Section 501(d)(3)(C) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)(C)) is amended by inserting before the comma "or women-owned business development".
SEC. 303. MAXIMUM DEBENTURE SIZE.
Section 502(2) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)) is amended to read as follows:
"(2) Loans made by the Administration under this subsection shall be limited to $1,000,000 for each such identifiable small business concern, except loans meeting the criteria specified in section
501(d)(3), which shall be limited to $1,300,000 for each such identifiable small business concern.

SEC. 304. FEES.
Section 503(f) of the Small Business Investment Act of 1958 (15 U.S.C. 697 note) is amended to read as follows:

"(f) Effective Date.—The fees authorized by subsections (b) and (d) shall apply to financings approved on or after October 1, 1996, but shall not apply to financings approved by the Administration on or after October 1, 2003.

SEC. 305. PREMIER CERTIFIED LENDERS PROGRAM.

SEC. 306. SALE OF CERTAIN DEFAULTED LOANS.
Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended—

(1) in subsection (a), by striking "On a pilot program basis, the" and inserting "The";

(2) in section (d)(2), by striking the subsection (d) through (i) as redesignated by paragraph (1) and inserting "subsection (g)");

(3) in subsection (f) as redesignated by paragraph (2), by striking "subsection (f) and inserting "subsection (g)";

(4) in subsection (h) as redesignated by paragraph (2), by striking "subsection (f) and inserting "subsection (g)";

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

"(d) Sale of Certain Defaulted Loans.—

"(1) Notice.—If, upon default in repayment, the Administration acquires a loan guaranteed under this section and identifies such loan for inclusion in a bulk asset sale of defaulted or repossessed loans or other financings, it shall give prior notice thereof to any certified development company which has a contingent liability under the loan notice shall be given to the company as soon as possible after the financing is identified, but not less than 90 days before the date the Administration first makes any records on such final eligibility for examination by prospective purchasers prior to its offering in a package of loans for bulk sale.

"(2) Limitations.—The Administration shall not offer any loan described in paragraph (1) as bulk sale unless it—

"(A) provides prospective purchasers with the opportunity to examine the Administration's records on such loan; and

"(B) provides the notice required by paragraph (1).

SEC. 307. LOAN LIQUIDATION.
(a) LIQUIDATION AND FORECLOSURE.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following:

"(b) LIQUIDATION AND FORECLOSURE.—In accordance with this section, the Administration shall delegate to any qualified State or local development company (as defined in section 503(e)) that meets the eligibility requirements of subsection (b)(1) the authority to foreclose and liquidate, or to take any other action to effect such liquidation, with respect to a loan described in this section, defaulted loans in its portfolio that are funded with the proceeds of debentures guaranteed under section 503; and

"(c) ELIGIBILITY FOR DELEGATION.—A qualified State or local development company shall be eligible for a delegation of authority under subsection (a) if—

"(1) the company—

"(I) has participated in the loan liquidation pilot program established by the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note), as in effect on the day before promulgation of the final regulations by the Administration in connection with such program;

"(II) is participating in the Premier Certified Lenders Program under section 508; or

"(III) during the 3 fiscal years immediately prior to seeking such a delegation, has made an average of not less than 10 loans per year that are funded with the proceeds of debentures guaranteed under section 503 and;

"(2) the Administration—

"(I) has one or more employees—

"(i) with substantial experience in substantive, decision-making experience in administering the liquidation and workout of problem loans secured in a manner substantially similar to loans funded with the proceeds of debentures guaranteed under section 503; and

"(II) has completed a training program on loan liquidation developed by the Administration in conjunction with qualified State and local development companies that meet the requirements of this paragraph; or

"(III) submits to the Administration documentation demonstrating that the company has contracted with a qualified third party to perform any liquidation activities and secures the approval of the contract by the Administration with respect to the qualifications of the contractor and the terms and conditions of liquidation activities.

"(d) ORGANIZATION.—On request the Administration shall examine the qualifications of any company described in subsection (a) to determine if such company is eligible for the delegation of authority under subsection (a) and if the Administration determines that a company is not eligible, the Administration shall provide the company with the reasons for such ineligibility.

"(e) SCOPE OF AUTHORITY.—(1) IN GENERAL.—Each qualified State or local development company to which the Administration delegates authority under section (a) may with respect to any loan described in subsection (a)—

"(A) perform all liquidation and foreclosure functions with respect to any loan described in accordance with this subsection of any other indebtedness secured by the property securing the loan, in a reasonable and sound manner according to commercially accepted practices, pursuant to a liquidation plan approved in advance by the Administration under paragraph (2)(A);

"(B) litigate any matter relating to the performance of the functions described in subparagraph (A), except that the Administration may—

"(i) consider an offer made by an obligor to compromise the debt for less than the full amount owing; and

"(ii) pursue to such an offer, release any obligor or other party contingently liable, if the company secures the written approval of the Administration.

"(2) LIMITATIONS.—The Administration shall not delegate authority under subsection (a) unless the Administration—

"(I) has received a request for such authority; and

"(II) is satisfied that the company has the capacity and resources necessary to perform the functions described in subsection (a)(1).

"(3) NOTICE OF NO DECISION.—With respect to any request that cannot be approved or denied within the 15-day period required by subparagraph (I), the Administration shall approve or deny the request.

"(4) CONTENTS OF NOTICE OF NO DECISION.—Any notice provided by the Administration under paragraph (3)(B)(ii) shall include the following:

"(i) a statement of the reasons for the Administration's inability to act on the request; and

"(ii) a statement of the extent of the additional time required by the Administration to act on the request or to request additional information or documentation.

") CONFLICT OF INTEREST.—In carrying out functions described in paragraph (1), a qualified State or local development company shall take no action that would result in an actual or apparent conflict of interest between the company (or any employee of the company) and any third party, including the obligor (or any other party contingently liable, if the company secures the written approval of the Administration), or any other person participating in a liquidation, foreclosure, or loss mitigation action.

") SUSPENSION OR REVOCATION OF AUTHORITY.—The Administration may revoke or suspend a delegation of authority under this section to any qualified State or local development company if the Administration determines that the company—

"(I) does not meet the requirements of subsection (b)(1), (2), (3), or (4); or

") the Administration further determines that the company—

"(I) is engaging in a pattern of fraudulent activities; or

") provides written notice to the company that such action is being taken and of the reasons therefor.

") CONCLUSION.—In the event of the revocation or suspension of any delegation of authority under subsection (a), the Administration shall make available to the company a fair and reasonable opportunity to be heard and shall provide written notice of the action to the company.

") RELATIVE PRIORITY.—In the event of the suspension or revocation of authority under subsection (a), the Administration shall provide written notice to the company immediately after receiving such request and shall provide to the company a fair and reasonable opportunity to be heard.

") SUSPENSION OR REVOCATION OF AUTHORITY.—The Administration may revoke or suspend a delegation of authority under this section to any qualified State or local development company if the Administration determines that the company—

") does not meet the requirements of subsection (b)(1), (2), (3), or (4); or

") shall be in writing:

"(ii) shall state the specific reason for the Administration's inability to act on a plan or request; and

") shall include an estimate of the additional time required by the Administration to act on the plan or request; and

") CONCLUSION.—In the event of the revocation or suspension of any delegation of authority under subsection (a), the Administration shall make available to the company a fair and reasonable opportunity to be heard and shall provide written notice to the company that such action is being taken and of the reasons therefor.

") RELATIVE PRIORITY.—In the event of the suspension or revocation of authority under subsection (a), the Administration shall provide written notice to the company immediately after receiving such a request and shall provide to the company a fair and reasonable opportunity to be heard.

") SUSPENSION OR REVOCATION OF AUTHORITY.—The Administration may revoke or suspend a delegation of authority under this section to any qualified State or local development company if the Administration determines that the company—

") does not meet the requirements of subsection (b)(1), (2), (3), or (4); or

") shall be in writing:

") shall state the specific reason for the Administration's inability to act on a plan or request; and

") shall include an estimate of the additional time required by the Administration to act on the plan or request; and

") CONCLUSION.—In the event of the revocation or suspension of any delegation of authority under subsection (a), the Administration shall make available to the company a fair and reasonable opportunity to be heard and shall provide written notice to the company that such action is being taken and of the reasons therefor.
"(3) fails to comply with any reporting re-
quirement that may be established by the Ad-
mistration relating to carrying out of func-
tions described in paragraph (1)."

(e) PRIVILEGES

"(1) IN GENERAL.—Based on information pro-
vided by qualified State and local development 
companies and the Administration, the Admin-
istration is authorized to submit to the Congress 
on Small Business of the House of Representa-
tives and of the Senate a report on the results 
of delegation of authority under this section.

(2) CONTENTS.—Each report submitted under 
paragraph (1) shall include the following infor-
mation:

"(A) With respect to each loan foreclosed or 
liquidated by a qualified State or local develop-
ment company under this section, or for which 
losses were otherwise mitigated by the company 
pursuant to a workout plan under this section—

(i) the total cost of the project financed with 
the loan;

(ii) the total original dollar amount guaran-
teed by the Administration;

(iii) the total dollar amount of the loan at 
the time of liquidation, foreclosure, or mitiga-

tion of loss;

(iv) the total dollar losses resulting from the 
liquidation, foreclosure, or mitigation of loss; and

(v) the total recoveries resulting from the liq-
uidation, foreclosure, or mitigation of loss, both 
as a percentage of the amount guaranteed and 
the total cost of the project financed.

"(B) With respect to each qualified small 
local development company to which authority 
is delegated under this section, the totals of 
each of the amounts described in clauses (i) 
through (v) of subparagraph (A).

"(C) If any loan subject to foreclosure, liq-
uidation, or mitigation under this section, the 
totals of each of the amounts de-
scribed in clauses (i) through (v) of subparagraph 
(A) shall include the following in-

to the following:

"(1) CERTAIN BANKS.—Notwithstanding 
any other provision of law, any 
Federal savings association may invest in any 1 
or more small business investment companies, 
or in any entity established to invest solely in 
small business investment companies, except 
that in no event may the total amount of such 
investments by any such Federal savings asso-
ciation exceed 5 percent of the capital and sur-
plus of the Federal savings association.''.

SEC. 404. SUBSIDY FEES.

(a) DEBENTURES.—Section 303(b) of the Small 
683(b)) is amended by striking "plus an addi-
tional charge of 1 percent per annum which 
shall be paid to and retained by the Administra-
tion after the end of the loan term if not fully 
repaid during the investment period under any 
investment agreement between the business con-
cern and the entity making the investment'.

(b) L O N G T E R M.—Section 103 of the Small 
662) is amended by adding at the end the 
following:

"(i) $45,000,000 in technical assistance grants 
as provided in section 7(m).

"(ii) $60,000,000 in direct loans, as provided in 
section 7(m).

"(B) For the programs authorized by this Act, 
the Administration is authorized to make

"(i) $14,500,000,000 in general business 
loans as provided in section 7(a);

(ii) $4,000,000,000 in financings as provided in 
section 7(a); and

(iii) $500,000,000 in loans as provided in sec-

"(C) For the programs authorized by title III of 
the Small Business Investment Act of 1958, 
the Administration is authorized to make—

"(i) $2,500,000,000 in purchases of partici-
pating securities; and

"(ii) $1,500,000,000 in guarantees of deben-
tures.

"(D) For the programs authorized by part B 
of title III of the Small Business Investment Act 
of 1958, the Administration is authorized to 
enter into guarantees not to exceed $4,000,000,000, 
of which not more than 50 percent shall be in 
bonds approved pursuant to section 41(a)(3) of 
that Act.

"(E) The Administration is authorized to 
make grants or enter cooperative agreements for 
$4,500,000,000, as authorized to be used as 
loan capital for the program authorized by 
section 7(a)(2)(B) except from other Federal 
departments or agency to the Adminis-
tration, unless the program level authorized for 
general business loans under paragraph 
(1)(B)(i) is fully funded; and

"(ii) the Administration may not approve 
loans for its own behalf or on behalf of any 
other Federal department or agency, by contract 
or otherwise, under terms and conditions other 
than those specifically authorized under this 
Act, and for any Small Business Investment Act 
of 1958, except that it may approve loans under 
section 7(a)(2)(B) of this Act in gross amounts of 
not more than $1,250,000.

"(F) FISCAL YEAR 2002.—

"(1) PROGRAM LEVELS.—The following pro-
gram levels are authorized for fiscal year 2002:

"(A) For the programs authorized by this Act, 
the Administration is authorized to make

"(i) $60,000,000 in technical assistance grants 
as provided in section 7(m); and

"(ii) $80,000,000 in direct loans, as provided in 
section 7(m).

"(B) For the programs authorized by this Act, 
the Administration is authorized to make

"(i) $2,500,000,000 in purchases of partici-
pating securities; and

"(ii) $1,500,000,000 in guarantees of deben-
tures.
"(ii) $15,000,000,000 in general business loans as provided in section 7(a);

"(iii) $4,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Act of 1958;

"(iv) $500,000,000 in loans as provided in section 7(a)(21); and

"(v) $50,000,000 in loans as provided in section 7(a).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $500,000,000 in purchases of participating securities; and

"(ii) $2,500,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $5,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter cooperative agreements for a total amount of $6,000,000 for the Service Corps of Retired Executives program authorized by section 7(m).

"(2) ADDITIONAL AUTHORIZATIONS.—

"(A) There are authorized to be appropriated to the Administration—

"(i) $3,500,000,000 in purchases of participating securities; and

"(ii) $2,500,000,000 in guarantees of debentures.

"(B) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $5,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $16,000,000,000 in general business loans under paragraph (1)(B)(i) is fully funded; and

"(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, excluding salaries and expenses of the Administration.

"(B) Notwithstanding any other provision of this paragraph, for fiscal year 2002—

"(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

"(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, excluding salaries and expenses of the Administration.

"(C) Fiscal Year 2003.—

"(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2003:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $70,000,000 in technical assistance grants as provided in section 7(m); and

"(ii) $100,000,000 in direct loans, as provided in section 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $21,550,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $16,000,000,000 in general business loans as provided in section 7(a); and

"(ii) $5,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $500,000,000 in loans as provided in section 7(a)(21); and

"(iv) $50,000,000 in loans as provided in section 7(a).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $4,000,000,000 in purchases of participating securities; and

"(ii) $3,000,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $3,000,000,000 in guarantees of debentures.

"(2) ADDITIONAL AUTHORIZATIONS.—

"(A) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $3,000,000,000 in guarantees of debentures.

"(B) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $3,000,000,000 in guarantees of debentures.

"(3) ADDITIONAL AUTHORIZATIONS.—

"(A) There are authorized to be appropriated to the Administration—

"(i) $3,500,000,000 in purchases of participating securities; and

"(ii) $2,500,000,000 in guarantees of debentures.

"(B) Notwithstanding any other provision of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding any other provision of this paragraph, for fiscal year 2003—

"(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

"(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that the Administration may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

"SEC. 503. ADDITIONAL REAUTHORIZATIONS.—

"(a) DRUG-FREE WORKPLACE PROGRAM.—Section 27 of the Small Business Act (15 U.S.C. 654) is amended—

"(1) in the section heading, by striking "DRUG-FREE WORKPLACE DEMONSTRATION PROGRAM" and inserting "PAID D. COVERDELL DRUG-FREE WORKPLACE PROGRAM"; and

"(ii) through cooperation with a profit-making cosponsor or to be distributed at the cosponsor's expense, except that terms and conditions of the cooperation shall be specified; and

"(b) any printed material to announce the cosponsorship or to be distributed at the cosponsor's expense, shall be approved in advance by the Administration.

"(2) terms and conditions of the cooperation shall be specified; and

"(c) HUBZONE SMALL BUSINESS CONCERN.

"SEC. 601. SHORT TITLE.

"SEC. 602. HUBZONE SMALL BUSINESS CONCERN.

"(a) voluntary business, professional, educational, and other nonprofit organizations, associations, and institutions (except that the Administration shall take such actions as it determines to be appropriate to ensure that the Administration does not constitute or imply an endorsement by the Administration of any product or service of the cosponsor); and

"(b) other Federal and State agencies; and

"(ii) by maintaining a clearinghouse for information on managing, financing, and operating small business enterprises; and

"(i) through cooperation with a profit-making cosponsor or to be distributed at the cosponsor’s expense, except that the Administration shall—

"(ii) take such actions as it determines to be appropriate to ensure that—

"(aa) the Administration receives appropriate recognition and publicity;

"(bb) the cooperation does not constitute or imply an endorsement by the Administration of any product or service of the cosponsor;

"(cc) unnecessary promotion of the products or services of the cosponsor is avoided; and

"(dd) utilization of any 1 cosponsor in a marketing area is minimized; and

"(ii) develop an agreement, executed on behalf of the Administration by an employee of the Administration in Washington, the District of Columbia, that provides, at a minimum, that—

"(aa) any printed material to announce the cosponsorship or to be distributed at the cosponsor's expense, shall be approved in advance by the Administration.

"(bb) the terms and conditions of the cooperation shall be specified; and

"(cc) any minimal charges may be imposed on any small business concern to cover the direct costs of providing the assistance;

"(dd) the Administration may provide to the cosponsorship mailing labels, but not lists of names and addresses of small business concerns compiled by the Administration;

"(ee) all printed materials containing the names of both the Administration and the cosponsor shall include a disclaimer that the cooperation does not constitute or imply an endorsement by the Administration of any product or service of the cosponsor; and

"(ff) it is the Administration's purpose that it receives appropriate recognition in all cosponsorship printed materials.

SEC. 603. QUALIFIED HUBZONE SMALL BUSINESS CONCERN.

(a) IN GENERAL.—Section 3(p)(5)(A) of the Small Business Act (15 U.S.C. 632(p)(5)(A)) is amended by striking subclauses (I) and (III) and inserting the following:

"(I) that is wholly owned by 1 or more Indian tribal governments, or by a corporation that is wholly owned by 1 or more Indian tribal governments, if all that other owners are either United States citizens or small business concerns;"

(b) CLARIFYING AMENDMENT.—Section 3(p)(5)(D)(ii) of the Small Business Act (15 U.S.C. 632(p)(5)(D)(ii)) is amended by inserting "owing as the term `Native Corporation' in section 3(p)(5)(A) of the Small Business Act (15 U.S.C. 632(p)(5)(A)) is amended by striking subclauses (I) and (III) and inserting the following:

"(I) that is wholly owned by 1 or more Indian tribal governments, or by a corporation that is wholly owned by 1 or more Indian tribal governments, if all that other owners are either United States citizens or small business concerns;"

SEC. 604. OTHER DEFINITIONS.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act, is amended—

(1) in paragraph (5)(A)(ii), by striking "or" at the end; and

(2) in paragraph (5)(B)(ii), by striking "or" at the end; and

SEC. 701. SHORT TITLE.

This title may be cited as the "National Women's Business Council Reauthorization Act of 2000".

SEC. 702. MEMBERSHIP OF THE COUNCIL.


(1) in subsection (a), by striking "Not later" and all that follows through "President" and inserting "Not later than the President"; and

(2) in subsection (b), by striking "the President" and inserting "the President or the Administrator"; and

SEC. 703. REFERENCE CORRECTIONS.

(a) SECTION 3.—Section 3(p)(5)(C) of the Small Business Act (15 U.S.C. 632(p)(5)(C)) is amended by striking "(i) the median household income is less than 80 percent of the nonmetropolitan State median household income, based on the most recent data available from the Bureau of the Census of the Department of Commerce;" and

"(ii) the unemployment rate is not less than 140 percent of the statewide average unemployment rate;";

(b) SECTION 4.—Section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in paragraph (5)(A)(i)(I), by striking "or" at the end; and

(2) in paragraph (5)(A)(i)(II), by striking "or" at the end; and

SEC. 704. PROGRAM REVIEWS.

The Administrator shall conduct a review of the data and information developed under section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act, and report to Congress on the results thereof within 6 months after the date of enactment of this Act.
SEC. 801. LOAN APPLICATION PROCESSING.

(a) Study.—The Administrator of the Small Business Administration shall conduct a study to determine the average time that the Administration requires to process an application for each type of loan or loan guarantee made under the Small Business Act (15 U.S.C. 631 et seq.).

(b) TRANSMITTAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress the results of the study conducted under subsection (a).

SEC. 802. APPLICATION OF OWNERSHIP REQUIREMENTS.

(a) SMALL BUSINESS ACT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(e)(1)) is amended by adding at the end the following:

“(30) Ownership requirements.—Ownership requirements to determine the eligibility of a small business concern that applies for assistance under any credit program under this Act shall be determined without regard to any ownership interest of a spouse arising solely from the application of the community property laws of a State for purposes of determining marital interests.”

(b) SMALL BUSINESS INVESTMENT ACT OF 1958.—Section 5 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended by adding at the end the following:

“(6) Ownership requirements.—Ownership requirements to determine the eligibility of a small business concern that applies for assistance under any credit program under this Act shall be determined without regard to any ownership interest of a spouse arising solely from the application of the community property laws of a State for purposes of determining marital interests.”

SEC. 803. SUBCONTRACTING PREFERENCE FOR VETERANS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) by inserting “small business concerns owned and controlled by veterans,” after “small business concerns,” the first place that term appears in each of the first and second sentences;

(2) in paragraph (3)—

(A) in subparagraph (A), by inserting “small business concerns owned and controlled by service-disabled veterans,” after “small business concerns owned and controlled by veterans,” in each of the first and second sentences; and

(B) in subparagraph (B), by inserting “a small business concern owned and controlled by service-disabled veterans,” after “small business concerns owned and controlled by veterans,” and

(3) in each of the paragraphs (A), (B), and (10) of section 20(a), by inserting “a small business concern owned and controlled by service-disabled veterans,” after “small business concerns owned and controlled by veterans.”

SEC. 804. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM FUNDING.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Section 20(a)(1) of the Small Business Act (15 U.S.C. 631 note) is amended by striking “For fiscal year 1985 and all that follows through “the Administration,” the Administration shall distribute the remaining funds as follows:

“(i) If the amount made available is not less than $81,500,000 and not more than $90,000,000, the minimum funding level shall be $500,000.

“(ii) If the amount made available is less than $81,500,000, the minimum funding level shall be the remainder of $500,000 minus a percentage of $500,000 equal to the percentage by which the amount made available is less than $81,500,000.

“(iii) If the amount made available is more than $90,000,000, the minimum funding level shall be the total amount of remaining funds, on a pro rata basis, based on the percentage of shortage of each such State, as compared to the total amount of such remaining funds available, to the extent necessary in order to increase the amount of the grant to the amount received by that State in fiscal year 2000, or until such funds are exhausted, whichever occurs first.

(b) DISTRIBUTIONS.—Subject to clause (iii), if any State does not apply for, or use, its full funding eligibility for a fiscal year, the Administration shall distribute the remaining funds as follows:

“(i) If the grant to any State is less than the amount received by that State in fiscal year 2000, the Administration shall distribute such remaining funds, on a pro rata basis, based on the percentage of shortage of each such State, as compared to the total amount of such remaining funds available, to the extent necessary in order to increase the amount of the grant to the amount received by that State in fiscal year 2000, or until such funds are exhausted, whichever occurs first.

“(ii) If any funds remain after the application of subsection (b), the remaining amount may be distributed as supplemental grants to any State in its discretion, to be appropriate, after consultation with the association referred to in subsection (a)(3)(A).

“(III) The aggregate amount calculated under clause (i)(I) may be used for examination expenses authorized by clause (v) of this subparagraph shall not exceed the minimum funding level for each such State.

“(III) If the pro rata amount calculated under subsection (a) for States eligible to receive more than the minimum funding level under clause (iii), the Administration shall determine the aggregate amount necessary to achieve that minimum funding level for each such State.

“(IV) The aggregate amount calculated under subsection (II) shall be used as a pro rata basis, based on the population of each such State, as compared to the total population of all such States.

“(V) The amount deducted under clause (III) shall be added to the grants of those States that are not eligible to receive more than the minimum funding level in order to achieve the minimum funding level for each such State, except that the eligible amount of a grant to any State shall be reduced to an amount below the minimum specified in a subpoena only if the amount calculated under clause (iii), and shall be based on the amount available for the fiscal year in which performance of the grant activities, but not including amounts distributed in accordance with clause (iv). The amount of a grant received by a State under any provision of this subparagraph shall not exceed the amount of matching funds provided by the Federal Government, as required under subparagraph (A).

“(VI) MINIMUM FUNDING LEVEL.—The amount of the minimum funding level for each State shall be determined for each fiscal year based on the amount made available for that fiscal year to carry out this section, as follows:

“(i) If the amount made available is not less than $81,500,000 and not more than $90,000,000, the minimum funding level shall be $500,000.

“(ii) If the amount made available is less than $81,500,000, the minimum funding level shall be the remainder of $500,000 minus a percentage of $500,000 equal to the percentage by which the amount made available is less than $81,500,000.

“(III) If the amount made available is more than $90,000,000, the minimum funding level shall be the total amount of remaining funds, on a pro rata basis, based on the percentage of shortage of each such State, as compared to the total amount of such remaining funds available, to the extent necessary in order to increase the amount of the grant to the amount received by that State in fiscal year 2000, or until such funds are exhausted, whichever occurs first.

“(IV) USE OF AMOUNTS.—(I) IN GENERAL.—Of the amounts made available in any fiscal year to carry out this section—

“(a) not more than $500,000 may be used by the Administration to pay expenses enumerated in subparagraphs (B) through (D) of section 20(a)(1)(E),

“(b) not more than $500,000 may be used by the Administration to pay the examination expenses enumerated in section 20(a)(1)(E),

“(ii) LIMITATION.—No funds described in subparagraph (i) may be used for examination expenses under section 20(a)(1)(E) if the usage would reduce the amount of grants made available under clause (iii) of this subparagraph to less than $81,500,000.

“(v) EXCLUSIONS.—Grants provided to a State by the Administration under this section to carry out subsection (a)(6) or (c)(3)(G), or for supplemental grants set forth in clause...
(iv)(ii) of this subparagraph, shall not be included in the calculation of maximum funding for a State under clause (ii) of this subparagraph.

(vii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph $125,000,000 for each of fiscal years 2001, 2002, and 2003.

SEC. 420. SIZING REQUIREMENTS.—In this subparagraph, the term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the United States territories.

SEC. 425. PROCUREMENT OF GOODS OR SERVICES.—In this section, the term ‘bundled contract’ has the meaning given such term in section 301(a).

(2) DATABASE.—

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Administrator of the Small Business Administration shall maintain and annually in March thereafter, the Administrator shall transmit a report to the Committees on Small Business of the House of Representatives and the Senate.

(b) CONTENT.—The report transmitted under subparagraph (A) shall include—

(i) data on the number, arranged by industrial classification, of small business concerns classified as ‘bundled’; and

(ii) the extent to which maintaining the bundled status of contract requirements, excluding subcontracting requirements, is projected to result in continued cost savings.

(c) Waiver.—With respect to a small business concern owned and controlled by women or other small business concern owned and controlled by women, the Administrator shall have authority to grant a waiver, at the request of a small business concern, for a contract, or a portion thereof, if—

(i) the Administrator determines that the small business concern is in an industry in which small business concerns owned and controlled by women are substantially underrepresented.

SEC. 430. PROCUREMENT OF GOODS OR SERVICES.—In this section, the term ‘bundled contract’ has the meaning given such term in section 301(a).

(7) PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.—

(m) PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.—

(3) Definitions.—In this subsection, the following definitions apply:

(i) verified by the Administrator of the Small Business Administration.

(2) in paragraph (2)(A), by striking ‘‘2001’’ each place it appears and inserting ‘‘2002’’; and

(3) in paragraph (2)(B), by striking ‘‘2002 or 2003’’ and inserting ‘‘2003 or 2004’’.

SEC. 509. PRIVATE SECTOR RESOURCES FOR SIZING REQUIREMENTS.—

Section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)) is amended by striking at the end the following:

(f) PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.—

Section 8 of the Small Business Act (15 U.S.C. 637(a)(15)(A)) is amended to read as follows:

(a) INDUSTRY CLASSIFICATIONS.—Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is amended by striking ‘‘four-digit standard’’ and all that follows through ‘‘published’’ and inserting ‘‘definition of a ‘statistical industry’ under the North American Industry Classification System, as established’’.

(b) ANNUAL REPORT.—Section 3(a)(1) of the Small Business Act (15 U.S.C. 637(a)(1)) is amended by striking ‘‘$500,000’’ and inserting ‘‘$750,000’’.

SEC. 506. PROVIDE ACCESS TO DATA.—

(a) FEDERAL PROCUREMENT DATA SYSTEM.—To assist in the implementation of this section, the Administrator shall have access to information collected through the Federal Procurement Data System.

(b) AGENCY PROCUREMENT DATA SOURCES.—To assist in the implementation of this section, the head of each contracting agency shall provide, upon request of the Administration, procurement information collected through existing agency data collection sources.

SEC. 511. PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.—

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

(3) PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.—

SEC. 807. NATIVE HAWAIIAN ORGANIZATIONS UNDER SECTION 8(a).—

(a) CONTRACT AMOUNTS.—Section 411 of the Small Business Act (15 U.S.C. 632(a)(1)) is amended by striking ‘‘$500,000’’ and inserting ‘‘$1,250,000’’; and

(1) in subsection (e)(2), by striking ‘‘$1,250,000’’ and inserting ‘‘$2,000,000’’.

(b) EXTENSION OF CERTAIN AUTHORITY.—Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 694b note) is amended by striking ‘‘2000’’ and inserting ‘‘2003’’.

SEC. 806. SIZE STANDARDS.—

(a) INDUSTRY CLASSIFICATIONS.—Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is amended by inserting, after ‘‘fiscal year 2001’’, ‘‘fiscal year 2002’’; and

(2) $4,000,000 for fiscal year 2002;

(3) $2,000,000 for fiscal year 2003; and

(4) $2,000,000 for fiscal year 2004;.

(2) in subsection (a)(1), by striking ‘‘$1,250,000’’ and inserting ‘‘$2,000,000’’; and

(ii) whether such savings and benefits will continue to be realized if the contract remains bundled, and whether such savings and benefits would be greater if the procurement requirements were divided into separate solicitations suitable for award to small business concerns.

(4) ANNUAL REPORT ON CONTRACT BUNDLING.—

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this subsection, and annually thereafter, the Administrator shall transmit a report to the Committees on Small Business of the House of Representatives and the Senate.

(b) CONTENT.—The report transmitted under subparagraph (A) shall include—

(1) the filing, investigation, and disposition of any challenge to the Administration of any challenge to the veracity of a certification made or information on—

(2) verification by the Administrator of the Small Business Administration pursuant to this subparagraph for such solicitation.'
small business concern making a certification or providing information to the Administrator under paragraph (2)(F).

''(C) PENALTIES.—In addition to the penalties described in section 16(d), any small business concern that is determined by the Administrator to have misrepresented the status of that concern as a small business concern owned and controlled by women for purposes of this subsection, shall be subject to—

''(i) section 1001 of title 18, United States Code; and

''(ii) sections 3729 through 3733 of title 31, United States Code.

''(6) PROVISION OF DATA.—Upon the request of the Administrator, the head of any Federal department or agency shall promptly provide to the Administrator such information as the Administrator determines to be necessary to carry out this subsection.''

JOHN EDWARD PORTER,
C.W. BILL YOUNG,
HENRY BONILLA,
ERNEST J. ISTOOK, J.R.,
DAN MILLER,
JAY DICKEY,
ROGER F. WICKER,
ANNE M. NORTHUP,
RANDY 'DUKE' CUNNINGHAM,
DAVID R. OBEY,
STENY H. HOYER,
NANCY PELOSI,
NITA M. LOWEY,
ROSA L. DELAURO,
JESSE L. JACKSON, J.R.,
(Except elimination of LIHEAP and CCDBG advanced funding; immigration and charitable choice provisions),
MANAGERS ON THE PART OF THE HOUSE.

ARDEN SPECTER,
THAD COCHRAN,
SLADE GORTON,
JUDD GREGG,
KAY BAILEY HUTCHISON,
TED STEVENS,
PETE V. DOMENICI,
TOM HARKIN,
ERVIN F. HOLLINGS,
DANIEL K. INOUYE,
HARRY REID,
HERB KOLN,
PATTY MURRAY,
DIANNE FEINSTEIN,
ROBERT C. BYRD
MANAGERS ON THE PART OF THE SENATE.
The Senate met at 12 noon, 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:

God of peace, fill our minds and flood our hearts with Your peace. May we hear Your message: “Peace on earth, good will to all people” above the discordant voices of these turbulent times. Give us Your peace that calms our nerves, conditions our thinking, and clears our vision. Your peace is the serenity of heaven provided for the loved and forgiven. It is the assurance that we will receive all that we need to meet the challenges of this day. Your peace comes to us when we commit our responsibilities to You and then work with Your guidance and grace.

Help the Senators to be peacemakers as they finish the work of this 106th Congress. Be with the distinguished Chaplain and others who know, and the vote in Congress was razor thin.

RESERVATION OF LEADER TIME
The PRESIDING OFFICER (Mr. L. Chafee). Under the previous order, the leadership time is reserved.

MORNING BUSINESS
The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for up to 10 minutes each, and with time to be equally divided in the usual form.

RECOGNITION OF THE ACTING MAJORITY LEADER
The PRESIDING OFFICER. The able acting majority leader is recognized.

PRAISE FOR THE CHAPLAIN
Mr. Warner. Mr. President, I say with gratitude that we have such a marvelous Chaplain, one who with great skill and such strength of feeling and emotion is able to deliver the message of prayer and incorporate those historic moments of history.

SENATOR CHARLES S. ROBB
Mr. Warner. Mr. President, Virginia has had a long history of distinguished citizens of our great Commonwealth who come forward to serve Virginia. Among them in this long line of distinguished individuals will be Charles S. Robb.
We started our careers together when he served in the Marine Corps. That was back during the period of Vietnam. I was then serving—for over 5 years—as Under Secretary and Secretary of the Navy. I was privileged, of course, to serve with the Presiding Officer's father, Senator Chafee. At the time he was Secretary of the Navy; I served as his Under Secretary.

Senator Robb had served his tour in Vietnam through 1970 and then he remained in the Marine Corps Reserve from 1970 to 1991. I was privileged to wear the marine green during the Korean conflict and served for a very brief period in the Marines. However, as a member of Congress, that the career of Senator Robb was far more distinguished than the career of the senior Senator, myself. I am pleased to acknowledge that. He then went on to serve as Lieutenant Governor from 1977 to 1981, and Governor from 1982 to 1986. His two terms in the Senate began in 1988. He has been a Member of the Senate Armed Services Committee, a committee which I have been privileged to chair since 1993. Throughout this distinguished record, it has been my good fortune to share a very warm friendship with the Senator and with his lovely wife and his children. We all know when we take the oath of office as U.S. Senators the family plays the key role. I could not count the number of times I have been in matters relating to the Senate, trips relating to the Senate, our frequent joint appearances throughout the Commonwealth of Virginia. Senator Robb's office and my office was always excellent. We looked upon our duties as serving the Commonwealth of Virginia and the people of that State; therefore, our staffs did everything they could to prepare the two Senators to meet that challenge and that responsibility.

He is a man of principle. I think that is unquestioned by those of us who watched him. Indeed, at times we differed on very fundamental policy issues, and that is reflected in our voting records. But he was always a man of principle and he stood by those principles. As I listened to him, my reaction sometimes bordered on disbelief because I so disagreed with him, but he stood by those principles no matter what the cost to his professional career as a public servant. He stood by what he believed.

So I say to my good friend, I shall remember him in many ways but above all for his friendship and his always senatorial courtesy. As we laugh around here and joke: The title senior senator he had very keen insight into the life of the men and women of the Armed Forces. He worked very hard on their behalf. I hope history will reflect that his contributions directly benefited those who served today and who will serve tomorrow. He was so was quite active in working with the staff on the retirement benefits, particularly the medical benefits, for those who have served in years past.

Virginia is privileged to have one of the greatest shipyards—we like to think the greatest shipyard—in America. We have the naval shipyard as well as private shipyards. In those yards are built some of the finest ships that sail the seven seas today on behalf of our Navy. Senator Robb was always there to work with not only me but a strong bipartisan Virginia congressional delegation, Senate and House, on matters of national defense since our State is privileged to be preeminent in the field of national defense having a number of the major bases and a number of men and women in uniform who are stationed there. Of course, the Pentagon is the core of this complex throughout Virginia. But there was Senator Robb on all occasions, and particularly as it related to our naval shipbuilding program.

I am joined on the floor today by two very able members of my staff. Ann Loomis is the chief of our legislative operations staff; Senator Robb consulted early this morning in preparing these remarks, is my chief of staff. They would want it known that, through the years, the staff working relationship between Senator Robb's office and my office was always excellent. We looked upon our duties as serving the Commonwealth of Virginia and the people of that State; therefore, our staffs did everything they could to prepare the two Senators to meet that challenge and that responsibility.

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Candidly, it was difficult to get the Republican caucus to agree to $106 billion in the Senate and in the House, but we did that. But in presenting the bill, the conference report, we had some priorities which were somewhat different from those of the President. We had, for example, added $2.7 billion for the National Institutes of Health because we thought that was a very high priority. We had also made some changes on the $2.7 billion which the President had requested for school construction and additional teachers, giving him that money but adding a provision that if the local boards of education wanted to use the money for something else after fulfilling very stringent requirements, that they could use it for local control.

When we sat down to negotiate with the White House, the President and the Democrats in the House upped the ante and added additional $9 billion. From my way of thinking, that was totally unacceptable because we had provided the $106 billion which the President had initially requested. After all, it is the congressional prerogative to set funding on appropriations. That is spelled out in the Constitution. The President has to sign the bill but we have the lion's share of responsibility, in my view, to establish the priorities.

Those negotiations degenerated—at least in my opinion—until there was an inclination by some in the conference to pay $114 billion. I refused to be a party to that amount of money because I had fought hard to raise the figure to $106 billion and I felt there would be no credibility in what I would present as chairman of the subcommittee if I would be a will-o'-the-wisp and raise it to any figure to satisfy the demands of the White House and the House Democrats. The conference report provided $114 billion and I declined to sign any conference report which reflected that figure.

Ultimately that arrangement broke down. Now we have come to the point where the negotiations have produced a figure of $108.9 billion, which is still more than the $106 billion we had originally projected, but in the spirit of accommodation, trying to finish the business of the Congress, I am prepared to go along with that figure although very reluctantly.

There have been changes in the bill which I find totally unacceptable. The National Institutes of Health has had an increase of $2.7 billion over fiscal year 2000, which had been in all along, now cut by $200 million to $2.5 billion. I believe that the National Institutes of Health is the crown jewel of the Federal Government. It may be the only jewel of the Federal Government. We have already driven a record number of applications to NIH in the last five cycles. The Senate, in one of the first years under my chairmanship, came in at the figure of a $950 million increase. The House would not go along. We compromised out at $907 million. The next year we added $1 billion; the year after, $2 billion; the year after that, $2.3 billion, which was cut a little on an across-the-board cut. This year we put in $2.7 billion, now reduced to $2.5 billion. It was almost $9 billion added in these last five cycles and they have made tremendous strides on the most dreaded diseases—Parkinson's and Alzheimer's and cancer and heart ailments and the whole range.

It is my hope that whoever chairs the subcommittee will have better cooperation on all sides to present the bill to the President before the fiscal year ends. I think, that been done, we could have mustered a very strong position that our priorities were superior to what the President had in mind, and that if he were going to veto the bill, we ought not to be fearful of his veto but we ought to accept it as his view and then take the fight to the American public. I think if the bill had been submitted to the President on September 5, we would have won that fight. Or if we had not won it outright, we would have compromised in terms so we wouldn't be here or arguing about this Labor-HHS-Education bill as the principal source of contention. (The remarks of Mr. Specter pertaining to the introduction of S. 3280 are located in today's Record under "Statements in the Introduction of Bills and Joint Resolutions."

Mr. SPECTER. Mr. President, I again thank my distinguished ranking member, Senator Jay Rockefeller, who works collaboratively on veterans affairs matters and all members of the Veterans' Affairs Committee. It is a committee which has worked in a bipartisan way. It has a very excellent staff, with staff director Bill Tuerk. I thank the staff for their assistance and commend to the public and the Congressional Record the legislation which has been passed during the 106th Congress.

I know my time has expired, and I note the presence on the floor of a distinguished Senator, Ms. Collins. In the floor. I was happy to say "another distinguished Senator," but I modified that to "a distinguished Senator." The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, before the Senator from Pennsylvania leaves the floor, if that is his intention, I thank him for the exceptional job he has done in ensuring that we do have funding increases for critical programs such as those at the National Institutes of Health.

I heard the Senator from Pennsylvania, the chairman of the subcommittee, describe it as the crown jewel of the Federal Government, and I totally agree with his comments. He has also been an advocate for more education funding, combined with more flexibility. I wish we had followed his advice earlier this year and sent the appropriations bill down to the White House, completing his work in a very timely fashion back in July, I believe it was.

I commend the Senator for being an outstanding chairman. I am a great admirer of his and appreciate all of his hard work.

Mr. SPECTER. Mr. President, I express my thanks to Senator Collins. We work very closely together with a very distinguished group of Senators—Senator Jeffords, Senator Snowe, and who is the fifth member? Yes, Senator Chafee, who is presiding. I thank the Chair and thank Senator Collins.

EXTENSION OF MORNING BUSINESS

Ms. COLLINS. Mr. President, I ask unanimous consent that the morning business be extended until 1:30 p.m., with the time equally divided.

Mr. President. Without objection, it is so ordered.

THE STEEP COST OF A MAINE WINTER

Ms. COLLINS. Mr. President, I rise today to speak on the importance of the Low Income Home Energy Assistance Program known as LIHEAP in helping low-income Maine families cope with the high cost of our long Maine winters.

As Callie Parker from Little Deer Isle, Maine, so eloquently testified before the Senate Health, Education, Labor, and Pensions Committee earlier this year, heating your home during a Maine winter is a matter of life and death. When the cold reaches into the very marrow of one's bones, when a glass of water you left on a night stand freezes during the night should your furnace go out, you simply cannot get by without heat.

Unfortunately, not everyone has enough money to buy the fuel necessary to heat their home. Far too many Maine families have had to choose whether to buy groceries or to pay their rent or mortgage or to keep warm. These are choices that no one should be forced to make, but unless we increase funding for energy assistance now, these choices will become increasingly common.

Winter has not even officially begun, although you would not know that in the area of the country from which the Presiding Officer and I come. The high price of fuel and cold temperatures have already driven a record number of households in Maine to seek home energy assistance. Already the Community Action Program agencies in Maine have identified 28,000 households in need of LIHEAP funds to get through this winter. That compares to only 10,000 applicants at this time last year; in other words, it indicates the amount of households seeking this kind of assistance. Another 19,000 families are waiting to be reviewed by the CAP agencies.
The problem is, there is simply not sufficient money. As this chart shows, a Maine winter exacts a steep toll. Today, in Maine, a gallon of home heating oil, on average, costs $1.56. Last year at this time, home heating oil was just $1.03 a gallon, and we thought that was a very high. That number is high because just two years ago the average price of home heating oil in Maine was just 78 cents a gallon. In short, home heating oil prices have increased by 100 percent in just two years, for the 75 percent of Mainers who rely on home heating oil to keep their homes warm, this is a steep price to pay indeed. Those heating their homes with natural gas also are facing difficulties. Consumer prices for natural gas have shot up over 50 percent compared to last year.

As the second column on this chart shows, last year Maine's CAP agencies distributed an average of $488 to each household. That was the average LIHEAP benefit. Despite the rising costs of fuel, this year the Maine CAP agencies are able to distribute an average benefit of only $350. So you see the situation we have, Mr. President, and see why it is such a problem. The problem of the rising prices of home heating oil far higher than last year, and more than double what it was two years ago. The high cost of fuel has put more strain on more families, and as a result many more households need assistance. That has caused the average LIHEAP benefit to be cut significantly.

What does this mean? When the price of oil is 50 percent higher than last year, and the LIHEAP benefit is $38 less than last year, it means that people are not able to buy very many gallons of oil to heat their homes. Last year's LIHEAP benefit purchased 247 gallons of home heating oil. This year's benefit will purchase less than half that amount—a mere 224 gallons of oil. So this is the worst of all situations. We have the price of home heating oil at record highs; we have the benefit amount having to be cut to less than last year's; and the result is that low-income families are able to purchase far less home heating oil. And this year's winter is already shaping up to be colder than last year's. Mainers will need more oil to keep warm this winter, not less. When the furnace remains silent no matter how far you turn the thermostat dial, we need to be there to put oil in the tank.

The bottom line is we need to provide more assistance to more families. The legislation before us today will provide an extra $300 million in LIHEAP assistance to be used this winter. And that is very helpful. It is almost a 30-percent increase above last year's funding level. I know how hard Senator SPECTER and Senator STEVENS have fought for this significant increase. I thank them for their efforts on behalf of the thousands of Maine residents who will benefit greatly from these much needed funding increases.

Yet it simply is not enough. With the price of fuel 50 percent higher this year than last, and with almost three times as many families in need of LIHEAP assistance this year compared to just 1 year ago, even a 30-percent increase will only go so far. It is certainly needed, and we are thankful for it, but we are still going to have a shortfall.

I am also concerned and disappointed that by placing the year 2002 funding for LIHEAP on the chopping block, the Clinton administration lacked the forethought to provide the resources we need this year for our Nation's last winter. There will be another winter next year; I can guarantee it. We must lay the groundwork now to allow the planning to occur that will ensure that people stay warm next year, too.

By eliminating the "advance appropriation" for LIHEAP for the next fiscal year, this appropriations bill has not laid any of the necessary groundwork for next year's winter. That will not contribute to a supply crunch next fall, I fear.

I call on the President and the congressional leadership to make LIHEAP a top priority, not only this year but next year as well. I am pleased to see and applaud the language that was included in the managers' statement pledging to fund LIHEAP in the next fiscal year at this year's level or at a greater level. I would have preferred to see a commitment for advance funding, but I know the conferees will keep the commitment they have made.

Finally, I pledge my personal efforts to ensure that low-income families in Maine and throughout the Nation stay warm through our long winters.

I yield the floor.
Mr. President, seeing no one seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator from Vermont is informed we are in a period of morning business with speakers up to 5 minutes.

Mr. LEAHY. Mr. President, I do not see others seeking the floor. I ask unanimous consent I be allowed to speak for not to exceed 10 minutes.

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

JOHNNY PAUL PENRY

Mr. LEAHY. Mr. President, during the past year, there has been an extraordinary amount written and spoken in this country about the death penalty—actually more than I can recollect having seen before. We have learned that the system of administering capital punishment is gravely flawed, and that scores of people have ended up on death row, often for many years, even though they were completely innocent of the crime for which they were sentenced.

We have seen how the justice system has serious flaws at every stage, and especially if the accused is poor, as are most criminals who are sentenced to death. Lawyers defending people whose lives are at stake are often inexperienced or incompetent, and poorly paid. Two thirds of death penalty trials nationwide are marred by serious constitutional errors, according to reviewing courts.

We have seen public support for the death penalty decrease significantly. It is still over 50 percent nationally, but it falls below 50 percent if the alternative is life in prison without parole.

We have seen Governor Ryan of Illinois appoint a commission of experts, both supporters and opponents of capital punishment, to determine whether the death penalty can, under any circumstance, be administered fairly, so innocent people will never be executed. The findings and recommendations of that commission will be important for the entire country.

In Virginia, a State with many people on death row, the legislature recently took note of the growing concerns surrounding capital punishment, and decided to review the administration of the death penalty in Virginia when there have been serious mistakes.

In October, the Virginia Governor pardoned Earl Washington, a mentally retarded farmhand, after new DNA tests cleared him of the rape and murder that once brought him within 9 days of execution.

Just this morning, the Washington Post reported that DNA tests had cleared another death row inmate—unfortunately, too late to save him.

Before dying of cancer earlier this year, Frank Lee Smith spent 14 years on Florida's death row for a rape and murder that it now appears he did not commit.

We have introduced legislation with Senators GORDON SMITH, SUSAN COLLINS, and 12 other Senators, to address some of these most egregious flaws. I have spoken many times about our bill, the Innocence Protection Act, which will be on the floor later today.

Our legislation addresses the horrendous problem of innocent people being condemned to death. But today I want to mention briefly a related issue which is illustrated by a case in Texas, the State which this year has executed more people than any other State in the post-war era.

The Supreme Court stayed the execution of Johnny Paul Penry on November 16, 2000, less than four hours before he was scheduled to die by lethal injection in Texas. The Court has now scheduled the case for argument.
Mr. President, 11 years ago the Supreme Court ruled that it is not cruel and unusual punishment to execute the mentally retarded. I disagree with that decision. But more importantly, despite the Supreme Court ruling, 13 States with capital punishment and the Federal Government have forbidden execution of the mentally retarded, and a clear majority of Americans oppose the practice.

The State Senator who in 1998 sponsored Nebraska’s bill to prohibit execution of the mentally retarded later said that it should not have been necessary because the State did not have a capital trial. The State would very much want to execute the mentally retarded.

Executing the mentally retarded is wrong; it is immoral. People with mental retardation do not have a diminished capacity to understand right from wrong. As Justice Brennan wrote:

The impairment of a mentally retarded offender’s reasoning ability, control over impulsive behavior, moral development . . . limits his or her culpability so that, whatever other punishment might be appropriate, the ultimate penalty of death is always and necessarily disproportionate to his or her blameworthiness.

Proponents of the death penalty argue that it “saves lives,” but executing the mentally retarded cannot be justified on the grounds of deterrence. Let me again quote Justice Brennan, writing in 1989:

The very factors that make it disproportionate and unjust to execute the mentally retarded also make the death penalty of the most minimal deterrent effect so far as retarded offenders are concerned. Intellectual impairments in logical reasoning, strategic thinking, and foresight, the lack of the intellectual and developmental predicates of an ability to anticipate consequences, and impairment in the ability to control impulsivity, mean that the possibility of receiving the death penalty will not in the cases of a mentally retarded person figure in some careful assessment of different courses of action. In these circumstances, the execution of mentally retarded individuals is nothing more than the purposeless and needless imposition of pain and suffering.

People with mental retardation are also more prone to make false confessions because of their interaction with interrogators, and they are often unable to assist their lawyer in preparing a defense.

We saw this with Earl Washington, who had an IQ of 69. Arrested for breaking into a neighbor’s home during a drinking spree and hitting her with a chair, Washington readily confessed to a series of unsolved murders that he could not have committed.

Beyond all of this, executing the mentally retarded severely damages the standing of the United States in the international community. The United Nations has long condemned this practice. Just last year, the U.N. Commission on Human Rights called upon nations to “endeavor to ensure that the death penalty on a person suffering from any form of mental disorder.” We should join the overwhelming majority of nations who do not execute the mentally retarded.

Johnny Penry suffered relentless and severe physical and psychological abuse as a child, spends his time in prison coloring with crayons and looking at comic books he cannot read, and still believes in Santa Claus. I remember reading that when they stayed his execution he said, “Does this mean I’m not allowed to have the special meal I was supposed to have”—The last meal of the condemned man. He could not possibly have assisted meaningfully in his own defense.

No one can excuse Johnny Penry’s crime, and no one suggests that he should be set free. But the question is what is the appropriate punishment for a defendant who is mentally retarded.

Neither our Constitution nor our national conscience permits the execution of a 6-year-old child for committing a heinous crime, and neither should we execute a person with the mental capacity of a 6-year-old. It offends the very idea of justice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, first I inquire, is there any limitation on the length of time to speak?

The PRESIDING OFFICER. The Chair informs the Senator from Virginia that we are in a period for morning business with Senators to speak not to exceed 5 minutes.

Mr. ROBB. I believe I will exceed 5 minutes, but I ask unanimous consent to proceed for such time as I may use, consistent with the order for morning business.

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

Mr. ROBB. I thank the Chair.

THE SENATE EXPERIENCE

Mr. ROBB. Mr. President, I thought I would take this opportunity for just a very few minutes to say thank you. I will be leaving the Senate at the end of this Congress. I had assumed, as many of our colleagues had, that this would be the last day of the session. That assumption was very much in question at this point. I just left a conference with members of my caucus, and there are clearly some deeply held convictions and passions that are still unresolved. It may be that we will be here for hours, days, perhaps a week that is not the case, but these frequently are at this particular time in the session those who hold convictions and beliefs so deeply that they do not believe under any circumstance they should leave any stone unturned or any avenue unexplored to advance those convictions and beliefs.

While some of those issue are being resolved, I want to take a minute to say thank you, first of all, to the people who make this institution work. They are the many often unheralded folks who help with the phones, who operate the Capitol switchboard, who handle the maintenance, and who work in the food service we do not see but
who make it possible for all of us to do our jobs as effectively as possible. These people keep the institution functioning, like the maintenance crews who make the repairs and changes that are frequently required and who always seem to be working and doing all of the things they are required to do during the daytime and then get their studies done at night. We frequently see them working on their studies and doing all of the things they are trying to make life a little easier for us.

I also express my appreciation to the committee staffs, the professional staffs who work with each of the committees and help me and all of you on a regular basis. We develop personal friendships with many of these individuals whom we will long remember.

Finally, I want to say a very personal thank you to the members of my own staff. I have been extraordinarily well served by my able professionals who have served their Commonwealth and their country in ways that I will always appreciate and for which they can always be very proud.

Thank you, Mr. President, and I am not going to attempt to list them all. It occurred to me that maybe, because I have been so fortunate and so well served, I should mention the names only of those who have been with me continuously helping and assisting me over the entire term in the Senate, serving with me over the last 12 years. Two of those professionals actually have been with me through my gubernatorial service: Pat Mayer and Susan Albert, with me over the last 12 years. Two of those professionals actually have been with me through my gubernatorial service: Pat Mayer and Susan Albert, now Susan Albert Carr as of last week. Those professionals actually have been particularly good to me, and my entire term in the Senate, serving with me over the last 12 years. Two of those professionals actually have been with me through my gubernatorial service: Pat Mayer and Susan Albert, now Susan Albert Carr as of last week. Those have been my personal friends. They have been hardworking. They have been friends. They have been effective. They have been leaders in the truest sense in that they have caused us to want to work with them to make the institution run and to get the job done.

So, Mr. President, to you, as a personal friend, and as a representative of our colleagues, and to all of my friends who have been kind to me and have supported some of the things I have done over the years, may I express my profound thanks.

I take leave of the Senate proud to have had the opportunity to serve in this great institution.

Mr. President, I thank the Chair and yield the floor.

Mr. DASCHLE addressed the Chair. The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. I will use my leader time, if I may, at this time.

TRIBUTE TO SENATOR CHARLES ROBB

Mr. DASCHLE. Mr. President, I congratulate Senator Robb on his record. I thank him very much for sharing them with all of us. These past elections brought our caucus nine new members and we hope many new opportunities to address America’s priorities. But they also handed us a great disappointment, the loss of our friend and colleague, Chuck Robb. I am appreciative of the opportunity that I had just now to listen to Senator Robb, maybe for the last time on this Senate floor. I had feared he might leave without giving us a chance to thank him for his remarkable service to the Senate. It would have been like him to do so; he is an enormously modest man.

In an editorial the day before the election, the Washington Post wrote: Even in the final days of a nip-and-tuck campaign, Senator Chuck Robb seems uncomfortable singing his own praises. While some voters may find this quality refreshing, Senator Robb’s reluctance to tout his accomplishments hides them too effectively in a tight race.

Chuck Robb’s reluctance to promote himself—his commitment to sound policies over sound bites—may have cost him reelection, but they have earned him the respect of his peers and this Nation.

In 12 years in this Senate—and for 8 years before that as Lieutenant Governor and then Governor of Virginia—Chuck Robb rarely spoke about himself. He has always been more comfortable speaking on behalf of others—the people whose voices too often are not heard at all.

Today, on what we hope could be the last day of this Senate, I want to say just a few things about him that he will not say about himself, just to remind us what a good man—who has been a good friend to what it has been our good fortune to work.

As we all recall, he was elected to the Senate in 1998, with the largest vote total for any office in Virginia’s history. It was the first time in 22 years that Virginia had not sent a Republican to the Senate.

He has spent his Senate career working for Virginia and for what he calls the “long-range, big picture, important issues”: national security, a balanced budget, education, and civil rights—for all Americans.

He is a member of the Finance Committee and the Joint Economic Committee. He is the only Member of the Senate ever to serve simultaneously on all three national security committees: Intelligence, Armed Services, and Foreign Relations.

He is a former member of the Budget and Commerce Committees, as well as the Select Committee on POW/MIA Affairs, where he cochaired a task force that declassified and released vast quantities of information on missing U.S. service members.

Quietly, with little fanfare, he has provided a steady, steady leadership that has helped keep our Nation safe and move us forward.

He is a lifelong fiscal conservative. In 1993, he voted for the deficit reduction plan that launched the strongest economic recovery in our Nation’s history. He remains an important part of the Senate’s economic conscience, always reminding us that our job isn’t finished, that we must pay down our national debt.

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He has been a tireless fighter for education, the chief sponsor of our proposal to help States and local school districts build and renovate 6,000 schools.

He is right to reduce class sizes by hiring 100,000 teachers and to make America’s schools safer and stronger.

He helped create new partnerships to connect every school in America to the Internet.

He is as hard a worker as you will find in this body.

In 12 years as a Senator, incredibly, he has missed only 10 votes.
As chairman of the Democratic Senatorial Campaign Committee in 1991 and 1992, Chuck Robb shuttered fundraising records and ended his term with the strongest majority for our party in 20 years.

He cares deeply about the values on which our party is founded. But there are values he holds even more dearly than party loyalty. A reporter asked him recently who his political heroes are. He listed two. One was the late Bill Spong, another thoughtful, effective legislator who served one term in this Senate and was the first southern Senator from a State covered by the Voting Rights Act to vote for the act.

He said his other political hero was a man we all knew, our friend, John Chafee, “because he worried about women’s health, poor children, and the environment, and reached across party lines to find solutions.”

Reaching across party lines, being willing to work and look in new places for results—that is something Senator Robb has done his entire life.

He grew up in a Republican family. He is a founder and past chairman of the centrist Democratic Leadership Committee, and one of the original architects for what we now know and call “the third way” in politics.

His ground-breaking ideas on the changing economy, new models of governing, and other ideas helped transform political thinking—not only in this country but in nations all over the world.

Quietly, modestly, throughout his career, he has tried to reach honest, bipartisan compromise on an array of issues.

Here in the Senate, he has worked closely with his colleague, Senator Warner, on issues of importance to Virginia and our national security.

As a member of our caucus’ Centrist Coalition, he has helped us all try to find a middle ground—that is something Senator Robb has done his entire life.

Chuck Robb only lost one other political contest in his life, when he ran for senior class president at the University of Wisconsin at Madison. Speaking about that loss later to a reporter, he said he learned something important. As he put it: “I needed a little taking down. Anybody who goes too long without some setback in life tends to lose an important perspective.”

One of the things Chuck Robb came to understand about himself back then was how much he loved this Nation and how much he felt he owed it.

It was that sense of patriotism that compelled him to enter the Marines after graduating from college. It was that sense of patriotism, too, that made him volunteer to go to Vietnam. He didn’t have to go; he could have served statewide. In fact, the Pentagon brass would have preferred it. They worried about what might happen if a President’s son-in-law were taken captive and used to extract concessions from the United States. But Chuck Robb insisted.

In April of 1968, 2 months after the Tet offensive, he landed in Vietnam, commander of an infantry company. Two weeks later, he was in combat.

In Vietnam, he earned the Bronze Star with the Combat V, the Vietnamese Cross of Gallantry with the Silver Star, and the rank of major.

Most telling of Robb’s commitment to this country was his decision to make a career of the military. And he did remain in the Marine Reserves for a long period of time, all the way until 1991, serving a total of 34 years in uniform.

But he also found another way to serve his Nation.

In 1977, the people of Virginia chose Chuck Robb as their Lieutenant Governor—the only Democrat elected that year. Four years later, they made him Virginia’s 64th Governor—the first Virginian Democrat elected Governor in 16 years.

As Governor, he championed many of the same causes he would later fight for as Senator. He invested $1 billion in Virginia’s schools—without raising taxes.

He fought for civil rights.

As President, his father-in-law, Lyndon Johnson, appointed the first African American to the U.S. Supreme Court—Thurgood Marshall.

As Governor, Chuck Robb appointed the first African American to the Virginia Supreme Court, as well.

He signed the legislation adding Martin Luther King’s name to a State holiday that had formerly honored only Confederate Civil War heroes.

His fellow Governors recognized his exceptional talents. He served as chairman of the Southern Governors’ Association and the Democratic Governors’ Association.

He chaired the Education Commission of the States and the Council of State Governments.

Even during the toughest political fights of his life, Chuck Robb did not like to tell people those things about himself.

When others praised him for his accomplishments, he was always quick to say that it was “we” who deserved the praise, not himself.

His genuine modesty is one of the things that makes Chuck Robb a Senator’s Senator.

Another is his courage to fight for principle, even when he knows it will cost him politically. Chuck Robb has done that over and over and over again in this Chamber.

One instance I will always remember came last March when he stood on this floor and explained—in a deeply personal, eloquent way—why he opposed amending our Constitution to make flag burning a crime.

As someone who saw too many good men die for what our flag represents, he said he felt a sense of revulsion when he saw the flag treated disrespectfully.

But—in Senator Robb’s words—they died for liberty and tolerance, for justice and equality. They died for that which is bigger than them. They died for ideals that can only be desecrated by our failure to defend them.”

Someone once asked Senator Robb why he took such politically risky stands—especially in an election year. He said that—because he had been in combat—“I thought that I could speak out on some issues with less concern about the downside than some other Senators might have to think about.”

I don’t know if he was right in that calculation.

I do know this: On this day in 1991, the Bill of Rights was ratified when Virginia approved it.

One reason it has never once been weakened—in all these years—is the bravery and principle of Senator Virginia’s Senator, Chuck Robb.

There are many things about the next Senate which I look forward to.

I deeply regret, however, that Chuck Robb will not be with us. His departure is a loss not only for our Caucus but for this entire Senate and for our Nation.

Our Senate family will also deeply miss Lynda Johnson Robb, who is here today.

She has given so much to our Nation throughout her life. And she continues to serve America as the National Chair of Reading is FUNdamental, and as Vice Chairman of American’s Promise, the national service partnership.

Last week, Chuck and Lynda celebrated their 33rd wedding anniversary. I’m sure I speak for all of us when I say we wish them belated congratulations—and best wishes on their future endeavors.

In that same interview in which Senator Robb listed his political heroes, he was also asked: What is your most inspirational quotation?

He cited the words of Teddy Roosevelt:

The credit belongs to the man who is actually in the arena—whose face is marred by dust and sweat and blood . . . who knows the great enthusiasms, the great devotions—and spends himself on a worthy cause—who at best, if he wins, knows the thrill of high achievement—and if he fails, at least he fails while daring greatly—so that his place will never be with those cold and timid souls who knew neither victory nor defeat.

Throughout his career, Chuck Robb has lived up to those words.

He has been in the arena.

He has fought for worthy causes.

And he has inspired us all to be better Senators.

I am proud to call him a friend. We will all miss him.

Let me also take this opportunity to say thank you, and best wishes, to our other fellow Senators who will not be rejoining us next year: On our side of the aisle, Senator Dick Bryan, Senator Bob Kerrey, Senator Frank Lautenberg, and Senator Daniel Patrick Moynihan.
Mr. REID. Mr. President, I ask unanimous consent that the period for morning business be extended until 2:30 with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Massachusetts.

Mr. ROBB more than any other—more than his public service and more than his military record—is how he treats and talks to his family. He has three daughters and a wonderful wife.

With a heavy heart, I look at CHUCK ROBB and the leader touched upon that—is his military record. I have not served in the U.S. military. I look at CHUCK ROBB's service for the 12 years he has been in the Senate has been one of valor. We have asked him to take credit for things he did, and he would not take credit. We have asked him to come forward on issues in which maybe he just had some tangential involvement. He said: No, that is not my legislation; I am not going to do it.

He is a man of great integrity. As the leader indicated, he doesn't promote himself. Of course, he doesn't do that.

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The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. ROBB. Mr. President, I will just take one minute to thank my friends and colleagues for their eloquent and very greatly appreciated words. I have never been very good at showing emotion. I am not very good at saying thank you. But this is the most honorable individuals I have ever met in my life. I thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

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Mr. ABRAHAM. Mr. President, I do not think that a quorum is necessary to hard work, and a tremendous pride in the craftsmanship that went to hard work, and a tremendous pride in the craftsmanship that went into making the automobile for many generations one of this country's favorite lines of vehicles.

I yield the floor and I suggest the absence of a quorum.

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

Mr. ABRAHAM. Mr. President, inquiring of the Chair, are we still in morning business?

The PRESIDING OFFICER. The Chair informs the Senator from Michigan we are in a period of morning business until the hour of 2:30.

PROUD ARAB AMERICAN HERITAGE

Mr. ABRAHAM. Mr. President, I will comment briefly on a matter of relevance both personally to me and to the State of Michigan, as well as across the country. Not only are people voting in greater numbers as a percentage of the community, and for many taking the first step of participating in the elections, but their activism in Michigan and other States has grown considerably. I take great pride in seeing this.

In addition, we have seen a number of Arab Americans rise to leadership positions at the local level of government all the way up to statewide offices. In the Congress itself, we have several Members of Arab heritage on the House side who were elected in the most recent campaigns.

Much of this progress, I think, has translated into progress on issues of importance to the Arab American community in the last 6 years. I have been proud during my term in the Senate to have worked on behalf of a number of important issues relevant to the community. One has been to see the travel ban to Lebanon lifted in 1997, which opened more opportunities for better relations between the United States and Lebanon, and also for more commercial activity between the two countries.

This Chamber passed a resolution deeming interest toward peace of Islamic faith in this country, a much needed statement, I think, for the Congress to make so we can be on record consistently as opposing intolerance toward people of different faith. We have supported important programs that have affected the Middle East. One that we have worked on in our office with Senator Feinstein and others is the Seeds of Peace Program, which I believe will have a long-term and positive impact on the relationships between countries in the Middle East, including Lebanon, Israel, Jordan, Egypt, Yemen, as well as the Palestinians.

I think the potential for the future is even greater. I think it is very likely in the area of Arab American leadership, that the people from the Arab American community will rise and play an ever active role and a greater role, as they have done in other fields of endeavor. In America's business community, we have many Arab American leaders today who are heading up important companies from one end of the country to the other. In sports and entertainment and the arts, we likewise have seen Arab Americans excel. In education, the same is true. Indeed, the level of educational attainment by young people of Arab American background continues to be one of the most important components of the Arab American ethnic communities' contribution to the United States.

I am very proud of my heritage. I have talked to many other Members of this Chamber about my background over the years. I am glad to have helped in a small way—to have played a role in moving forward some of the policy objectives that I mentioned a few minutes ago. I hope, to some extent, that has helped encourage others in their own communities, States, or even perhaps at the Federal level to do so, as well.

Recently in Dearborn, MI, home to the largest concentration of Arab Americans in the United States, I was approached by a woman who had a grandson who was born in the Senate. She said how happy he was to know a Senator shared his Arab American heritage. I hope that in my brief career in the Senate maybe there are others who have similarly sparked an interest in politics and have shown the community has continued to be part of that same community to which I belong.

My message is to praise the community, especially, but also to say to any Arab American who may have harbored a sense of disappointment with the results of the election, I hope that disappointment will not be long standing. It certainly isn't the case for myself. I encourage people in the community to continue to play an active role in politics. Obviously, our political process inevitably produces success and failure from election to election.

For people new to the process, sometimes they misunderstand and treat a setback as something that should discourage future involvement. I hope that across the Arab American community, and especially for those who first got active in the political process with this election, that they will continue to play an active role, not to lose their involvement, and hopefully encourage others to do likewise. That would be invaluable to the community, and certainly from my point of view, it would be the preferable outcome.

My grandparents came a century ago from Lebanon, where they left behind everything to risk their fortunes on America. As is the case with people not just from the Arab American community but so many other immigrant communities, they came here with very little in the way of material possessions, but they came with a great deal of desire and energy and the hope that by working hard and playing by the rules they could make a contribution.

As I have said to the others on this floor in the past, they did not necessarily come here assuming they would have a grandson who would be in the Senate, but they wanted to live in a country where that was possible. Indeed, that is what our country always will be. And I think it always will. I am proud to have had the opportunity to fulfill, probably in the most way, the hopes that were born when I was leaving my grandparents when they arrived.

I think, as I look back on my service in the Senate, perhaps more than anything else, will be the source of pride that I take with me as I leave the Chamber today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

SENATOR ABRAHAM

Mr. KENNEDY. Mr. President, I did want to take a moment, as someone
who has been involved in immigration issues over some 38 years in the Senate, and someone who has worked with colleagues in a bipartisan way. I wanted to let my friend from Michigan know something which I hope he already knows. I want to share the great respect I have for him and his leadership on immigration issues, as the chairman of the Subcommittee on Immigration.

Immigration issues bring out, really, the best and the worst of our politics. Those are emotional issues for many of us. We have a Senate and House of Representatives that have strong views on these issues. His hand has been steady, guiding one of leadership over this period of time, and one I thought showed enormous sensitivity in helping to guide immigration policy in a way that respects the strong traditions of people in this Nation to acknowledge and continually work to remedy the very significant inequities that are part of our policy. I also point out what I think all of us in this body remember, his strong leadership in helping us work through the skill shortage in our high-tech industries. He led the Judiciary Committee and the Senate to the development of that program. What certainly impressed me during that period of time was his constant willingness to look at different ideas, different approaches, and differing views, and to always try to reach out to find some common understanding in these areas in order to move the process forward—a real legislator.

I know he is proud of many different aspects of his service in the Senate, but I wanted to express from this side of the aisle the affection and friendship of those of us who have worked with him in some very important areas of public policy, and the high regard and respect we have for him. We are hopeful that we'll have a chance to work with him on public policy in the future.

Mr. ABRAHAM. Mr. President, if I might, I thank the Senator from Massachusetts for his kind remarks. I had occasion a couple of days ago to speak to the Senate. At that time I expressed publicly my thanks to him. He was not in the Chamber at the time, so I reiterate it here. We worked, I think, in a very constructive way on a number of issues as members of the Subcommittee on Immigration and on a variety of other issues he has mentioned here as well. I thank him for his remarks today.

The PRESIDING OFFICER. The Senator from Massachusetts.

OMNIBUS APPROPRIATIONS BILL

Mr. KENNEDY. Mr. President, I expect to support the omnibus legislation that will implement the final appropriation agreement for this Congress because it makes the kinds of investments in education, health, and work opportunities that are needed by all American families. In the long run, only through these basic investments can we preserve our capacity to keep our nation strong. I commend my colleagues for their diligence in crafting legislation that respects the highest priorities of the American people. Senator STEVENS and Senator BYRD as well. While this legislation is not perfect and certainly is no substitute for the unfinished work of the 106th Congress, it is good for the American people, and it shows what is possible when we resolve to work together. In this sense, it offers considerable hope for the 107th Congress.

EDUCATION

In the critical area of education and the nation's schools, this appropriation agreement is a resounding victory for parents and communities across the country. Congress has lived up to its commitment to increase education funding. We are taking a giant step forward to ensure that children across the country receive the support they need to succeed in school and to make college more affordable for every qualified student. I'm proud to highlight a few of the key education accomplishments.

For the first time, communities across the country will qualify for over $1.2 billion in federal aid to address their most urgent school building repair needs, such as fixing roofs, plumbing and electrical systems, and meeting fire and safety codes.

Schools across the country will receive $1.623 billion, a 25 percent increase over last year, to continue hiring and training new teachers to reduce class sizes in the early grades. This year's funding increase will place $1.2 billion in federal aid to address the most urgent school building needs of uncertified and out-of-field teachers. Title I of the Elementary and Secondary Education Act, which helps disadvantaged students master the basics, will help more children stay out of trouble after school and get extra help with their schoolwork.

The bill also provides an additional $91 million, for a total of $225 million, to support state and local efforts to turn around low-performing schools. Vocational and technical education programs received $1.240 billion, a 48 percent increase, to improve programs that give students skills they need in order to meet the demands of the new high tech workforce.

College students will also receive much needed support under this bill. The TRIO Program does and does with extraordinary success, but to try to support the omnibus legislation. We have all benefitted from the example and leadership of Senator STEVENS and Senator BYRD as well. While this legislation is not certainly is no substitute for the

millions of students who, even though they are not just taking the individuals who show promise, which the TRIO Program does and does with extraordinary success, but to try to take the whole class together and move the entire class up. It is a relatively new concept and one which has worked very successfully in the several pilot areas where it has been tried. We are finding extraordinary responsiveness, positive response from colleges that engage in this undertaking, and a very positive response from the schools. I think it will be one of the more important programs to enhance academic achievement for high school students. This legislation will also enable more undergraduate and graduate students to pay for college through part-time work assistance because the Federal Work Study program received a $77 million increase.

The GEAR UP programs will receive $1.2 billion in federal aid to address many of the important educational Enhancement programs that give students skills they need in order to meet the demands of the new high tech workforce.

OMNIBUS APPROPRIATIONS BILL

Mr. KENNEDY. Mr. President, I expect to support the omnibus legislation that will implement the final appropriation agreement for this Congress because it makes the kinds of investments in education, health, and work opportunities that are needed by all American families. In the long run, only through these basic investments can we preserve our capacity to keep our nation strong. I commend my colleagues for their diligence in crafting legislation that respects the highest priorities of the American people. Senator STEVENS and Senator BYRD as well. While this legislation is not perfect and certainly is no substitute for the unfinished work of the 106th Congress, it is good for the American people, and it shows what is possible when we resolve to work together. In this sense, it offers considerable hope for the 107th Congress.

EDUCATION

In the critical area of education and the nation's schools, this appropriation agreement is a resounding victory for parents and communities across the country. Congress has lived up to its commitment to increase education funding. We are taking a giant step forward to ensure that children across the country receive the support they need to succeed in school and to make college more affordable for every qualified student. I'm proud to highlight a few of the key education accomplishments.

For the first time, communities across the country will qualify for over $1.2 billion in federal aid to address their most urgent school building repair needs, such as fixing roofs, plumbing and electrical systems, and meeting fire and safety codes.

Schools across the country will receive $1.623 billion, a 25 percent increase over last year, to continue hiring and training new teachers to reduce class sizes in the early grades. This year's funding increase will place $1.2 billion in federal aid to address the most urgent school building needs of uncertified and out-of-field teachers. Title I of the Elementary and Secondary Education Act, which helps disadvantaged students master the basics, will help more children stay out of trouble after school and get extra help with their schoolwork.

The bill also provides an additional $91 million, for a total of $225 million, to support state and local efforts to turn around low-performing schools. Vocational and technical education programs received $1.240 billion, a 48 percent increase, to improve programs that give students skills they need in order to meet the demands of the new high tech workforce.

College students will also receive much needed support under this bill. The GEAR UP programs will receive $295 million, an increase of $95 million, and TRIO programs will receive $730 million, a $85 million increase, to help more low-income and minority middle school students prepare for college and succeed in college.

Of all high school students in Boston, 80 percent of them now are tied into colleges. We have 12 different colleges that are tied into the high schools, where they are not just taking the individuals who show promise, which the TRIO Program does and does with extraordinary success, but to try to take the whole class together and move the entire class up. It is a relatively new concept and one which has worked very successfully in the several pilot areas where it has been tried. We are finding extraordinary responsiveness, positive response from colleges that engage in this undertaking, and a very positive response from the schools. I think it will be one of the more important programs to enhance academic achievement for high school students. This legislation will also enable more undergraduate and graduate students to pay for college through part-time work assistance because the Federal Work Study program received a $77 million increase.

The GEAR UP programs will receive $1.2 billion in federal aid to address many of the important educational Enhancement programs that give students skills they need in order to meet the demands of the new high tech workforce.
In Massachusetts, 14,000 children are wait-listed, as are 200,000 children in California. Today's minimum wage for a full-time worker is $10,720 per year. This doesn't begin to cover the cost of quality early learning opportunities, which can be as high as ten thousand dollars a year.

All of us remember a number of years ago when the Governors, Republicans and Democrats, met in Charlottesville and announced goals for the Nation in education. These goals are to ensure that children ready to learn when they enter kindergarten and first grade, to build the skills they bring to school. The skills that little children need to develop as infants and toddlers self-confidence, self-awareness, some degree of self-esteem, inquisitiveness in academics, and, interestingly enough, a sense of humor.

Eleven years ago, Senator McCaIN and I introduced the Military Child Care Act, which turned military child care into a learning model for the nation. Today's legislation takes three important steps toward building on that success in civilian America.

First, it increases federal child care subsidies by 69 percent, enabling states to reduce wait-lists for children from waiting lists next year. This increase was very much patterned upon the child care initiatives of our colleague, Senator Dodd, and I am deeply grateful for his leadership on this issue.

Next, this legislation enables 70,000 of the nation's most at-risk children to participate in Head Start, which is highly regarded because it delivers the promise of early learning so effectively. The legislation also begins implementing the Early Learning Opportunities Act, which Senator Stevens, Senator Jeffords, and Senator Dodd and I supported over the past two years. This new law provides for parental education and support services, increased access to and support of early learning providers, and incentives to improve the quality of early learning services. Its goal is to help the nation build an effective infrastructure of local councils to help each community evaluate how best to put the research on infant and toddler brain development into practice.

The Head Start Program, the Early Head Start Program, and the new Early Learning Opportunities Act include provisions in an increasing number of states to improve early learning in important ways. The Carnegie Commission and other experts who have studied the development of a child's brain in the early years, and made a series of recommendations. With this legislation we act boldly to follow up on these recommendations by investing in children at early ages. That is extremely important.

These steps show important momentum next, this is turning research on children's brain development into a sable national policy, and we should build on this momentum in the next Congress. We can learn much more from the military's experience with early learning. We can build these lessons into the Child Care and Development Block Grant when it is reauthorized in the next Congress. We can pass additional legislation to turn the current patchwork of federal child care programs into a seamless structure directed at one goal—quality services to ensure that children enter school ready to learn. We also must continue expanding Head Start until it is available to all children who need it.

The health funding in this bill is also a win for the American people.

**Graduate Medical Education**

I will now address the excellent work that has been done under the balanced budget act, or BBA, programs, in particular the funding level for pediatric graduate medical education. This is not an area that has a history of proper federal attention. Last year, it received $40 million and virtually no funding prior to that.

The Medicare Program has provided the funding for the training of much of the American medical personnel who, without question, are the best trained medical personnel in the country. It was the backbone of our Medicare system. The area of pediatrics never made it, so these children's hospitals, which train the majority of pediatricians, had to provide the additional training services and educational services without the support of every other physician training program.

That has been significantly corrected with this legislation. There are over 50 major children's hospitals across this country that will benefit from this program. We can be sure that as a result of today's work, the part of the medical profession that is focused upon caring for children will be significantly advanced, and I commend the appropriators for this.

I am particularly pleased with the funding level for pediatric graduate medical education. The legislation allocates $235 million to support medical education costs incurred by freestanding children's hospitals. This figure is nearly a 500 percent increase over last year's appropriation of $40 million, and puts us much closer to fully funding the program.

This program was created last year to address the historical inequities in federal funding of medical education activities occurring at independent children's hospitals. Until last year, the federal government has paid for hospital costs related to physician training from Medicare. However, because children's hospitals generally treat very few Medicare patients, they were historically and dramatically underpaid for teaching activities. Prior to enactment of this program, children's hospitals were given just 20% of the federal support for teaching activities that other teaching hospitals received.

Children's hospitals, which represent less than one percent of all hospitals in the country, train approximately 30 percent of the nation's pediatricians and the majority of many pediatric specialists. It is long past time for the federal government to support these activities. Next year, it is my hope that we will achieve permanent, full funding for this essential work.

Children's hospitals around the country will benefit from the increased funds in this legislation. It will enable these important institutions to continue to be regional and national referral centers for children around the country. It will support new and continuing research activities that benefit children and adults alike. And, most importantly, it will help assure a steady supply of pediatricians and pediatric specialists to treat the nation's children now and in the future.

With approximately 200 full-time employees in training at any one time, Boston Children's Hospital has the largest teaching program among independent children's hospitals. It has a top-notch faculty, and provides excellent teaching, research and patient care. These funds will assure its continued contribution to health of children in Massachusetts, the nation, and the world.

**National Institutes of Health**

This bill also includes an increase of 13 percent for the National Institutes of Health, raising the NIH budget to more than $20 billion. These new resources will enable NIH to increase its support for the medical research that is urgently needed to develop new cures for the diseases that afflict millions of Americans.

Massachusetts is a leader in medical science. It receives more than one out of every ten dollars that NIH spends on research grants—more than any other state except California—and Boston receives more NIH grant money than any other city in the nation.

Last year alone, doctors and scientists from Massachusetts were awarded more than $1.5 billion in research grants from NIH. The new appropriations bill will increase this already impressive total by more than $180 million, so that Massachusetts will receive an estimated $1.7 billion in NIH research grants in the coming year.

NIH supports essential research across the state. In Boston, research supported by NIH very recently discovered an important relationship between the brain and the immune system that may lead to better treatments for diseases like multiple sclerosis. In Worcester, NIH funds are helping to build a new center for cancer research that will become a leader in this important field. In Cambridge, NIH will help support a major new center to study the nervous system, so that we can better understand brain diseases like Alzheimer's, schizophrenia and depression. NIH grants are essential for funding the basic research that is often considered too risky to be funded by private companies, and ensure that the results of this work are available to all researchers.
The investment that NIH makes in medical research is the foundation on which the nation's thriving biotechnology industry is built. More than 250 biotech companies in Massachusetts provide good jobs for thousands of professional workers, and all these biotechnology companies claim that they contribute millions of dollars every year to the state's economy. New partnerships between universities and biotechnology companies form almost every day, embarking research ideas from the academic world to be developed into new medical breakthroughs that will improve the health of patients across the nation.

By helping develop new cures for deadly diseases and by fostering the important new industry of biotechnology, the renewed commitment to the NIH that we make here today is an investment that will pay dividends now and for many years to come.  

**BALANCED BUDGET REFORM ACT**

This legislation provides "financial CPR" for hospitals, home health agencies, nursing homes, and other important Medicare providers around the country. It also takes important steps to improve access to health care through CHIP and Medicaid, though more is needed.

Nearly one million senior citizens and persons with disabilities depend on Medicare to provide high-quality care in Massachusetts. The health care industry is a critical component of the state's economy. Today, we are saying that help is on the way.

The Medicare, Medicaid and CHIP Beneficiary Improvement and Protection Act is the most significant relief package since passage of the Balanced Budget Act in 1997. Medicare spending will total $30 billion over five years, and spending for Medicaid and the Children's Health Insurance Program will total $6 billion. In fact, the net cost of the entire package is likely to be close to $15 billion over five years, because of the offsetting effect of savings achieved by a forthcoming regulation limiting the ability of states to obtain union funded Medicaid payments.

The savings from the Medicaid regulation should be used to expand coverage to low-income populations. I strongly support the provider relief in this package, but I am disappointed that the Republican leadership opposed bipartisan efforts to extend health benefits to low-income pregnant women and children who are legal immigrants, but who would otherwise be eligible for CHIP and Medicaid. In addition, the Republican leadership refused to include the bipartisan Grassley-Kennedy Family Opportunity Act, which would have enabled children with disabilities to obtain or maintain health coverage through Medicaid.

Massachusetts providers have estimated that they will receive approximately $450 million—close to half a billion dollars—over the next five years as a result of this legislation. While it is the most significant step Congress has taken to date to restore the unintended cuts made by the Balanced Budget Act of 1997, this Congress failed to finish the job, and we will be back at it again in the 107th Congress.

The record budget surplusizes now and promises to be maintained largely due to the savings achieved by cutting Medicare payments in the Balanced Budget Act of 1997. Those cuts were expected to total $116 billion over five years, and nearly $400 billion over ten years—more than double the amounts ever enacted in any previous legislation.

In reality, these cuts are now estimated to total $20 billion over five years and more than $600 billion over 10 years. These excessive cuts, combined with low payments from private payors and Medicaid programs, have placed many outstanding health care institutions at risk, and threaten quality of care for millions of elderly, disabled and low-income Americans.

In Massachusetts, two out of every four are in bankruptcy. One in seven nursing positions are unfilled, because Massachusetts nursing homes are unable to compete for staff. Congress has been slowly restoring Medicare patients, and 20 agencies have closed their doors since the BBA was enacted. The remaining see fewer patients, and see them less often.

Forty-three nursing homes have closed in Massachusetts since 1998. One in four are in bankruptcy. One in seven nursing positions are unfilled, because Massachusetts nursing homes are unable to compete for staff.

Congress has been slowly restoring these Medicare cuts year-by-year. In 1998, we included $1.65 billion in the FY99 Omnibus Appropriations bill for CHIP or Medicaid. In 1999, Medicaid programs, have placed many outstanding health care institutions at risk, and threaten quality of care for millions of elderly, disabled and low-income Americans, many of whom are children. This legislation extends for another year a major investment that will pay dividends in the years ahead. Today, we are saying that help is on the way.

Finally, the legislation extends for another year the Transitional Medical Assistance program, which allows families who are leaving welfare for work to maintain Medicaid coverage during the transition. Most post-workfare jobs do not offer health insurance. We must do all we can to see that "ending welfare as we knew it" does not contribute to America's already shameful uninsured rate.
I'm pleased that this year's final budget agreement includes $1.4 billion to help families heat their homes this winter under the Low Income Home Energy Assistance Program. Massachusetts receives its block grant to help more families cope with higher heating costs this winter. Combined with LIHEAP emergency funds that the Clinton Administration has already made available in anticipation of this winter's needs, I am hopeful that the regular and emergency LIHEAP funding contained in this budget deal should enable low-income families to heat their homes throughout the winter that is already upon us. I regret that this year's budget agreement does not contain expected advance funding for the winter of 2002, so that families can plan ahead for heating assistance next year. I intend to do all I can to see that Congress corrects this omission as part of a supplemental spending bill early next year or as part of the broader national energy policy reevaluation likely to begin in the new Congress. For this winter, today's budget agreement remains a significant step forward for LIHEAP and the families who depend on it.

The New Markets Initiative
The New Markets Initiative is another key bipartisan agreement included in this legislation. I am pleased that this initiative, joined by President Clinton in his efforts to revitalize those communities that have been left behind at this time of record prosperity, and I commend Speaker Hastert for his leadership in reaching this agreement.

This initiative increases the low-income housing tax credit, which is long overdue in light of its strong bipartisan support. With the growing regional and national economy, housing prices are rising in Massachusetts and in any other state. We must increase production in new affordable housing units to meet the overwhelming demand, and an increase in the credit is critical.

The agreement also accelerates the private activity bond cap, which will also support increased development of affordable housing, as well as industrial development.

The initiative also creates 40 Renewal Communities and 9 new Empower Program communities, which will provide tax incentives for development in those parts of the country that have struggled while others have prospered.

Overall, this final budget agreement includes so many major achievements—from Class Size Reduction to Pediatric Graduate Medical Education to dislocated worker assistance to New Markets development—that the value of each part will only become apparent over time. Yet even as we celebrate the progress made by this legislation, we must also recognize that it is small part of the work that the public expects us to complete. I share the concern of many of my colleagues that the unfinished agenda of the 106th Congress is so long.

We still lack a Patients' Bill of Rights, leaving HMOs free to sacrifice families' health needs in favor of their own economic interests.

We still lack a prescription drug benefit for seniors, leaving our parents and grandparents vulnerable to drug-company extortion for drugs they need to stay alive.

We still lack a plan to reduce medical errors, leaving thousands of hospital patients to die needlessly each year.

We still lack a fair minimum wage, leaving people who work full time all year in difficult jobs to raise their children in poverty.

We still lack common-sense gun laws, leaving school children vulnerable to ambush.

We still lack strong laws against hate crimes, leaving the most vulnerable people in our society groin to the most brutal acts imaginable.

We still lack basic fairness in many of our immigration laws, leaving our proud heritage and noble ideals out in the cold with so many huddled masses.

We still lack basic protection for women's work, leaving more women to raise their children in poverty because they consistently earn less than their male colleagues.

We still lack a plan to protect people's privacy in the digital age, leaving medical records and other personal information exposed to market demands.

Also left unresolved are major Medicare and Social Security reforms that must be enacted now if we are to avoid a crisis for the seniors of 2025 and beyond. I also believe that we should still address how to provide some tax relief for many families who bear a particular financial burden because they need to provide long term care for their loved ones.

Every item on this list remains of vital importance to the nation. I must elaborate on a several of them.

Unfortunately, the leadership of the 106th Congress turned its back on America's families who are raising children with disabilities. The Family Opportunity Act has sweeping bipartisan support in both chambers, including more than three-fourths of the Senate. There is no reason that this legislation would not have become law this year.

Although Congress let American families down this year, I look forward to working with Senator Grassley again next year to ensure that no family in this nation has to turn down jobs, turn down college, give up custody of their disabled child to get the health care each child deserves.

Few issues touch Americans more deeply than quality health care for themselves and their loved ones. This Congress failed to fulfill its responsibility to address health issues. It did not pass a strong, effective patients' bill of rights to end the abuses of managed care and other insurance programs. It did not provide coverage of prescription drugs under Medicare. And it did not significantly expand insurance coverage for the uninsured. Now it is up to the new Congress that will assemble in January to resolve this. These three issues should be top priorities.

Prompt passage of a patients' bill of rights is critical for every one of the 161 million Americans with private health insurance coverage. Every day this Congress fails to act more patients suffer.

A survey by the School of Public Health at the University of California found that every day—each and every day—50,000 patients endure added pain and suffering because of their actions on their health plan. For 35,000 patients, needed care is delayed, or even denied all together. Thirty-five thousand patients have a specialty referral delayed or denied. Forty-one thousand patients are forced to choose between food on the table and the necessities of life. Gynecological care in the form of abortion is denied. Eighteen thousand patients are forced to change medications because of HMO abuses.

A survey of physicians by the Kaiser Family Foundation and the Harvard School of Public Health found similar results. Every day, tens of thousands of patients suffer serious declines in their health as the result of the actions—or inaction—of their health plan.

Whether the issue is diagnostic tests, specialty care, emergency room care, access to clinical trials, availability of needed drugs, protection of doctors who give patients their best possible care, or women’s right to obtain gynecological services—too often, in all these cases, HMOs and managed care plans make the company's bottom line more important than the patient’s vital signs. These abuses should have been stopped years ago.

As Congress failed to provide prescription drug coverage to our nation’s senior citizens is also unacceptable. Senior citizens need a strong drug benefit under Medicare. They earned it by a lifetime of hard work. They deserve it.

And Congress and the new President owe it to them to act.

Too many elderly Americans today must choose between food on the table
and the medicine they need to stay healthy or to treat their illnesses. Too many senior citizens take half the pills their doctor prescribes, or don’t even fill needed prescriptions—because they can’t afford the high cost of prescription drugs.

Too many seniors are paying twice as much as they should for the drugs they need, because they are forced to pay full price, while almost everyone with a private insurance policy benefits from negotiated discounts. Too many seniors are ending up hospitalized—at immense cost to Medicare—because they aren’t receiving the drugs they need at all, or can’t afford to take them correctly. Pharmaceutical products are increasingly the source of miracles for a host of dread diseases, but millions of senior citizens are being left out and left behind because Congress fails to act.

The crisis that senior citizens face today will only worsen if we refuse to act. Medicare coverage continues to go down, and drug costs continue to go up.

Twelve million senior citizens—one third of the total—have no prescription drug coverage at all. Surveys indicate that only half of all senior citizens have prescription drug coverage throughout the year. Coverage through employer retirement plans is plummeting. Medicare HMOs are drastically cutting back. Medigap plans are priced out of reach of most seniors. The sad fact is that the only senior citizens who have stable, reliable, affordable drug coverage are the very poor on Medicaid.

Prescription drug costs themselves are out of control. Since 1996, costs have grown at double-digit rates every year. Last year, the increase was an unacceptable 16 percent, while the increase in the CPI was only 2.7 percent. No wonder access to affordable prescription drugs has become a crisis for so many elderly Americans.

In the face of this declining coverage and soaring cost, more and more senior citizens are being left out and left behind. The vast majority of the elderly are of moderate means. They cannot possibly afford to purchase the prescription drugs they need if serious illness strikes.

Fifty-seven percent of seniors have incomes below $15,000 a year, and 78 percent of seniors, below $30,000 a year. Only 7 percent have incomes above $50,000 a year. The older they are, the more likely they are to be in poor health—and the more likely they are to have very limited income to meet their health needs.

Few if any issues facing the next Congress are more important than giving the nation’s senior citizens the health security they have been promised. The promise of Medicare will not be fulfilled until Medicare protects all senior citizens against the high cost of prescription drugs, in the same way that it protects them against the high cost of hospital and doctor care.

Despite the gaps in Medicare and the abuses of many private insurance plans, those who have insurance coverage from these sources are still more fortunate than the 43 million of their fellow citizens who have no health insurance at all.

It’s a national disgrace that so many Americans find the quality of their health determined by the quantity of their wealth. In this age of the life sciences, the importance of good medical care in curing disease and improving the quality of life is more significant than ever. Denying any family the health care they need is unacceptable.

Every other industrialized society in the world except South Africa achieved that goal in the 20th century—and under Nelson Mandela and Thabo Mbeki, South Africa has taken giant steps toward universal health care today. But in our country, the law of the jungle still too often prevails.

Forty-three million of our fellow citizens are left out and left behind when it comes to health insurance.

The dishonor roll of suffering created by this national problem is a long one.

Children fail to get a healthy start in life because their parents cannot afford the eyeglasses or hearing aids or doctor’s visits they need.

A young family loses its chance to participate in the American dream, when a breadwinner is crippled or dies because of lack of timely access to medical care.

A teenager is condemned to go without a college education, because the family’s income and energy are sucked away by the high financial and emotional cost of uninsured illness.

An older couple sees its hope for a dignified retirement dashed, when the savings of a lifetime are washed away by a tidal wave of medical debt.

Even in this time of unprecedented prosperity, more than 200,000 Americans go bankrupt because of uninsured medical costs. And the human costs of being uninsured are often just as devastating.

In any given year, one third of the uninsured go without needed medical care.

Eight million uninsured Americans fail to take the medication that their doctor prescribes, because they cannot afford to fill the prescription.

Four hundred thousand children suffer from preventable diseases because of uninsured medical costs. And the human costs of being uninsured are often just as devastating.

In any given year, one third of the uninsured go without needed medical care.

Thirty-two thousand Americans with heart disease go without life-saving and life-enhancing bypass surgery or angioplasty—because they are uninsured.

Twenty-seven thousand uninsured women are diagnosed with breast cancer each year. They are twice as likely as insured women not to receive medical treatment before their cancer has already spread to other parts of their bodies. As a result, they are 50 percent more likely to die of the disease.

Overall, eighty-three thousand Americans die each year because they have no insurance. The lack of insurance is the seventh leading cause of death in America today. To provide health insurance for every citizen kills more people than kidney disease, liver disease, and AIDS combined.

Passage of the CHIP program in 1997 opened the door of health insurance to a large majority of the 10 million uninsured children—but too many children eligible for CHIP and Medicaid have still not been enrolled. Legislation sponsored with Congressman John Dingell would have substantially increased enrollment of eligible children in CHIP. It would have encouraged states to make more children eligible, and would have provided assistance to the low and moderate income uninsured parents of these uninsured children. This legislation received a vote of the new majority in the Senate, but it was defeated on a procedural motion.

Today, our opportunity to end these millions of American tragedies is greater than ever, because our prosperous economy gives us large new resources to invest in meeting this critical need. Recently, some Republicans in Congress have finally joined Democrats in urging our country to meet the challenge of providing health coverage to the 43 million who are left out and left behind. President-elect George Bush and Vice President Al Gore both campaigned on a pledge to expand health insurance coverage for the uninsured. I regret that this Congress did not take substantial steps to end this American tragedy, but it should be at the top of the agenda of the new Congress and the new Administration.

The minimum wage ranks at the top of the list as well. Our leader, in a meeting of our Democratic caucus, indicated this afternoon that one of his great disappointments in this session is failing to provide an increase in the minimum wage for the 13 million Americans who need and deserve an increase. The last time we increased it was 1997. We have had unparalleled economic prosperity before and since. We have had record low unemployment. We have had stability in inflation. It is incredible that we increased the minimum wage for these workers. I am strongly committed to working with our colleagues to address that situation in the new Administration.

I join our Democratic leader in expressing my deep disappointment in the failure of this Congress to increase the minimum wage. A fair increase is long overdue. It is urgently needed to improve the lives of over ten million hard-working, low-wage earners in this large majority. Congress is holding the increase hostage to tax cuts for the wealthy. It is even more shameful that Congress recently acted to raise its own pay for the third time
in four years—yet they have not found time in the past three years to give any pay increase at all to the lowest paid workers.

The long period of inaction comes at a time when the country as a whole is enjoying the longest period of economic growth in the nation's history and the lowest unemployment rate in three decades. In these strong economic times, Congress should not be acting like Scrooge.

Millions of low income workers have dedicated their lives to building this strong economy. Yet, in many cases they have been forced to labor for increasingly longer and longer hours, with less and less time to spend with their families, and without sharing fairly in the nation's prosperity. Poverty has almost doubled among full-time, year-round workers since the late 1970s—from about 1.5 million then to almost 3 million in 1998—and an unacceptable low minimum wage is part of the problem.

Minimum wage employees working 40 hours a week, 52 weeks a year, earn only $10,700 a year—$3,400 below the poverty line for a family of three. At that rate, minimum wage workers now fail to earn enough to afford adequate housing in any area of this country. Waitresses, teacher's aides, child care workers, elder care workers and other employees deserve to be paid fairly for the work they do. No one who works for a living should have to live in poverty.

By failing to increase the minimum wage, Congress has broken its promise to American workers. We are denying them just compensation for their many contributions to building a strong nation and a strong economy.

We have broken our promise to women, since 60 percent of minimum wage earners are women. We have broken our promise to people of color, because 16 percent of those who would benefit from a minimum wage increase are African American and 20 percent of those who would be helped are Hispanic.

We have broken our promise to children, because 33 percent of minimum wage earners are parents with children. In America today, 4.3 million children live in poverty, despite living in a family where someone works full-time, year-round.

And we have broken our promise to the American family, because too many parents are required to spend more and more time away from their families to make ends meet. On average, Americans are working 416 more hours a year in 1999 than they were in 1979.

Each year we fail to act on the minimum wage, families across the country fall farther behind. As the result of not implementing the dollar increase we first promised three years ago—by the clock strikes midnight on the December 31st, minimum wage workers will have lost over $3000 because of the inaction by Congress. Today, the real value of the minimum wage is now $2.90 below what it was in 1968. To have the purchasing power it had in 1968, the minimum wage would have to be at least $5.05 an hour today, not $5.15.

We will never give up or give in on this issue, because it is a matter of fundamental fairness. We will be back next year with a new bill to raise the minimum wage. I hope that the new Congress will act as quickly as possible to pass a fair increase that reflects the losses suffered as the result of our shameful inaction.

President-Elect Bush has emphasized many of these priorities, and I look forward to working with him. The lesson of the legislation before us today is that when we fail to consider each other's ideas, only gridlock results—but when we work together for the nation's good, the result is the kind of progress that makes us all proud to serve the American people.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Nevada.

ORDER FOR RECESS

Mr. REID. Mr. President, due to the delay in consideration of the final appropriations, I ask unanimous consent that the Senate stand in recess until the hour of 4 p.m., following the remarks of Senator TORRICELLI from New Jersey.

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

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

ASSISTANCE FOR ALS PATIENTS

Mr. TORRICELLI. Mr. President, 3 years ago, during a visit by a constituent, I met a young man from southern New Jersey named Kevin O'Donnell. I have shared his story with the Senate before. But on this day, having met with some success, I share it with you again.

Five years ago, Kevin was 31 years old. He was a young father, a husband of a lovely woman, and in perfect health. He took his daughter skiing one day and upon returning home felt a pain in his leg. It continued over a period of time, bothering him, so he went to visit the doctor. You can only imagine the shock when this perfectly healthy young man—father of this little girl—discovered he had been struck with ALS, known to most of us as Lou Gehrig's disease.

Since that day, Kevin O'Donnell's wife and daughter have watched the life flow out of his body. Going from a healthy young man, they watched him lose control of his legs and arms, the ability to speak, and even the ability to breathe. Life simply evaporated from Kevin O'Donnell's body.

When he came in to see me those years ago, he had a very simple request—so logical I could not conceive why it had not been done—let him be able to die with dignity. My friend was waiting to die, not only was his life leaving him but the financial security of his family. Nursing care, medical assistance, things to ease the pain, to maintain some dignity in life, to provide relief for his wife and his family were costing three times a year.

But under the rules of Medicare, he could not begin to receive any assistance for 2 years. The life expectancy for 90 percent of ALS sufferers is only 3 years, 4 years. Most of the people who have ALS do not live beyond the waiting period in Medicare to get help. This never could have been anticipated. It never could have been even imagined by people in Medicare when these regulations were written. And because there is no other disease like it, the regulations have never been changed.

A person can have heart disease or cancer, and they may be at great risk, but they can live 2 years. With the disease ALS, they can live 5, 10, 20 years; at least the chances are always good. With ALS, the outcome of the disease is nearly certain that the life expectancy is not long and most will not live to ever see their first dollar of Government help.

I brought this cause to many of my colleagues in the Congress. There are 28 Members in the Senate—16 Democrats and 12 Republicans—and over 280 Democrats and Republicans in the House of Representatives who have joined in this effort to help those people around the country who are stricken with Lou Gehrig's disease.

Today, I rise to thank Senator LOTT and Speaker HASTERT for their generation help and Congressman GEPHARDT, Senator DASCHLE, Senator BYRD, Senator REID—the bipartisan leadership—for offering some help to those who suffer from this disease in this country.

But most importantly, I am also very indebted to President Clinton, who made this a critical priority in budget negotiations. Specifically, I thank members of the White House staff, Chris Jennings and Rich Tarplin, who, under the President's direction, fought to give some help to these Lou Gehrig's disease patients.

I have spoken on this floor many times about this cause. For me, this was a victory that was going to be won before this session of Congress ended—no matter what.

When I began this effort some years ago, I stood outside the Senate Chamber with people in wheelchairs, stricken with ALS, in a variety of conditions. I stood there against it. While that was a victory, I am mindful of the fact that most of those who stood with me when this effort began are now deceased. With their own lives, they proved the
importance of the legislation. They said they could not live the 2 years to ever receive the Medicare assistance to help ease the financial burden on their families. Most of them proved it with their lives.

Today, the CBO estimates that there are 17,000 ALS patients waiting to become eligible for Medicare. With the passage of this bill, their wait will end, and with it the anguish of calculating how to afford the $250,000 in annual medical bills while they are also dealing with the anguish of their disease.

For me, it is the end of a long fight, where I can tell Kevin O'Donnell: You began it, you fought it, and we won. And in your victory comes relief for 17,000 people just like you.

To all my colleagues who have helped, I give you my most sincere thanks and leave you with the words of former President Thomas Jefferson, in 1809, who said about service in Government:

The care of human life and happiness ... is the first and only legitimate object of good government.

Mr. President, there is relief for ALS patients in this bill. That is good government.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 4 p.m. Thereupon, at 2:43 p.m., the Senate recessed until 4:02 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Kyl).

The PRESIDING OFFICER. The Senator from Nevada.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RETIRED OF SENATOR DANIEL PATRICK MOYNIHAN

Mr. LEAHY. Mr. President, it is with great sorrow, but also great pride, that this Senate retires one of its most eloquent, learned, and successful Members—the senior Senator from New York, Daniel Patrick Moynihan.

I have known my distinguished colleague for over two decades, admiring his compassion, his dedication, and his acumen on key issues, from environmental protection to social, racial, and economic justice for all. It has been an honor and education to have worked with him on the critical issues of eradicating poverty, elevating human rights, and promoting peace around the world. He and I have also worked together closer to home, protecting and restoring the precious waters of Lake Champlain—a glacially-carved jewel of New England that spans 120 northern miles between our neighboring states, half claimed on my side, half claimed on his.

Twenty-four years of distinguished service in the United States Senate would be a legacy in and of itself for any man. Yet my colleague, Senator Moynihan, has done so much more. He served our country for a full twenty years in the Naval Reserve, with three years of active Navy duty at the end of the second World War. He has been a Fulbright Scholar and a professor of government at Harvard University. He has the unique distinction of serving in four successive Presidential administrations—the only person in American history to have ever done so. He represented our country as a distinguished Ambassador to India, a representative to the United Nations, and President of the U.N. Security Council. He has served on countless public and private sector commissions, committees, and panels, addressing issues from education to science to finance. Most recently, he chaired the Commission on Protecting and Reducing Government Secrecy—a key commission that examined our nation's secrecy laws and led to his authorship of "Secrecy: The American Experience." This book joins the seventeen other works of literature that my friend and colleague has written or edited.

What I will miss in many ways are those special times we would have when some Members would gather in the Senate dining room and a person would bring up a question of history; then we would receive a tutorial from Professor Moynihan. I see my good friend, the deputy Democratic leader, on the floor, the Senator from Nevada, smiling because he knows what those were like. I recall a couple times when we had so many Democrats and Republicans crowded into the Democratic part of the dining room to hear Senator Moynihan tie together something from the time of Franklin Roosevelt through Ronald Reagan, to the current time, and show what the connection was, somebody would have to call up to the Senate Chamber and explain, keep the roll call going a bit longer; at least a quorum of the Senate has to hear the end of this story before we can come to vote.

My good friend will be missed in the Senate, but I wish him well and envy him the time he will now have to spend with his lovely wife of 44 years, Liz, his three wonderful children, and his precious grandchildren. I join the entire Senate and this Nation in wishing Senator Moynihan well in his new life and commending him for his tireless dedication and service to the people of this country and our world.

LINCOLN HIGHWAY STUDY ACT OF 1999

DILLONWOOD GIANT SEQUOIA GROVE PARK EXPANSION ACT

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now proceed en bloc to the following two bills: H.R. 2570 and H.R. 4020.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk read as follows:

A bill (H.R. 2570) to require the Secretary of the Interior to undertake a study regarding methods to commemorate the national significance of the United States roadways that compromise the Lincoln Highway, and for other purposes;

A bill (H.R. 4020) to authorize the addition of land to Sequoia National Park, and for other purposes.

There being no objection, the Senate proceeded to consider the bills.

Mr. DOMENICI. Mr. President, I ask consent that the amendment No. 4365 to H.R. 4020 be agreed to, the bills be read the third time and passed, the motions to reconsider be laid upon the table, and any statements relating to the bills be printed in the Record with the above occurring en bloc.

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

The amendment No. (4365) was agreed to, as follows:

Amendments agreed to, the third time and passed, the motion to H.R. 4020 be agreed to, the bills be passed.

Amendments adopted, the Senate agreed to, the amendments No. (4365) to H.R. 4020 be agreed to, the bills be passed.

Amendments agreed to, the third time and passed, the motion to H.R. 2570 be agreed to, the bills be passed.

Amendments adopted, the Senate agreed to, the amendments No. (4365) to H.R. 2570 be agreed to, the bills be passed.

Amendments agreed to, the third time and passed, the motion to H.R. 2570 be agreed to, the bills be passed.

The votes to reconsider be laid upon the table.

Amendments agreed to, the third time and passed, the motion to H.R. 2570 be agreed to, the bills be passed.

Amendments adopted, the Senate agreed to, the amendments No. (4365) to H.R. 2570 be agreed to, the bills be passed.

Amendments agreed to, the third time and passed, the motion to H.R. 4020 be agreed to, the bills be passed.

Amendments adopted, the Senate agreed to, the amendments No. (4365) to H.R. 4020 be agreed to, the bills be passed.

Amendments agreed to, the third time and passed, the motion to H.R. 2570 be agreed to, the bills be passed.

Amendments adopted, the Senate agreed to, the amendments No. (4365) to H.R. 2570 be agreed to, the bills be passed.

Amendments agreed to, the third time and passed, the motion to H.R. 4020 be agreed to, the bills be passed.

Amendments adopted, the Senate agreed to, the amendments No. (4365) to H.R. 4020 be agreed to, the bills be passed.

Amendments agreed to, the third time and passed, the motion to H.R. 2570 be agreed to, the bills be passed.
RETIREMENT OF SENATOR BOB KERREY

Mr. LEAHY. Mr. President, last January we were told that Senator Bob Kerrey was going to retire from the Senate this year. I remember saying to him that I wished it were not so, but known Bob as well as I did, I understood the reason.

Bob Kerrey has been an invaluable Member of this body. He has advocated for improvements in education. He has worked in a bipartisan way to reform Medicare and has been willing to speak up about the things necessary to reform it. He has helped to improve the lives of farmers in Nebraska. And he has been a forceful voice on America's role throughout the world.

But I understand and respect his desire to fulfill those spiritual needs that are often ignored in politics and to focus more on his personal and family life. As a proud father and grandfather, I, too, want to spend time with family. So with respect and appreciation for his decision, the more we are going to miss his candor, his wit, and his strong advocacy for families and children in the Senate. I will miss one who was willing to stand up on the most explosive issues of our time and speak out forthrightly, whether popular or not.

He served this country well as a member of the elite Navy SEALs in Vietnam, was Governor of Nebraska, and a U.S. Senator for two terms.

I once heard him refer to it modestly as "whatever," but the "whatever" was the Congressional Medal of Honor he earned for service in Vietnam. It is a testament to his strength in the face of adversity and intense love he has for this country. It is a call he brought with him to the Senate.

A photograph I took once sticks in my mind. It was of Bob Kerrey at the Inaugural, standing—suit, tie, overcoat, hat—and around his neck was something very few Americans ever got to wear, the Congressional Medal of Honor. It is not something about which any of us ever heard Bob brag. But it has been my experience that people who win the Congressional Medal of Honor are really never the people who do brag.

I thought that here, in these extraordinary times of our Nation's history, every 4 years the Inauguration of a President, what Bob was saying was: I am striving to be the America commander saying how proud we are of this democracy as we go forward with our form of government—a government and a country he risked his life to defend.

What has he accomplished at this short time? Vice chairman of the Senate Select Committee on Intelligence where he protected and defended our national security interests and fought for issues from encryption to better intelligence. As cochairman of the IRS Restructuring Committee, Bob spearheaded reform legislation designed to improve the relationships between taxpayers and the IRS, something that affects every single American. On the Agriculture Committee, he and I fought hard to protect family farmers in our Nation. Even if we had regional differences which might divide us, his advocacy was always so strong, you had to listen.

His next move is north, actually getting a little closer to my home, where he is going to become president of the New School University in New York. The New School has a reputation for intellectual freedom and innovation, and the belief that education can be used as a tool to produce positive changes in society. There cannot be a better leader for the New School. This really is a case where the Senate's loss is the New School's gain.

I first met Bob Kerrey when he was running for the Senate and I went out to Nebraska as chairman of the Senate Agriculture Committee to campaign for him along with the Senator from Nebraska, Mr. Jim Exon. When we went out—Bob Kerrey probably won't be able to tell you who were using Willie Nelson's airplane. Bob Kerrey was the former Governor of Nebraska, extremely popular, well known, running for the U.S. Senate; Jim Exon, the senior Senator of Nebraska; and of course in farm country, I was there wearing my hat as chairman of the Senate Agriculture Committee.

We flew up to a small town in Nebraska in Willie Nelson's airplane. The tail insignia was well known. When we got off that airplane, a huge crowd was gathered. We thought: Boy, this is it: Former Governor Kerrey, Senator Jim Exon, Chairman Patrick Leahy. Man, no wonder they turned out.

As we got off the plane, they kept looking and kept looking, until finally it was obvious we were all off the plane. There was a look of disappointment in the crowd. Finally, somebody expressed the disappointment: Where's Willie Nelson? I thought you guys had a contract with Willie Nelson with you.

But, notwithstanding the fact that I was partially responsible for disappointing the crowd, Bob Kerrey's abilities and brilliance were so well known in Nebraska that he survived my campaigning for him and he won that seat resoundingly and served his second term. We have been friends ever since.

I admire him as I have admired few people in my public career. I hate to see him go.

As I said, I was saddened to learn that Bob Kerrey was retiring from the Senate this year. Bob Kerrey has been an invaluable Member of this body, advocating for improvements in education, working to reform Medicare, and helping to improve the lives of farmers in Nebraska. But I understand and respect his desire to fulfill spiritual needs that are often ignored in politics and to focus more on his personal life. As a proud father and grandfather, I know what it's like to long to spend time with family. We can all respect and appreciate his decision, though we will miss his candor, his wit, and his strong advocacy for families and children in the Senate.

Bob Kerrey has served his country well as a member of the elite Navy SEALs in Vietnam, as Governor of Nebraska and as a United States Senator for two terms. Though I once heard him refer to it modestly as "whatever," the Congressional Medal of Honor he earned for service in Vietnam is a testament to his strength in the face of adversity and an intense love for this country, qualities he has brought with him to the Senate.

In this body, he has accomplished a great deal in a short time. As the vice chairman of the Senate Select Committee on Intelligence, Bob continued to protect and defend our national security interests, fighting for strong encryption measures. As a cochairman of the IRS Restructuring Committee, Bob spearheaded reform legislation designed to improve the relationship between taxpayers and the IRS.

Bob's next move is north, where he will plan to become president of New School University in New York. The New School has a reputation for intellectual freedom, innovation and the belief that education can be used as a tool to produce positive changes in society. I could not think of a better leader for the New School. The Senate's loss is their gain.

SENATOR CHUCK ROBB

Mr. LEAHY. Mr. President, earlier today Senator Chuck Robb of Virginia spoke on this floor. I worked with him. I have admired him since he came to the Senate over 12 years ago. I talked with this former marine at the time my own son joined the Marine Corps and was touched that he always asked for progress reports on his career in the Marines.

He is only the fourth person from the State of Virginia to serve as both Governor and U.S. Senator, and he came to Washington ready to build on a distinguished career in public service. In 1961, he joined the Marines as an infant, and at the age of 19, saw combat, and was in harm's way time and time again. He demonstrated the kind of determination and stamina that would characterize his political career. In Vietnam, people depended on him, his leadership for their life, literally.

He then served Virginia as Lieutenant Governor and Governor before being elected to the U.S. Senate. In fact, it is fair to say his tenure as Governor laid the basis for Virginia to become such a leader today in the high-tech industry.

During his time in Washington, he has shown his dedication and concern for our men and women in the military, fighting for a strong defense.
while advocating fiscal responsibility. He has been a proponent for improvement in our Nation's public schools, fighting for more teachers, increased school construction, and school safety. He has also been a champion against discrimination. Recently, he led the fight to end affirmative action programs by the Federal Government. In all these things, he showed the same dedication to his country in a legislative position that he had shown to his State in his executive position as Governor, as a member of the Armed Services Committee, Foreign Relations and Finance Committees, and the Joint Economic Committee and Select Committee on Intelligence. He served this body, the Senate, so well, and in turn our whole Nation.

I think of the tough political battles he has faced, I think of the difficult votes during his time in office, how he had to balance the interests of his State with the well-being of the Nation. But I can remember so many times on this floor when a vote would come up a political way, Chuck Robb could have ducked and ran, he voted a different way. He did not, anymore than he would have when he was in combat in Vietnam. He would stay on the floor, he would state his position, and you could see the marine: you would see the character, you could see the steel. He would stand up and do what his conscience told him was the right thing.

Mr. President, I pay tribute to a man I have worked with and admired since he came to the Senate over twelve years ago. As only the fourth person from the state of Virginia to serve as both Governor and U.S. Senator Chuck Robb came to Washington ready to build on a distinguished career in public service. Beginning in 1961 when he joined the Marines, and through his days as an infantry company commander in Vietnam, Chuck Robb demonstrated the kind of determination and stamina that would characterize his political career. He later served Virginia as Lieutenant Governor and Governor before being elected to the United States Senate.

During his time here in Washington he has shown his dedication and concern for and understanding of the military, fighting for a strong defense while advocating fiscal responsibility. He has been a proponent for improving our nation's public schools, fighting for more teachers, increased school construction and school safety. He has also been a champion in the battle to end discrimination. He led the fight to bring justice to African American farmers who faced discrimination by the Agriculture Department and he voted against a move to end affirmative action programs by the federal government. As a member of the Armed Services Committee, Foreign Relations, Finance Committee, the Joint Economic Committee and the Select Committee on Intelligence he has served the Senate well.

Senator Robb has faced several tough political battles and cast many difficult votes during his time in office—all with the firm determination to balance the interests of his state with the well-being of the nation.

It has been an honor and privilege to work with him over the last years. I know he is going to be sorely missed by our colleagues in the Senate. I will miss the chance to get advice and encouragement from him on the Senate floor, but I know I will still have that available to me throughout the remaining years of my Senate career.

Mr. President, what is the parliamentary situation now, as we go down to these waning hours and we hear the chorals group downstairs practicing Christmas carols?

The PRESIDING OFFICER. I would like to advise the Senator from Vermont that earlier the Senate had been conducting morning business. That order has expired.

Mr. LEAHY. Is my understanding correct, though, that I am still able to maintain my position as chairman of the banking and consumer protection committee down the vital business of the Senate? The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Am I also correct there is no particular vital business pending at the moment? The PRESIDING OFFICER. At the moment, the Senator is correct.

WRAPPING UP THE SESSION

Mr. LEAHY. Mr. President, you know I think the world of all my colleagues. The distinguished Chair right now is one of my best friends in the Senate and one who deserves congratulations on—actually, they didn't have to have an election in his State: he wins by so much. I love being with him, as I do my dear friend from Nevada, the deputy Democratic whip. But I hope that neither of my colleagues takes it at all personally when I say I would probably rather be at home with my family at this time of the year. But then I suspect they would, too. I hope this means we are soon to wrap things up, possibly this evening or Sunday or Monday or sometime. We seem to be in a situation where the floor is like wrapping up the Presidential election this year. I am beginning to feel a little bit like a hanging chad of some sort.

I thought of some of the other terms that have been used, but I am afraid sometime somebody might pull that out of context and I will be reminded that I will not be forgiven for what I may say because of my Irish nature.

Let us hope we can wrap it up. I say that with the sake of the President-elect and the leadership both Republican and Democrat, in the Senate. All of us have a lot of work to do before January 3 when the Senate comes back into session with a number of new Senators and in a unique situation of a 50-50 Senate.

Governor Bush and former Secretary Cheney need time to work with the Republicans in the Senate and the House to put together their administration. Of course, I hope and expect they will also be in contact with those of us on this side of the aisle. There is a lot facing this Nation, and we have to work on that.

I was privileged this week to spend 48 hours out of the country with some other Members of the Senate and the House accompanying President Clinton on a visit to the Republic of Ireland and Northern Ireland. It was remarkable to see how people reacted to the President. He was accompanied by one of our Senators-elect, in this case the Senator-elect from New York, HILLARY RODHAM CLINTON, although I think she was there more in her capacity as First Lady.

It was interesting to see the reaction of the people in Ireland, both in the Republic and in Northern Ireland, both in the Catholic community and the Protestant community. The President was received as a hero by the majority of people in Ireland because more than any President perhaps since John Fitzgerald Kennedy, he has shown a real interest in Ireland.

He has become personally and intimately involved in trying to stop the sectarian damage, carnage, killings, and murders in Northern Ireland. He sent our distinguished former colleague and former majority leader of the Senate, George Mitchell, on countless trips to Northern Ireland helping to broker the peace agreement which became known as the Good Friday accords.

Whether it was standing in the small town on the northern border of the Republic of Ireland, bordering Northern Ireland, of just a few thousand people but where 50,000 to 60,000 people from the whole area came and stood in the cold, the rain, and the fog for hour after hour waiting for the President and those accompanying him to arrive, and then giving him a hero's welcome and not wanting him to leave.

I saw the faces of those people. I saw the children who looked out to him with hope in their eyes. I saw the older people who said he brought hope for them and for their grandchildren.

I saw the same thing in Northern Ireland in Belfast the next day, where those who had been sworn enemies a few years ago were joining in meetings with the President, encouraging him to stay involved and asking him to please come back even after his Presidency. It had to be an emotional time for President Clinton, but it was very much for the people there.

I talked with several who again told me he brought hope for them and
brought an understanding that their children could live in a world they had not known, a world where they could go to school, where they would not be defined by their religion but defined by who they are.

What an improvement that was and how grateful I am for the opportunity to have been there, not just as an Irish American but one who holds deeply our sense of freedom, our sense of democracy, and our sense that people do not get excluded because of their religious faith or their ethnic background, who their parents were but are included because they are human beings and because they have intrinsic worth.

RETIREE OF SENATOR RICHARD H. BRYAN

Mr. LEAHY. Mr. President, with my dear friend from Nevada, Senator REID, on the floor, I want to talk about his colleague, my friend, Richard BRYAN, who announced his plans to retire from the Senate. When he did, he said very simply and earnestly: It's time to come home.

I have known Dick and Bonnie BRYAN since we were in college together, and because usually at events outside work, when you see one you see the other. In fact, that is what I cherish about both my colleagues from Nevada.

I cherish their family life. I am going to miss some of our late night conversations and some of the humor and good will he has shown to all Senators.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

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

ORDER OF BUSINESS

Mr. LOTT. Mr. President, I have just spoken to Senator DASCHLE. We have been communicating with our colleagues on the other side of the Capitol. I understand the Senate will shortly receive from the House the appropriations bill containing the final appropriations measures, and we hope to have some agreement on how to proceed shortly.

We will notify Senators and hotline that information. Once Senator DASCHLE arrives on the floor, hopefully we can move forward with that. In the meantime, there are just a couple of bits of information for our colleagues about the remainder of this session and the dates for activities we will have next week. As a number of colleagues have indicated that they may pass a resolution changing the date to Friday, January 5, for the counting of the electoral college votes. We will let all of our colleagues know exactly about that.

I believe we are required to proceed at 1 p.m. on either Friday, January 5, or, as it now stands, January 6. We will make that clear later on. Senators will be notified if there is a date change, if and when it is confirmed.

Of course, Inauguration of the 43rd President of the United States will occur at 12 noon on Saturday, January 20.

Furthermore, because a Senate committee is a continuing body, committees may begin working on committee nominations on January 5 or 6. Senator DASCHLE and I will be working on that. But there is the possibility, between January 3 and the Inauguration, that there could be some committee hearings on nominations. We will have to work through that. Of course, it will depend on the receipt of those nominations once the investigations have been completed. We will work through what committees and how that will be handled. Members who might be involved will be notified as early as possible, and hopefully that will be even before the end of the year.

Votes on confirmations may take place even on Saturday, January 20. I believe that has been the case in the past—if not January 20, certainly before Monday, January 21. We will want to move forward very quickly on actually confirming the nominations. Senators will be further notified on January 3.
Regarding the Cabinet nominations schedule, when we receive those nominations, again we will work together on what that schedule may be.

Again, I want to thank the Senate officers, Senators, and leadership on both sides of the aisle for what I believe has been a very productive session and for the dedication of Senators to the American people.

I see Senator Daschle is here. We have some resolutions we can do if we have a break here in a moment. Then we will have some that we want to do at the very end of the session.

At this point, I yield the floor if Senator Lautenberg wishes to make any comments.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the majority leader and the Chair for recognition.

SERVING IN THE SENATE

Mr. LAUTENBERG. Mr. President, I want to be sure before I go into my remarks that neither of the leaders, the majority leader or the Democratic leader, is waiting for some floor time for some special things they want to go ahead with because I hope not to cover every day of the 18 years I have served here.

But I do want to make some remarks about this moment in time—a moment that I have kind of looked at with some amount of trepidation because this is the end for me, at the bottom of the ninth inning, and we have a couple of things to do before it is pretty much all over.

I am probably speaking now for the last time in the U.S. Senate. After 18 years as a Member of this institution, some time ago I made a reluctant decision to step down—not to try again after three terms. And, to be perfectly honest, there are those moments when I look at that decision not to run for a fourth year with a little bit of regret. This has been an incredible experience—an experience that so few ever get to have and such a worthwhile thing to do.

While my friends, the Democratic leader and the Democratic whip, are on the floor, I want to express to each one of them how deep my appreciation is for the cooperation and the ability to work together on issues of concern—not just for my State but for our country and how helpful Senator Daschle, our leader, has been; and my good friend Harry Reid from Nevada, the only State that really competes with New Jersey in the hospitality of the gaming industry. I hope we will continue to do more business than Nevada.

In all seriousness, these are States that have a certain kinship that is not always easy to recognize because our coast is far larger than their coast, and sometimes we differ on issues but never on intent.

This is a job that has been the highlight of my life, next to my family—my children, my grandchildren, eight of them; the oldest is seven. I want to make sure they understood what their grandfather did when he was spending time in Washington. They are too young to really know what the job is about, but they know the President of the United States is. Some of them knew because the oldest one is seven. There are eight of them, obviously, and one is just 2 months old. The little one could not understand what I was doing, but they all went down for Father's Day. I was able to take them to the White House and take some pictures with the President. They will look at those pictures one day and say, OK, that is where our grandfather spent his time when we didn't see much of him. I hope they will feel the same kind of pride and love for country as I do.

This job, one of some 1,850 people who ever served in the Senate, is such an honor to have. It is such an exciting place to be. I will call this desk now as a reminder of why I had this desk moved as my seniority improved from the far corner next to where it is now. I brought it with me wherever I went. It was a fairly easy task. I don't want the citizens of this great country to put it to work for little reason; just a couple of screws lift out of the floor and we move it over here.

When I think of my parents and what this country means to my grandparents when they brought my parents as little children to these shores, I open the desk. As everyone here knows but the public probably doesn't, there is something one could call "graffiti" in these desks—a signature, a carving, a writing in indelible ink that gives a name and the State that the individual represented. I never got discouraged about this job, but anytime I needed a little stimulation about how important the work we were doing was outside of the legislation I looked in this desk and I saw "Truman, Missouri." Harry Truman sat at this desk when he served in the Senate. It is such an honor for me to be able to fill the seat, not the shoes, as they say.

Every day I came to work here was a privilege, even when the day didn't turn out as one expected. The people of New Jersey sent me here to accomplish things that affected their lives and their families, and it is not easy to relinquish those duties, I hope you will believe that Frank Lautenberg served them honestly and diligently. I will leave it to them to mark the report card to see how we did.

My service was a way for me to give something back. I had a successful business career, and I spent 30 years doing that, but there was something more that was needed as far as my life was concerned. I am so grateful my grandparents, in their wisdom, in the earliest part of the last century, decided to come to this country. My mother was 10 years old from Russia, and my father 6 years old from Poland. They believed so much in America. They were so sensitive about things. For my grandparents, whose native tongues were reflective of the culture they came from, anything but English was almost prohibited in the house. They wanted to talk English. They wanted to speak the language that their friends and their neighbors believed should be used as Americans. Now we understand that we live in multiple cultures and continue to treasure the language that they or their parents had before they came to America. In those days, any indication they could get that they were truly Americans meant so much.

So they came and worked hard, with no education. My father went to the sixth grade only; he had to help his parents. But they never dreamed their children would have the opportunities that were so robust and so fulfilling.

I spent 30 years in the computer business, running a company called ADP, Automatic Data Processing. The company started with 33,000 people in the year 1952. We have 33,000 people and is one of America's best performing companies in terms of its products and the stock market's response.

I got there because this government was there to render service to our people. The one thing that bothers me when we get into political campaigns is the drum and people talk about the government and how small it ought to be and why it is too big and the loaded bureaucracies, I can't stand it. Honest to goodness, I work with the people who populate this place day in and day out—not the Senators exclusively but those who work here on both sides, Democrat and Republican. I see how diligent they are in trying to get their day's work done and how committed they are in the service of the public. Of course, those whom I have gotten to know in my office, I love them as well. One develops a respect and almost a reverence for people who will come in until 2 o'clock in the morning, they stay until 2 o'clock in the morning. For many years, until very recently, there was never any compensation for overtime; that was considered part of the job. For those who head up the management of the office, and the leadership position among the staff, there is still nothing like overtime. They do it because they feel the responsibility. It has made an enormous difference in the way we conduct ourselves.

Mr. President, the bottom line view that I bring is one that has developed as a result of the opportunities that were afforded me. I know I probably have said it too many times, but I ask you to allow me to say it once again when I talk about my family.

My father died a very young man, at age 43. I had enlisted in the Army and
was given the benefit of the GI bill. The GI bill made the difference in my life, enabling me to use the knowledge and programs I studied and learned to start a business that became an industry. It is the computing industry, as contrasted to the computer industry, the hardware industry. To me it was a great example of the way government can empower individuals and families to improve their lives.

It is less likely that we will ever forget. The education I got through the GI bill set the foundation for me to build that business. When I look at what happened with ADP and the number of people it has put together, 33,000 employees, processing paychecks for 33 million people across our country and others.

When I was finishing my 30th year in business, I thought there were other things I ought to try to do to help pay back what I thought was a unique opportunity. I wanted to make sure that it continued to exist for others, as well. I came to the Senate. I ran in 1982 and was elected then. I brought what I thought was a unique opportunity for things I could learn without having, necessarily, the financing to do it. That is what the GI bill taught me. It has been my hope that people would understand that these opportunities must continue to exist. That is why we have these discussions about investing in education, making sure children have the appropriate nutrition, and that people can count on getting their health protected when they have a problem, or at least making certain as they grow and mature that they don’t have to worry about an illness wiping out not only their assets but also demolishing their health.

Just so everybody knows, I am going to take some time here. Therefore, it may take a little time for me to do the whole story. I see the majority leader either looking at me so anxious to hear the whole story that he wanted to ask me what it was.

Mr. LOTT. Mr. President, if the distinguished Senator from New Jersey would yield, perhaps that is a good point. Yes, I would like to hear the story uninterrupted. If the Senator would allow us to do a little bit of leadership, I think it is worth it. Much of which I know the Senator would be very interested in—I ask, with the agreement of the Senator from New Jersey, that his statement appear in the Record as if uninterrupted, and the exchange that the Senator and I had with our colleague, appear after his remarks.

Mr. LAUTENBERG. I am happy to cooperate because I have a sense that the subject to be included in their remarks is one with which I have intense fascination.

I am happy to yield to the distinguished leaders.

The PRESIDING OFFICER. Is it the majority leader’s intention the Senator from New Jersey will hold the floor, following the business?

Mr. LOTT. That would be my request.

The PRESIDING OFFICER. Yes. Mr. LOTT. I yield to Senator DASCHLE.

THE OMNIBUS APPROPRIATIONS BILL

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, although there are a lot of good things in the bill we are about to debate, there is one glaring omission—legislation to provide Amtrak with the authority to issue tax credit bonds for capital improvements. This bonding authority is critical to Amtrak’s future and to the economic health of the northeast and many other areas of the country. I have discussed this issue with members of my caucus. We had a very spirited discussion in our caucus this morning, and I know how strongly they support Amtrak and this legislation. We are very disappointed this provision was not included in this otherwise praiseworthy legislation. Amtrak supporters will not give up on passing it. In order to help them secure enactment of this important measure next year, the majority leader and I have discussed and agreed on how best to proceed. I yield the floor to allow the majority leader to describe what that understanding is at this time.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I thank the Democratic leader for his fine work on this issue. I know there is a lot of passion, a lot of support for Amtrak. But let me remind my colleagues, I am one of those supporters. I have been an active supporter of the national rail passenger system and was very much involved a couple of years ago when we passed the Amtrak legislation. I had some strong opposition on our side of the aisle. I think we need it. Now, I must confess one of the reasons I think we need it is that it is this otherwise good service, not just in the northeast but I also would like to have access from my own State of Mississippi to be able to get to Atlanta and Washington and Boston, and we are the beneficiaries of Amtrak service. I think we have to do it. I have pledged if it can’t run efficiently, if it cannot run without going into debt, at some point we may want to say we just can’t do that and decide what is going to be the successor program.

But I think it is guaranteed and doomed to failure if we don’t give it an opportunity to succeed. If you don’t have modern equipment, if you don’t have the new fast trains, if you don’t have a rapid rail system, it will not work.

So I support this legislation. I want to commit to our colleagues here that I will join with Senator DASCHLE in sponsoring this legislation this year. We will work together to get the appropriate hearings in the Finance Committee and hopefully in the Commerce Committee, too—even though this bill is under the Finance subcommittee jurisdiction because of the tax aspects of it—but the Amtrak part of it, of course, would fall under Commerce. I am on both committees and Senator DASCHLE will probably be on the Finance Committee, too. We will work with the ranking member and the chairman to get hearings and move this legislation.

I cannot guarantee we will have the votes or that it will not be filibustered next year. I am not talking about having it languish; I am trying to get movement on it in the first 3 months, 6 months of the session, so those who have reservations can offer amendments and we will vote on them. Hopefully we can get it done, and I commit to do that.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I have long been a supporter of Amtrak. I was chairman of the Appropriations Subcommittee on Transportation before my friend, Mr. LAUTENBERG, swore to support and defend the Constitution of the United States, foreign and domestic. I was for it then, I am for it now. We had some problems in connection with putting this measure into this bill, I don’t need to go into those problems here.

I want to assure Mr. BIDEN and I want to assure Mr. LAUTENBERG, and assure both leaders, that I will do anything I can next year to support this legislation. I am a cosponsor of the bill. I will do my best to help enact it at the earliest possible date in the coming Congress. Like the distinguished majority leader, I can’t guarantee anything except that I will do my best to help enact it. I will do that.
my best to be helpful. Certainly on the Appropriations Committee, if there is an appropriations item, as always, I will support it. Amtrak comes to West Virginia. It comes 3 days a week. I wish it came more often.

But I support Amtrak as much as anybody in this Chamber. We don’t have large airports in West Virginia; all we have is highways. We certainly are grateful for and certainly very supportive of the limited amount of rail transportation we have. We used to have a train, the Hilltopper; we used to have the Mountainliner in West Virginia. I have been a supporter of the Cardinal longer than I can remember.

So Senators may be reassured that I shall do everything I can within my power next year to be helpful.

The principal cosponsors, Mr. LAUTENBERG and Mr. BIDEN, made a strong case for the importance of this vital legislation. It will be a central part of our efforts to ensure that our Amtrak system is maintained but to also make necessary improvements in the future to ensure its continued success.

I thank all Senators.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. REID. Mr. President, I have been here, not as many years by far as most everyone on this floor right now, but it is not often that you see the two leaders and our longtime leader Senator BYRD, stand and say they will support a piece of legislation. I have never seen it happen before. I think this is to show the intensity of the feelings of the people who support this legislation, led by Senator JOE BIDEN. So I am really pleased it appears at this stage that the three leaders, Senator LOTT, Senator DASCHLE, and Senator BYRD, have agreed to do this.

I was at lunch today with Senator HOLLINGS, who is the ranking Democrat on the Appropriations Committee. I like that he may have something to do with this, the Commerce Committee. He said he will do everything he can to move this matter along. I know I will. Senator SPECTER, on the other side of the aisle, said he would do anything possible to move this along. This is a rare occasion in the Senate that you see this much support for a piece of legislation.

Mr. LOTT. Mr. President, if I could ask my colleagues to defer just a moment, Senator DASCHLE and I would like to get one more unanimous consent agreement in. Then I would like to yield to the Senators who are on their feet.

Mr. LAUTENBERG. Mr. President, may I, with all due respect, remind the majority leader and the President that I yielded time based on the fact that I would recover the floor.

Mr. LOTT. There is no question about that fact perhaps the Senator would want to comment on what has just transpired. But I do want to include in the RECORD the fact that Senator STEVENS also has assured our colleagues, and has reminded me again, he also commits, as chairman of the Appropriations Committee, his continued support for Amtrak.

Mr. LAUTENBERG. I thank the majority leader.

Mr. LOTT. With that, I do understand the Senate will shortly receive a form of this appropriations bill containing the final appropriations measures. I ask unanimous consent that notwithstanding receipt of the papers, the Senate proceed to vote immediately on adoption of the conference report and, following passage, there be 40 minutes of explanation to be equally divided between the two leaders, with 20 minutes additional under the control of Senator BYRD, 45 minutes under the control of Senator GRAHAM of Florida, and 10 minutes of Senator LOTT’s time to be predicated by Senator SPECTER.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I want to, before the majority leader leaves the floor, thank him.

Mr. LOTT. Mr. President, if I could confirm, the unanimous consent was agreed to?

Mr. DASCHLE. Reserving the right to object. The PRESIDING OFFICER. No objection was heard. I recognized the Senator from Delaware thinking he wished to object.

Is there objection?

Mr. BIDEN. No, I beg your pardon, I do not wish to object or seek recognition.

The PRESIDING OFFICER. Under parliamentary procedure, the Senator from New Jersey has the floor. He yielded it to the majority leader and the Democratic leader for the conduct of certain business. Following that point, Senators seeking to speak will have to receive the approval or appointment of the Senator from New Jersey.

Mr. BIDEN. Mr. President, I ask the Senator to yield me a very brief time.

Mr. LAUTENBERG. Mr. President, I thank the Chair for that recollection. I will be happy to yield to our friend from Delaware.

Mr. BIDEN. Before the majority leader leaves the floor, I want to personally thank him. I want to thank the minority leader, the Democratic leader, and I guess most of all I want to thank Senator BYRD and Senator STEVENS as well.

I have been here for 28 years. I have never once come to the floor to threaten to engage in an extended debate on a matter. I did that this morning in our caucus. I am not suggesting my colleagues responded because I did that. I am suggesting that I believed my colleagues who are on their feet felt extremely strongly about what was about to happen; that is, Amtrak cannot make it through the year 2001 and meet the obligation that has been imposed upon it without being brought up to speed, figuratively and literally, in terms of equipment, track, and the like.

When this proposal had 56 cosponsors and passed in another vehicle with 60-some votes and with 260-some votes in the House was not going to be included in this omnibus bill, I must tell my colleagues, I was very upset.

In light of the fact that the leadership of the Appropriations Committee of the Senate as a whole and of the Commerce Committee, at least on one side of the Commerce Committee, have indicated to me they will introduce and move rapidly, as best they can, funding for Amtrak—I will not take the time to go into what it all does and what it means—then that is good enough for me. I will withdraw any attempt to delay consideration of this final bill.

Also, I know Senator MONYHAN and Senator LAUTENBERG are leaving. Senator LAUTENBERG, since he has been here, in large part because of his disposition and in no small part because of the particular position of authority he occupied on the Appropriations Committee, has been to ride a train every day and people say to me: You know, J. O, thanks for defending Amtrak.

I say: No, don’t thank me, call Senator LAUTENBERG. I literally say that because it is true.

Also on the floor is a Senator who is Mr. Transportation. He has given us all a lesson, as only he can, for the past 18 years on the necessity of Amtrak not merely in the Northeast corridor, but there is no alternative in this Nation to not have a mass transit interstate system.

I want everybody to understand—again, I will put something in the RECORD; I won’t take the time now—Mr. LAUTENBERG has just pasted all Amtrak to the Senators from Delaware, New Jersey, Vermont, Massachusetts, all of whom are on the floor. This is important to Florida; it is important to the Southeast corridor; it is important to Oregon, Washington, Nevada. This is the only alternative we have.

It seems to me, after discussion with the men I have named today—the distinguished Senator from West Virginia, the Senator from Mississippi, the Senator from North Dakota—what we are all singing from the same hymnal now. There seems to be for the first time in my recollection, I say to my friend from New York who is standing, a genuine acknowledgment that there is no transportation scheme in America that will serve America without a major component of it being a rapid transit interstate system for passengers.

I am looking forward to this being the bipartisan effort next year. I sincerely hope the incoming President will understand our regional needs.

I conclude by saying I thought federalism was about one section of the
Mr. MOYNIHAN. The Arizona project.

Mr. BIDEN. We should do that. I get the feeling—maybe because it is the Christmas season and I want to believe it—there is a growing recognition that rail service is as important to the people of our region as well as other parts of the country, as essential to our interests as water is to the far west. It is as essential.

I thank my colleagues for their commitment and absolutely close by saying to Senator BYRD that I appreciate the fact that he understands, maybe better than anyone in this place, when another colleague cares about an issue that he believes is absolutely indispensable for his region. I thank him for acknowledging that.

I thank him for his—it is no new commitment; he has always been committed to Amtrak—acknowledgment of that and for his continued pledge of commitment to Amtrak. With this combination of the majority leader, the Democratic leader, the chairman of the Appropriations Committee, the ranking member of the Appropriations Committee, and the ranking member of the Committee, if we cannot get it done, then shame on us.

I thank all of my colleagues. Sorry to have taken so much time, but as my colleagues said all day, this is a big, big, big deal to me personally, to my State, and to the Nation.

I yield the floor.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to consider the concurrent resolution.

The concurrent resolution (H. Con. Res. 446) was agreed to, as follows:

Resolved by the Senate in the 106th Congress, having before it the Joint Resolution (H.J. Res. 133) providing for the sine die adjournment of the Second Session of the One Hundred Sixth Congress.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the concurrent resolution be ordered to the table.

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

The concurrent resolution (H. Con. Res. 446) was agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, December 15, 2000, Saturday, December 16, 2000, or Sunday, December 17, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution; and that when the Senate adjourns on Friday, December 15, 2000, Saturday, December 16, 2000, or Sunday, December 17, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

Sec. 2. The Speaker of the House shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 133) providing further continuing appropriations for the fiscal year 2001.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the technical continuing resolution, H.J. Res. 133.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 133) making further continuing appropriations for the fiscal year 2001, and for other purposes.

Mr. KERRY. Mr. President, I thank the Senator from New Jersey. He is very gracious in doing so. I know he wants to make some important comments that summarize his 18 years of service and commitment on this issue. He is generous to allow us to intervene.

I join in thanking the majority leader and the minority leader, Senator DASCHLE, Senator REID, particularly Senator BYRD and Senator STEVENS for responding to the request of a number of us from our region. I thank Senator BIDEN and Senator LAUTENBERG for their leadership on this issue.

There was a lot of passion in our caucus earlier this afternoon, and the minority leader listened to all of us very carefully. Our caucus, I must say, was united in its commitment to the notion that those of us who cared about this issue needed to have some kind of response on the floor that indicated where we will go. I am grateful for this response.

The commitment on the floor openly, as it has been given, to proceed as we will proceed, particularly from the distinguished ranking member of the Appropriations Committee and the chairman, is as good a commitment as one can get in the Senate.

We have 36 sponsors of this legislation today in the Senate. With the new Senators coming in, I am absolutely confident we will have more than 60 sponsors of this legislation. I look forward to building on the legacy of Senator MOYNIHAN and Senator LAUTENBERG and commitment absolutely essential for this country, which is a rail system of which the Nation can be proud.

I am very grateful to all those who have made this effort. I particularly say about the Senator from New Jersey and the Senator from New York, the two of them will be so missed with respect to their leadership and the vision they have expressed with respect to transportation issues as a whole, but particularly for the Northeast, what voices they have been in the Senate with respect to their vision for how we can more inexpensively and capably move people from here to
Mr. President, I know that every member of the Congress is anxious to end this session and get back to our states. We all have work to do and families waiting to celebrate the holidays. However, my colleagues Senator Lautenberg and Senator Biden are right to be angry and frustrated with this legislation.

There is a small but extremely significant item missing from this legislation—the High-Speed Rail Investment Act. The Act would allow Amtrak to sell $10 billion in bonds over the next decade and provide tax credits to bondholders in lieu of interest payments. Amtrak would use this money to upgrade existing rail lines to high-speed rail capability. The Joint Committee on Taxation estimates that the bill would cost just $95 million over 2 years. Over 5 years, the bill would still cost $762 million.

The High-Speed Rail Investment Act has 6 co-sponsors in the Senate. This is not a partisan issue. It is not a regional issue. It is not an urban issue. The High-Speed Rail Investment Act has the support of the National Governors Association, the U.S. Conference of Mayors and the National Conference of State Legislatures. Nineteen newspapers, from the New York Times and Providence Journal, to the Houston Chronicle and Seattle Post Intelligencer, have called for the enactment of this legislation.

Let me explain why so many people and organizations support this legislation.

It is in our national interest to construct a national infrastructure that is truly intermodal. Rail transportation helps alleviate the stress placed on our environment by air and highway transportation. A fact that America's rail transportation, and its lack of a national high-speed rail system, lags well behind rail transportation in most other nations—we spend less, per capita, on rail transportation than Estonia, Myanmar, and Botswana.

There is a compelling need to invest in high-speed rail. Our highways and skeways are overburdened. Intercity passenger miles have increased 80 percent and only 5.5 percent of the traffic that has come from increased rail travel. Meanwhile, our congested skies have become even more crowded. The result, predictably, is that air travel delays are up 58 percent since 1995.

In the Northeast Corridor, bad weather in one part of the country very often results in delays in other parts of the country. There is consumer demand for more flights. But we know that our skeways and air traffic control systems are finite and that the system is overloaded.

At Amtrak ridership is on the rise. More than 22.5 million passengers rode Amtrak in Fiscal Year 2000, a million more than the previous year. FY 2000 was the fourth consecutive year that ridership has increased. We should welcome that increased use and support it by giving Amtrak the resources it needs to provide high-quality, dependable service. The High-Speed Rail Investment Act is critical to the future of Amtrak. For half the cost of constructing the new Woodrow Wilson Bridge linking Maryland and Virginia, we can create 10 high-speed rail corridors in 28 states. For the cost of the St. Louis Airport expansion, we can improve intercity transportation in 28 states. In October we passed a $58 billion transportation appropriations bill for this fiscal year. What we are talking about today is an additional $55 million over the next two years, which will leverage $2 billion in funding. This is a sound investment.

There is an alarming misconception among some members of this body and some of our constituents that Amtrak is a money pit, where taxpayer dollars simply disappear. Nothing could be further from the truth. In fact, the federal government has invested $380 billion in our highways and $160 billion in airports since Amtrak was created. By contrast, the federal government has spent only $23 billion on Amtrak. We have spent just 4 percent of our transportation budget on rail transportation in the last 30 years.

Those who criticize Amtrak for not "turning a profit" employ a double standard—a double standard that is misleading, unfair and unwise. Between 1985-1995, this country spent $17 billion more on federal highways than it raised through the federal gas tax and highway trust fund. During the same period, the nation spent $30 billion more on aviation expenditures than it received through the aviation trust fund. By their misguided logic, there be only 17 billion of those trust funds operated at cost, we should eliminate these programs. That's nonsense. So why are we failing to adequately invest in rail transportation?

Mr. President, high-speed rail is a viable transportation alternative. There is a large and growing demand for rail service in the Northeast Corridor. Amtrak captures almost 70 percent of the business rail and air travel market between Washington and New York and 30 percent of the market between Washington and Boston. High-speed rail will undoubtedly increase that market share. These new trains, like the Acela Express that debuted in the Northeast this year, currently run at an average of 82 miles per hour, but with track improvements, will run at 130 miles per hour.

As a Nation, we have recognized the importance of having a very best communication system, and ours is the envy of the world. That investment is one of reasons our economy is the strongest in the world. And we should do the same for our transportation system. It should be equally modern and must be fully intermodal. And in order to do that, we must invest in rail transportation, invest in Amtrak and be certain to include this inexpensive legislation in the last bill of the 106th Congress.

Mr. Lautenberg. Mr. President, before I yield, and I will continue to do so throughout the night, I say to my friends, my colleagues from Massachusetts and Delaware, that I am grateful for their comments. I am sure we will see, and I am particularly grateful to the majority leader and Democratic leader, an Amtrak bill on the floor early in the next session. I am sorry I will not be here, but in the meanwhile, I will yield to the majority leader.

Mr. Lott. Mr. President, again I thank the Senator.

Mr. Lott. Mr. President, I ask unanimous consent that the earliest unanimous consent which was agreed to with regard to the time for handling the appropriations conference report be vitiated. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Lott. Mr. President, I ask unanimous consent that notwithstanding the receipt of the papers, the Senate now proceed to the debate relative to the appropriations conference report and that there be up to 40 minutes for explanation to be divided between the two leaders, with 45 additional minutes under the control of the Senator from Florida, an additional 20 minutes under the control of Senator Byrd, and an additional 10 minutes under the control of Senator Specter. I further ask unanimous consent that once the Senate receives the conference report, the conference report be reprinted agreed to and the motion to reconsider be laid upon the table, all this immediately after the remarks of the Senator from New Jersey.

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

Mr. Lott. I thank Senator Lautenberg. I yield the floor.

Mr. Lautenberg. Mr. President, I ask unanimous consent to yield up to 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. Lautenberg. Mr. President, I ask unanimous consent to yield up to 5 minutes to the Senator from New York.

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

Mr. Moynihan. Mr. President, I will not require more than a few moments to thank my friend from New Jersey and express confidence in the Senators.
from Massachusetts and Delaware who have just spoken, to thank the distinguished chairman of the Appropriations Committee and my revered friend, the ranking member, the Senator from West Virginia, and the majority leader.

May I say, sir—something we often lose sight of—this is a national issue and ought to be addressed by the Congress. We are the only major industrial state in the world that has not sought to recreate and revivify its rail system in that generation.

The Committee on Environment and Public Works in the last 20 years has turned to this. In 1989, we passed the Intermodal Surface Transportation Efficiency Act, calling for just such measures—later the Transportation Efficiency Act. We created financial instruments and the possibility of investments to be involved.

We can do this. We are on the verge of it. To miss it at this moment would be to miss a moment in history for which I think we will not be happy. But I am so confident, from what I have heard today, that I leave the Senate yet more proud of having been here 24 years, thanking all—thanking particularly the Presiding Officer for his friendship and leadership in so many important matters.

I yield the floor with great satisfaction of what has just transpired. If this is the kind of mode we enter into in January, there is much to expect from the 107th.

Thanks to my friend from New Jersey.

Mr. SPECTER. I thank the distinguished Senator from New Jersey for the proposal to provide this additional 500 to 700 lives a year.

Mr. LAUTENBERG. Mr. President, for not only his comments but for his help. He is someone we counted on to work, closely with us, to bring seriously a bipartisan aspect to the protection that we are looking for to make sure that Amtrak—the national goal for railroading all across this country—will be able to continue.

It is obvious to me, as we have listened to the comments, that unless these investments are made now, or very soon, we will be unable to fulfill the objectives of having Amtrak as a self-sufficient entity operating with its operating budget by the revenues that it derives. The funds that we will be able to get from this proposed bond issue will enable it to make the capital investment it so desperately needs.

SERVING IN THE SENATE

Mr. LAUTENBERG. Mr. President, one of the things I wanted to do, as I tried to plan my Senate objectives, was make sure the children of our country were as protected as they could be by legislation that we developed in the Congress.

Under Republican leadership, when President Reagan was the President in 1984—Elizabeth Dole was the Secretary of Transportation then—the President proposed to raise the minimum drinking age for serving liquor from 21 to 21. If one looks at the number of young people who would fill that arena, you would say: My Lord, are we lucky that these children have lived and will survive to their adulthood and through their full life because we were able to restrict their access to alcohol.

Therefore, it was appropriate, toward the later days of my career, that we were able to add another item of protection by lowering the blood-alcohol level to .08, a standard which will save one region helping another recently.

The Senator from Delaware, I think, characterized the situation very aptly when he talked about federalism; and that is, one region helping another recently.

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A large part of that accomplishment, I must say, was because of our distinguished friend and leader—I think they would have a reference in totalitarian governments, but I mean it in the kindest way—as a leader for life, that Senator Wm. Proxmire has brought to us not only with his knowledge, his understanding of the process, but he is virtually the historian of the Senate.

The thing that has always amazed me is he can do it virtually from memory, and be able to call to our recollection how we conduct ourselves and how we process legislation. I am not only so delighted and honored to have been able to serve with him as a mentor but as a friend as well.

We learn on a continuing basis in this place that Senator BYRD is someone to whom we can always turn, not only to understand his thinking on issues, and the decisions that he provides, but also his leadership.

We saw it manifest again this day because he wanted to help us out of the dilemma with which we were struggling, to find a way to get Amtrak the strength and resources that it needs, but extending it across the state. There were so many things in front of us that it was not the time, but nevertheless was helpful in his reassurance that he, too, would help process this early in the next Congress. I just am sorry I will not be here to see the day when that takes place.

But I am grateful for the friendship and guidance that the distinguished senior Senator from West Virginia has given me, and all of us, over these many years.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. LAUTENBERG. I thank the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his remarks. I shall miss him. We shall all miss him. He has served on the Appropriations Committee, and served well, serves as chairman of the Transportation Appropriations Subcommittee, and served well.

He has the highest interests of the Nation always at heart. He has been a very capable Senator. He is never one to forget his obligations, his responsibilities, his duties to the people who have sent him here. I have considered it to be a great honor and high privilege to serve with the Senator. I shall miss him. I am sure he will continue to serve his country in some way.

But I do hope the Senator will come back and visit with us from time to time. May the Creator of the universe, Father of all of us, watch over and guide Mr. Frank Launtenberg in whatever he endeavors.

I thank the Senator.

Mr. LAUTENBERG. Mr. President, I thank the Senator from West Virginia.
All of us look to him for his guidance and wisdom. I have said about Senator Byrd in the past that he is a model for what a computer might do, and he does it without all of the transistors and switches and all of that. If anyone doubts Senator Byrd’s capacity, let them attend one of his lectures on the kings of England or the development of government in the Roman Empire. One will be astounded. I have always liked a little bit like a student when I listened to Senator Byrd. I thank him for his warm comments.

Mr. McCain. Mr. President, will the Senator from New Jersey yield to me for a moment, Mr. President?

Mr. Lautenberg. I am happy to yield to our colleague from Arizona.

Mr. McCain. First of all, I thank the Senator from New Jersey for his advocacy and his strong and heartfelt support for a strong and complete railway system in the Northeast and around America. There has been no one in this body who has been more committed to that proposition than the Senator from New Jersey. I congratulate him. Therefore, Mr. President, we will miss him very much in this body. I would like to make one additional comment, if I may, to the Senator from New Jersey.

We will go through a regular process next year to bring up an authorization bill for Amtrak which would then be followed by appropriations.

I objected to an appropriation this year because it was $10 billion over 10 years, which is far too high an appropriations bill for which there had never been a hearing. I hope the Senator from New Jersey can understand that. The second point is, I urge the Senator from New Jersey to consider that we have to make a fundamental choice about the national rail system in America—not just an east coast rail system but a national rail system. There are many countries in the world, particularly European countries, that regularly subsidize their railway systems. I understand that. I don’t dispute it. Perhaps that decision has to be made in the United States of America and in the Congress of the United States with the cooperation of the administration.

I remind the Senator from New Jersey that a few short years ago the decision was made to make Amtrak completely independent. Maybe that was not a wise decision.

Last year, Amtrak lost, I think, 900 million and some dollars, and will lose another $900 million, or so.

I think we need to make a fundamental decision: Is it a high enough national priority?

I am not prepared to make a decision yet that the taxpayers of America should subsidize a rail system for America. I think the Senator from New Jersey would agree with me that the west coast needs one probably almost as much as the east coast does.

We need to make a fundamental decision about what the Government’s role will be in a national railway system, and then we need to decide to what degree it is subsidized.

I think a strong argument can be made by anyone who has tried to fly to Newark, or to LaGuardia, or Kennedy and has been overwhelmed by the difficulties in relying solely on air transportation. I think an argument can be made. But I think it deserves full debate and discussion.

I thank the Senator from New Jersey. Out of the disappointment I have on this issue. But I would like to make a personal commitment that his spirit will live on, and we will fully examine and fully ventilate this issue and try to come up with a proposal that will satisfy the needs of his constituents and Americans all over this country. Again, I say that with profound admiration and respect for the Senator from New Jersey.

Could I make one final comment? I hope to get a recorded vote on this bill. There will be a roll call against it for the usual reasons, and will have a statement included in the RECORD.

I thank the Senator from New Jersey.

Mr. Lautenberg. Mr. President, I thank the Senator from Arizona for his laudatory comments. It is nice to hear that one will be missed. We haven’t discussed the degree, but nevertheless been missed.

I wish to say something in response to the thoughtful statement of the Senator from Arizona about Amtrak and a national railroad. I am glad that he did it because I misunderstood. Frankly, perhaps it is something I thought I heard the Senator from Arizona say in times past about the fact that he would resist advancing resources to Amtrak. It is true that I was described in terms of a “cash guzzler,” if I am correct in that recognition. But I am glad to hear the Senator from Arizona.

Let it not be misconstrued that Senator John McCain and I have had some differences on the floor and off the floor, but the fact is that I believe there is mutual respect. Certainly, I respect him for his contributions to America and for his contributions to this body.

If anyone has any doubts about John McCain’s capacity to deliver a message, one only need look at the recent election to see that with very limited resources John McCain was able to influence the direction of policy that we are going to be witnessing in the next administration.

But I also hope that Senator John McCain, the Senator from Arizona, and the Senator from Wisconsin, Mr. Feingold, will be able to accomplish something that has been lingering over this place. It is overdue. It has been talked about forever, and it has never been accomplished. The reason I made a decision to leave this body that I love dearly was not that I want to go out and raise that money.

The Senator from Arizona and the Senator from Wisconsin, Mr. Feingold, have done a masterful job in working inch by inch to get to the place where we examine as a proposal for the near future, I hope, we ought to finance Senate races. I think the moment is near at hand. I hope that examination, frankly, obviously without my participation, will be encouraging you from the sidelines.

Mr. Lott. Mr. President, will the Senator yield again?

Mr. Lautenberg. Boy, I could consent drive the nominations if I were going to remain here. I am happy to yield, provided I recover the floor.

Mr. Lott. I thank the Senator.

EXECUTIVE CALENDAR

EXECUTIVE NOMINATIONS

Mr. Lott. Mr. President, I now have a list of Executive nominations which have been cleared on both sides.

We have been working on this for several days. A number of these nominations were running the risk of not being confirmed, or possibly having re-appointments which we would like to avoid. This list includes Executive calendar nominations and nominations to be discharged from several committees and confirmed.

In executive session, I ask unanimous consent that the nominations I send to the desk be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate’s action, and the Senate then resume legislative session.

I add that this list is comprised of approximately 41 nominations, plus an additional list of almost 400 Foreign Service career officers.

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

The nominations were considered and confirmed en bloc, as follows:

Claude A. Allen, of Virginia, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2005.

Willie Grace Campbell, of California, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2005.

Foreign Service nominations beginning Avis T. Bohlen, and ending Mark Young, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2000.

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Foreign Service nominations beginning Avis T. Bohlen, and ending Mark Young, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2000.
Betty F. Bumpers, of Arkansas, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

Betty F. Bumpers, of Arkansas, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005.

Barbara W. Snelling, of Vermont, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005.

Holly J. Burkelrath, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005.

Maria Otero, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.


Mora L. McLean, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

Mark D. Gearan, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of two years.


Maria Otero, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005.

Barbara W. Snelling, of Vermont, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.


Seymour Martin Lipset, of Virginia, to be an Assistant Secretary of the Treasury.

Ruth Martha Thomas, of the District of Columbia, to be a Deputy Under Secretary of the Treasury.

Jonnathan Talisman, of Maryland, to be an Assistant Secretary.

Agency for International Development for a term of two years.

Mark D. Gearan, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of two years.

Leslie Beth Kramerich, of Virginia, to be an Assistant Secretary of Labor.


Luis J. Alarcón, of California, to be Permanent Representative of the United States to the Organization of American States, with the rank of Ambassador.

Rust Macpherson, of Maryland, to be a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tunisia.

Ronald D. Godard, of Texas, to be a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guyana.

Michael J. Schwartz, of the District of Columbia, to be a Career member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kiribati.

Howard Franklin Jeter, of South Carolina, to be a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Croatia.

Brian Deon Curran, of Florida, to be a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Haiti.

Agency for International Development for a term of two years.

Margrethe Lundsager, of Virginia, to be United States Alternate Executive Director of the International Monetary Fund for a term of two years.

Loretta E. Lynch, of New York, to be United States Attorney for the Eastern District of New York for the term of four years.

Lisa Gayle Ross, of the District of Columbia, to be Chief Financial Officer, Department of the Treasury.

FOREIGN SERVICE

PN1176 Foreign Service nominations (84) beginning John F. Aloia, and ending Paul G. Churchill, which nominations were received by the Senate and appeared in the Congressional Record of July 26, 2000.

PN1220 Foreign Service nominations (104) beginning Guy Edgar Olson, and ending Deborah Ann Betton, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1221 Foreign Service nominations (20) beginning James H. Radsky, and ending Michael J. Williams, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2000.

Mr. LOTT. I thank Senator Daschle, Senator Harkin, Senator Mack, Senator Helms, and a number of others who have worked to get this list cleared.

RECESS APPOINTMENTS

Mr. LOTT. Mr. President, one note on these nominations and appointments.

I understand that United States Presidents have for years had the ability to recess appoint nominations. I know of many instances going back at least to, I believe, the Kennedy administration when the majority leaders— including Senator Byrd and Senator Mitchell—have had words of caution for Presidents of the United States when they were majority leader with respect to recess appointments. I know that this majority leader, Senator Byrd, are very much concerned about recess appointments—especially appointments to the Federal judiciary—during a period of time after we adjourn sine die, or at the beginning, frankly, of the year right as we go into the new administration. Congress has seen this area to continue to erode. I think we need to deal very aggressively with it. The Vacancy Act that Senator Byrd has worked on is something about which we need to be very serious. I hope this administration will heed these words of caution and understand the concerns of the whole Senate.

I yield the floor.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. LOTT. I would be glad to yield the floor before we return it to Senator Lautenberg, if I might.

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. LAUTENBERG. Mr. President, you do that job perfectly with diligence, for the record.
I am happy to yield. In fact, I would be afraid not to yield to our distinguished Senator, my friend from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I will not speak long. There is this fact that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their Next Session.

Having been the majority leader in the Senate earlier in my years here, I have been very careful to caution Presidents not to make recess appointments during the recess of the Senate unless there is indeed an emergency that arises.

That is the purpose of this. That provision in the United States Constitution is not put in there to enable any President, Republican or Democrat, to play games that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their Next Session.

I hope that Presidents, Democratic and Republican, will be very careful in filling a vacancy that "may happen" during a recess. That is the way the Constitution reads.

I have the effort to take advantage of those words by appointing someone to fill vacancies that have been in existence for some time. I especially hope that no administration will attempt to fill a Federal Judgeship during the recess of the Senate. After all, a Federal Judgeship is an appointment for life. That is not an appointment just until the end of the next session. Federal Judgeships are, through the Constitution, for life tenure if they conduct themselves appropriately while in office.

I want to say this: I am opposed to judicial appointments during a recess. I hope that any President will proceed very cautiously and not attempt to take advantage of the situation by appointing judicial judgeships during the recess of the Senate.

How long will this Senate be in recess? Mr. LOTT. I say to the Senator from West Virginia, I believe we will be in recess slightly over 2 weeks, probably 17 days, until the new Congress comes in on January 23.

Mr. BYRD. I can only see through my own eyes, but I don't consider that to be too long a time to await the appointment of a Federal Judgeship or any other office, unless it should be Secretary of Defense or perhaps Secretary of State. But it is certain that there is no need to fill judgeships during this 2 weeks, or whatever it is. We will be back here. I will not support any administration, Democratic or Republican, that attempts to fill Federal judgeships while the Senate is in recess. I think that is playing politics.

We all play politics, some, but we are fooling around a little too deeply with the fountain of politics. I hope we don't poison that well by attempting to pull a fast one here. Is that what the Senator is talking about?

Mr. LOTT. I understand, of course, that is a possibility. We have not been notified of any recess appointments or any Federal judicial appointment during this recess period. However, I note it has been done in the past, and there has been some criticism of it. I understand it could occur during the next 6 weeks before the next Inauguration.

I want to check on exactly what would be the situation. I understand even a Federal judge's term would expire, depending on when it happened, at the end of the Congress, but there would be tremendous pressure then to reappoint that person. I agree with the Senator that any appointment of a Federal judge during recess should be opposed, regardless of who they are or whether it is Republican or Democrat. I commit myself now to remember that when there is a Republican administration, as well as a Democratic administration, I do know there were Federal judges back in the early 1960s appointed by President Eisenhower. That was a mistake then, and it would be one now. I understand that could be contemplated. This would be of caution on your behalf and on mine on behalf of the Senate, hopefully, will cause that not to happen.

Mr. BYRD. Mr. President, if the distinguishedmajority leader will yield further.

Mr. LOTT. I am happy to yield to the Senator.

Mr. BYRD. I presume to offer the majority leader a suggestion, what I would do if I were in his place. I would write to the President and urge that no such recess appointment be made, and put it in writing, make a record of it. Furthermore, if I were the majority leader, I would talk with the administration.

Mr. LOTT. I appreciate that.

Mr. BYRD. I am not trying to tell the Senator what to do, but this is a serious thing with me. As for the politics of it, I am not talking Democratic politics or Republican. But there is such a thing as comity between the executive branch and the legislative branch. There is such a thing as the Constitution, and I happen to hold a copy in my hand right now. There is such a thing as the prerogatives of the Senate. I try to defend those prerogatives.

The Senator made a comment about recess appointments. I hope he will get some assurance, if there is any doubt in his mind, any doubt — that this administration or any other is going to try to make a recess appointment, especially of a Federal Judgeship, while the Senate is out for these two or three weeks. I hope the Senator will get a commitment out of the administration, if he can, that that will not happen.

That is going pretty far, in my judgment — to appoint a Federal judge for life "during good behavior." I don't know whether there have been judges appointed during a recess of the Senate in the face of this provision which I have just read, to wit:

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the end of their next Session.

That is all I have to say. I have been concerned about that. I say to the distinguishedmajority leader. I have worked with the distinguished Senator from Tennessee, Mr. Thompson, and his committee, and a former Senator, who was the ranking member of that committee, John Glenn. We have admired some legislation. I was concerned about the fact that the administration was appointing people who stayed in those positions for a year, for 2 years, for longer than 2 years, so we hammered out legislation and passed it in the Senate— the Vacancies Act.

About 6 months ago, I asked Senator Thompson how the law was working. He indicated he would get back to me in answering my question at some point. I just happened to be here on this floor, during the comments of the majority leader and I can't stress too greatly my concern about recess appointments of Federal judges. I hope the majority leader will pardon my presumptuousness, will try to get some understanding with the administration about that. That is the way I always did when I was majority leader. I got some understanding.

Mr. LOTT. Mr. President, I say to the distinguished Senator from West Virginia, that is very good counsel. I will do that on a personal basis. I will also follow an example that I believe has been carried out in the past by Senator Byrd. If he may even refer to me: In writing, get an understanding or some clarification. I will do that letter, and it will include this colloquy which just occurred.

I thank the Senator for his comments, and I yield the floor.

LEGISLATIVE SESSION

The Presiding Officer. Under the previous order, the Senate will now resume legislative session.

The Senator from New Jersey. Mr. LAUTENBERG. Mr. President, I suspect you are getting weary of issues that I have brought up.

Mr. President, just because I want to talk about 18 years of service doesn't mean I have to take 18 hours to do it. I will try to consolidate it. I have been talking about things that meant so much to me in the Senate and about the honor given when one is elected to this office. Too often it is denigrated in the heat of battle for victory in elections and again criticism of government and the bureaucrats, and so forth. It gets to a point where I must say I am very defensive, particularly for the staff who give so much of themselves to make things happen.
Part of the work we have done over these years has proven to be of benefit. I hope I will be forgiven for taking some minutes to talk about things that can happen. I am proud of the work I did on gun safety, especially the law which I helped pass in the 106th Congress. We are all here to protect our wives and children. I am disappointed that more wasn't done to close the gun show loophole which permits people to buy weapons without any identification. I am also disappointed that we have not done more to punish those who abuse their wives and their children. We have come to a conclusion, before we left on our last day. We have committed to support terrorism and to help the victims of terrorism. Those who commit terrorist acts and to help the victims of terrorism, we came to a conclusion, before we left on our last day. We have committed to support terrorism and to help the victims of terrorism. We should pay for it, and pay severely.

I am proud of the work, also, I was able to do on the Budget Committee, especially the 1997 balanced budget agreement that I helped to get passed. The critics of the place not working or so.

The Superfund is another program on which I worked fairly diligently for a long time without success, so far, in terms of getting it reauthorized, as it should be with a tax income that has those responsible, who could be responsible for that pollution, pay for the cleanups. We missed passing a bipartisan brownfields bill this year and hope that will take place next year.

As we have reviewed tonight, transportation is one of my deepest interests. In working the bill to maintain our mass transit system, highways, airports, and ports have been a top priority for me as chairman and ranking member of the Appropriations Transportation Subcommittee. I believe we will face a serious transportation crunch in the future, as discussed, unless we develop high-speed rail wherever we can throughout this country. That is why this passage of the High Speed Rail Act is so critical. And, once again, I thank the leaders for agreeing. I include the chairman of the Appropriations Committee, Senator STEVENS, and the ranking member, Senator BYRD, for their willingness to cooperate getting that Amtrak bill in place next year.

Also, I am delighted to have served with our friend, Senator CONNIE MACK from Florida, who is also in the process of retiring from the Senate. He and I work very well together. I am very pleased to get passage of a bill that punishes those who would commit terrorist acts and to help the victims of terrorism. We came to a conclusion, before we left on our last day. We have committed to support terrorism and to help the victims of terrorism. Their parents could have seen me. I have served with many great men and women in the Senate. I have respect for all of them. I cannot name them all at this time, but I do want to mention some of the special ones.

I worked with some minority leaders. When I came here in 1983, Senator Howard Baker was the majority leader. I found him to be one of the most honorable people I have met. His word was his bond, and he taught me something very important. I asked him for a letter confirming a statement he had made to me, a promise he had made to me about a piece of legislation. So I said: May I have a letter to that effect? He said: if you need a letter from me, you won't have trouble.

I was startled for a moment. But I could see then that Senator Howard Baker was a man of his word, as I have seen with other leaders on both sides. Senator ROBERT BYRD was minority leader when I came; later in the 1980s, Senator George Mitchell, Senator Bob Dole, distinguished leaders of our two parties. In the 1990s, I had the privilege to work under the stewardship of Senator TRET LOFF and my good friend Senator Domenici, essentially the very good people who served in leadership roles. It is not an easy place to manage. I don't know whether there is ever going to be a school of hard knocks that is going to teach people how to run the Senate. But I think it has to be learning under fire with an occasional singing here and there.

As a long-time member of the Appropriations Committee, I served under terrific leadership: Senator Hatfield, Senator Riegle, Senator Bentsen, and Senator BYRD. I don't think anyone of either party would quibble with my opinion that our friend Senator BYRD has been one of the great Senators in the history of this Republic. I have served for almost 16 years on the Senate Environment and Public Works Committee. That committee was led by extraordinary leadership, Senators such as Bob Stafford, Lloyd Bentsen, Quentin Burdick, John Chafee, and Senator Web Smith; and Senator Domenici, who has taken over the reins there. Max BAUCUS is the ranking member, and their leadership has been excellent. We worked hard to get things done. The funny thing is, it seemed that a spirit of bipartisanship just emerged without it being put into a record book or a program design. It just worked that way.

I served on the Budget Committee. I did not serve Senator PETE DOMENICI here. I did that for 16 years. I worked with the best. PETE DOMENICI is an outstanding chairman. We disagree on some of the policy things, but I wanted Senator DOMENICI to know how much I respected his work as chairman of the Budget Committee. I finally got his attention.

Senator DOMENICI and I had some disagreements—we had many agreements. But above all, we maintained respect for one another. That even developed, if I might describe it, as affection for one another, a respect for the turn our lives have taken and the problems we both would like to solve in our society.

We had Jim Exon, Jim Sasser, Senator STEVENS, we had so many good people—Lawton Chiles—who worked to chair these committees. There are others who left us with a memory of some greatness: People such as TED KENNEDY, PAT MOYNIHAN, fighters such as Howard Metzenbaum, Dale Bumpers, people such as Lloyd Bentsen, and my colleague Bill Bradley; and American heroes such as DANNY INOUYE, Bob Dole, BOB KERR, and John Glenn—people who paid, in many cases, steep prices for their service to our country.

We worked with Presidents from both parties. Despite our differences, I was able to get things done with Presidents Reagan and Bush. Particularly with President Reagan, as I noted, I was able to get the legislation in place that raised the legal drinking age to 21.

President Bush signed my legislation to ban smoking on all domestic airlines. I don't know whether that says something about the old saw that divided leadership in the various parts of government maybe produces good results. I wish I could have tried it all my way, but it did not get to work. But the system does work.

I cannot leave this place with any criticism of the place not working or so forth. Sometimes the work goes slower than you would like. Sometimes it is more painful than you would like. But the fact is, this institution of government does work, and the people across the aisle have taken as we look at this kind of torturous process that followed the election we just completed. We are on to a new Presidency. We are on to the hope for the next century, for the next administration at least, that America will be able to continue to endure its great leadership in the world, not only militarily or functionally, but morally as well.

So, Mr. President, it has been quite a go that I have had, to use the expression that some such as Bob Smith— I love New Jersey. I was born there. We have had Members in Congress there from both parties, and we worked together on a variety of joint Federal and
State matters such as transportation, health care, and welfare. We had Governors such as Tom Kean, Jim Florio, and the present Governor Christine Todd Whitman. We were able to put politics aside and work together for the good of the people of the State of New Jersey. I am deeply grateful to the people of New Jersey. I thank them for putting their trust in me by sending me to the U.S. Senate for three terms. I hope I have made good on their trust and did the job they elected me to do.

I also extend my thanks to President Bill Clinton and Vice President Al Gore. Their leadership in the past 8 years has resulted in unprecedented growth and prosperity for our country. For that I am grateful. Their leadership also helped us solve some of the problems that beset the world. It was in Kosovo or Ireland, where diversion and torment and violence existed for so many years. It is working its way slowly to a peaceful coexistence between the parties there. President Clinton and Al Gore are much to be commended for that and our intervention in Kosovo to stop the killing and abuse of people there.

We look at the Clinton years as years of good government, of good accomplishment, to say President Clinton and Vice President Gore will be remembered for the good things they brought to this country.

I thank my staff, perhaps the most loyal anyone could have, and many of them have been here all the time, and have always worked with me, as they say, to the end. Many of them have their own concerns, their own families, their own futures, their own careers to look after, but they stuck by, and we continued to get things accomplished—even this, though it is my last active day as a Senator, though I will be a Senator until January 3. My staff and I are showing we are still fighting to get things done.

I was pleased with the outcome for America, for we have had an hour's work with great energy. They are talented, professional, bright, skilled people who are totally committed to our common view of public service. Whether it was in my personal office, State offices, Budget or Appropriations Committee, my people made enormous contributions day in and day out, and my service has been enriched and made more effective by their contribution.

I have had some great people on the staff during the years who have dedicated their time and energy to advance our agenda. They have been outstanding public servants, anonymously serving the public interest, not elected but just as dedicated as anyone who has been elected to office.

I want to take a few minutes to name for the RECORD people such as Eve Lubalin, my first legislative director, who served for many years as my chief of staff and campaign manager as well. She worked on so many of our accomplishments in 17 years in my office.

Mitchell Oster worked on my 1985 campaign and later was my legislative director. He was an excellent, smart, aggressive staffer.

A friend of mine who worked with me as a press secretary and State director is Jim McQueeny.

James Carville and Paul Begala managed my campaign in 1988. I hope that was part of the propulsion that led them to the lofty positions they had in campaign logistics and successes.

Karlin Elks is on my staff since 1983.

Bruce King is the staff director of the Senate Budget Committee. Sandy Lurie, my current chief of staff, has been on the staff for 10 years and has been involved in so many of my initiatives.

Maggie Moran is my State director.

And Dan Katz, my outstanding legislative director, has helped me with so many public health issues.

Tom Dosh has worked for me for 18 years, skillfully running the administrative and financial management side of all my offices.

And my long-time assistant Eleanor Popeck has worked for me for over 35 years. She was with me as an assistant when I ran ADP and has worked in my Washington office and Newark office as well. She is an outstanding public servant. Her contributions have been significant.

Peter Rogoff has worked with me on the Appropriations Transportation Subcommittee for over 10 years and has assisted me with so many major transportation accomplishments.

There are many others over the years, and I wish I had time to mention them all. That would be disagreeable with some of the people in the Chamber. I ask unanimous consent to print in the RECORD a list of my key staffers over the years.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STAFF SINCE JANUARY 1999 AND OTHER KEY STAFF
Amy Abraham, Jeff Acconzo, Sharon Anderson, Nisha Antony, Claudia Arko, Renee Ashe, Bill Ayala, John Bang, Lisa Baronello, Frederic Barone, Karyn Barr, Gabrielle Batkin, Steve Benenson, Maggie Bierwich, Patrick Bogenberger, Natalie Broadax, Dana Brookes, Aaron Brusch, Scott Campbell, Cathy Carpio, Rock Chueng, Sally Cluthe, Todd Coleman, Bill Crawford, Debbie Curto, Christy Davis, Sallie Derr, Nicole Di Lella, Tom Dosh, Andrew Edwards.
Karlin Elks, Val Ellilot, Rob Elliot, Ron Eritano, Jim Esqua, Kyra Fischbeck, Alex Formuzis, Alison Fox, Lorenzo Goco, Lisa Haage.
Heidi Hess, Melissa Holsinger, David Hoover, Louis Imhof, Dan Katz, Bruce King, Lisa Konwinski, Peter Kurdock, Lou Januzzi, Andrew Larkin.
Vanessa Lawson, Josh Lease, Steve Lethin, Mada Liebman, Julie Lloyd, Ruth Lodder, Eve Lubalin, Wender Lurie, Amy Maron, Coleen Mason.
Tony Orza, Deborah Perugini, Blenda Pinto, Lisa Plevin, Michael Pock, Ellie Pogge, Peter Rogoff, Mike Rose, Nadine Rosenbaum, Jon Rosenwater.
Louise Roy, Peter Sadowski, Laurie Saroff, Dawn Savarese, Jack Schnirman, Paul Seltsam, Jeff Siegel, Retha Sherrod, Tralonne Shorter, Lisa Singleton.
Andrea Slater Stanislaw, Courtenay Morris, Marty Morris, John Mruz, Sue Nelson, Mark Nevin, Liz O'Donoghue.
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safer because of the belief I had that people around the country would share my view on that.

Now the pictures are off the wall, the furniture is moved out, the day is closing for the end of my Senate service. I will miss it. It was more than skills and knowledge that brought me here. Some of that was the pure good fortune of the people of New Jersey electing me the first time I went out to run for office. They did not know from anybody else, but they looked in my assignment and thought of how we built it from nothing to something important. They looked at my service as commissioner of the Port Authority of New Jersey and New York that controls the bridges, tunnels, terminals, and buildings in New York that was an appointed post. People looked at me and said: Well, we don't know this guy, but it looks like he has done some things correctly. They saw pictures of my family. They knew how devoted I am to them. I also was chairman of one of the largest charities of the world for 3 years. They entrusted me with this seat, the New Jersey seat, that I occupied for 18 years. I always refrain from calling it "my seat" because I know I filled it for a while.

In closing, I thank the occupant of the chair for the opportunities we have had to share common goals and for his decency in reviewing those with me and having an open mind on many of the issues. I thank the friend from Nevada who stands as the guardian of the floor in his assignment for the Democrats as the whip, and I note the respect I felt for him when I saw how arduously he worked to protect his State from becoming a nuclear dump, even when we struggled to find a place to put that material — and we do have to find a place. The fact of the matter is, if we defend the interests of our States in concert with the interests of our country, we will have done our jobs correctly.

I hope the legacy I leave will create a brighter future for the people who sent me here, for my eight wonderful grandchildren, and for all of those who took the oath to serve.

Mr. President, I yield the floor.

REMINISCENCE AND FAREWELL

Mr. MOYNIHAN. Mr. President, on this last day of the 106th Congress I would ask to be allowed a moment of reminiscence and farewell.

Come January 3 — deo voluntus, as the Brothers used to teach us — I will have served four terms in the United States Senate. Never before — since before the Civil War, I was also, at one point, chair of Environment and Public Works. I have been on Rules and Administration for the longest while, and for a period was also on Foreign Relations. Senators will know that it would be most unusual for someone to serve on both Finance and Foreign Relations at the same time. An account of how this came about may be of interest.

The elections of 1986 returned a Democratic majority to the Senate and the Democratic Steering Committee, of which I was then a member, began its biannual task of filling Democratic vacancies in standing and select committees. There are four "Super A" committees as we term them. In order of creation they are Foreign Relations, Finance, Armed Services and Appropriations. With the rarest exceptions, under our caucus rules a Senator may only serve on one of these four.

There were three vacancies on Foreign Relations. In years past these would have been snapped up. Foreign Relations was a committee of great prestige and daunting tasks. It was a sudden however, no one seemed interested. The Senate was already experiencing what the eminent statesman James Schlesinger describes in the current issue of The National Interest as "the tyranny of selectivity by the general public" (p. 110). Two newly-elected Senators were more or less persuaded to take seats. At length the Steering Committee turned to me, as a former ambassador. I remained on Finance. And so I served six years under the chairmanship of the incomparable Clai- borne Pell of Rhode Island. I treasure the experience — the signing and ratification of the Strategic Arms Reduction Treaty (START I), the final days of the Cold War. But I continue to be puzzled and troubled by our inattention to foreign affairs. To be sure, the clearest achievement of this Congress has been in the field of foreign trade, with major accomplishments in the GATT (General Agreement on Tariffs and Trade) negotiations at the same time. An account of how this came about may be of interest.

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If some individual CIA analysts were more prescient than the corporate view, their ideas were filtered out in the bureaucratic process; and it is the corporate view that counts because that is what reaches the president and his advisors. On this one, the corporate view missed by a mile. Why were so many of us insensitive to the inevi- table? Turner acknowledged the "revisionist rumbles" claiming that the CIA had in fact seen the collapse coming, but he dismissed them: "If some individual CIA analysts were more prescient than the corporate view, their ideas were filtered out in the bureaucratic process; and it is the corporate view that counts because that is what reaches the president and his advisors. On this one, the corporate view missed by a mile. Why were so many of us insensitive to the inevi- table?"

Just as striking is the experience of General George Lee Butler, Com- mander of the U.S. Strategic Command (STRATCOM) from 1990 to 1994. Again I have recounted elsewhere the 1992 hearings of the Foreign Relations Committee on the START I Treaty. Our super negotiators had mastered every mind-numbing detail of this epic agree- ment. With one exception. They had negotiated the treaty with a sovereign nation, the Union of Soviet Socialist Republics. Now they brought to us a treaty signed with four quite different nations: Russia, Ukraine, Belarus, and Kazakhstan. When asked when this new set of signatories was agreed to, the Committial, Turner was shocked. He had thought that this had just recently taken place, even at a meeting in Lisbon. An observer might well have wondered if this was the sce- nario of a Humphrey Bogart movie. The negotiators were, as Chairman Roth and I remarked, "utterly blind." The Soviet Union had broken up in December 15, 2000.

Mr. President, I yield the floor.
war, Butler had studied the Soviet Union with an intensity and level of detail matched by few others in the West. He had studied the battlefield of the military paradigms and the Kremlin, had scrutinized the deployments of Soviet missiles in the US. Many believed he thought of the Soviet Union as a fearsome garrison state seeking global domination and preparing for certain conflict with the West. The only reason he was there was to keep track of some events that would define, almost in October 1917. In no time these events would have acquired mythic dimension for intelligence, as it would come to be known, a Soviet agent wrote, and later a Soviet agent wrote, the second in effect totalitarian. But this was lost on all but a few. It would appear that the Soviet collapse was so sudden, we were so unprepared for it, that we really have yet to absorb the magnitude of the event. It was, after all, the largest peaceful revolution in history. Not a drop of blood was shed as a five hundred year old empire broke up into some twelve nations, Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan, the Kyrgyz Republic, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan and Ukraine, whilst formerly independent nations absorbed into the Soviet Bloc, Poland, the Czech Republic, Lithuania, Latvia, Estonia etc., regained their independence. In the aftermath there has been no book, no movie, no posters, no legacies.

To the contrary, weak Russia grows steadily weaker—possibly to the point of instability, as shown in the miserable events in Chechnya. We see a government of former agents of the intelligence community and police. We see continued efforts at increasing armament. Witness the sinking of the nuclear submarine Kursk. We see the return of the red flag. We see little engagement with the West, much less the return of the red flag. We see little engagement with the West, much less the return of the red flag. The moment we have, as we must assume, some 6,000 nuclear weapons targeted on Russia, a number disproportionate at the height of the Cold War, and near to lunity in the aftermath. When, as Senator Richard Lugar estimates, the Russian defense budget has declined to $5 billion a year.

What is more, other than the highest echelon of the Pentagon, no doubt some elements of the intelligence community, possibly the Department of State, no American knows what the targeting plan is. In particular, Members of Congress, possibly with very few exceptions, do not know. Are they refused information? Just recently, our colleague of the Committee on Defense, William S. Cohen, a former deputy I have remarked on how little notice has been taken of the Russian revolution of 1989-91. By contrast, the “information revolution” has become a feature of our vocabulary and our pronouncements on the widest range of subjects, and at times would seem to dominate political discourse. It might do well to make a connection as Francis Fukuyama does in the current issue of Commentary. In his review of a new book by George Gilder with the suggestive title Telecom: How Infinite Bandwidth Will Revolutionize Our World, Fukuyama makes the connection.

Why, then, do those convinced that the revolution is already triumphant shake their heads so sadly at those of us who “just don’t get it”? True, people want to feel good about themselves, and it helps to believe that one is contributing to some higher social purpose while pursuing self-enrichment. But it must also be conceded that the information-technology revolution, really does have more going for it than previous advances in, say, steam or internal combustion (or, one suspects, than the coming revolution in biotechnology). The mechanization of production in the 19th and early 20th centuries redefined large-scale organization, routinization, uniformity, and centralization. Many of the great works of imagination that accompanied this process, from Charlie Chaplin’s Modern Times to Aldous Huxley’s Brave New World, depicted individuals subsumed by huge machines, often of a political nature. Not so the information revolution, which usually punishes excessively large-scale, distributes information and power to local groups, rewards the survival of people, and rewards intelligence, risk, creativity and education rather than obedience and regimentation. Although
They now report that “the combined effects of the Wen Ho Lee affair, the recent fire at [Los Alamos] and the continuing swirl around the hard-drive episode have devastated morale and productivity at [Los Alamos].” It is not without oppressed fear and deep concern over the . . . yellow crime-scene tape in their workspace, the interrogation of their colleagues by . . . federal prosecutors before a grand jury and the resort of some of their colleagues to taking a second mortgage on the homes of theirenie fees.

There is no denying that Lee and whoever misplaced the computer drives committed serious breaches of security. But the resulting threat to our safety is only theoretical; the damage to morale, productivity and recruitment is real.

Employees were furious at being forced to take routine lie-detector tests, a requirement imposed on them by an Energy Search Team at Los Alamos National Laboratory. This June, Secretary of Energy Bill Richardson asked two of our wisest statesmen, the Honorable Howard H. Baker, Jr., and the Honorable Lee H. Hamilton, to enquire into the matter. Here are the Key Findings of their report of September 25th:

While it is unclear what happened to the missing hard drives at the Los Alamos National Laboratory, it is clear that there was a security lapse and that the consequences of the loss of the data on the hard drives would be extremely damaging to the national security.

Among the known consequences of the hard-drive incident, the most worrisome is the devastating effect on the morale and productivity of LANL, which plays a critical national-security role for the Nation.

The current negative climate is incompatible with the performance of good science. A perfect security system at a national laboratory is of no use if the laboratory can no longer generate the cutting-edge technology that needs to be protected from improper espionage. The possibility is that we could grievously degrade the most important institutions of foreign and defense policy — our capability for invention and innovation — through our own actions.

Take the matter of the loss, and evident return in clouded circumstances of two hard drives containing sensitive nuclear data from the National Energy Search Team at Los Alamos National Laboratory. This June, Secretary of Energy Bill Richardson asked two of our wisest statesmen, the Honorable Howard H. Baker, Jr., and the Honorable Lee H. Hamilton, to enquire into the matter. Here are the Key Findings of their report of September 25th:

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before sending the promotions to the White House, which then dispatches them to Congress for approval.

The release of the list was delayed after the simultaneous clearance of one of the department’s most senior officials, Martin S. Indyk, ambassador to Israel, and a sudden vigilance by Secretary of State Madeleine K. Albright, who is under pressure from Congress on security problems. This evening, the department said that “under 10” officials had been barred from promulgating Senate resolutions that did not expire. In fact, Mr. Grossman’s review of 400 candidates. The nearly 400 people included 200 midlevel officials, whose promotions were released after a weeklong delay.

As word of the latest action spread through the department, an assistant secretary of state complained at a senior staff meeting this week that management faced “a legacy of proportion to any desired enhancement of security.” But then so is so much of security policy as it has evolved over the past sixty years. What is wrong with security is that the intelligence community is unalterable.

In the previous Congress, legislation was prepared to embody the essentials of the Commission recommendations. All classified materials would bear the name and position of the person assigning the classification and the date, subject to review. That the classification should expel, as it is not generally realizable, but apart from atomic matters, under the Atomic Energy Act of 1954 and a few other areas there is no law stipulating what is to be classified confidential, Secret, Top Secret—and there are numerous higher designations. It is simply a matter of judgment for anyone who has a rubber stamp handy. Our bill was unanimously reported from the Committee on Governmental Affairs. I may add that the fine chairmanship of Senator Fred Thompson, with the full support of the then-ranking Committee member, our revered John Glenn. But nothing came of it. The assorted government agencies still refuse to learn and so simply smothered it. The bureaucracy triumphed once more. Thomas Jefferson’s dictum that “An informed citizenry is vital to the functioning of a democratic society” gave way before the self-perpetuating interests of bureaucracy.

I am pleased to report that this year’s Intelligence Authorization bill, which is now at the White House awaiting President Clinton’s signature, includes the Public Interest Declassification Act of 1994. The legislation creates a nine-member “Public Interest Declassification Board” of “nationally recognized experts” who will advise the President and pertinent executive branch agencies on which national security documents should be declassified first. Five members of the Board will be appointed by the President and four members will be appointed by the Senate and the House.

The Board’s main purpose will be to help determine declassification priorities. This is especially important during a time of Congress’ continual slashing of the declassification budgets. In addition to the routine systematic work required by President Clinton’s Executive Order 12958, the intelligence community is also required to process Freedom of Information Act requests, Privacy Act requests, and special searches levied primarily by members of Congress and the administration. There is a need to call attention to this increasingly chaotic process. This Board may just provide the necessary guidance and will help determine how our finite declassification resources can best be allocated among all these competing demands.

My hope is that the Board will be a voice within the executive branch urging restraint in matters of secrecy. I have tried to lay out the organizational dynamics which produce ever larger and more intrusive secrecy regimes. I have sought to suggest how damaging this can be to true national security interests. But this is a modest achievement given the great hopes with which our Commission concluded its work. I fear that rationality is but a weak foil to the irrational. In the end we shall need character as well as conviction. We need public persons the stature of George F. Shultz, who when in 1986 learned of plans to begin giving living nuclear weapons to another nation, calmly announced that the day that program began would be the day he submitted his resignation as Secretary of State. And so of course it
The author or editor of eighteen books, Senator MOYNIHAN has been at the forefront of the national debate on issues ranging from welfare reform, to tax policy to international relations. His most recent book, written in 1998, "Secrecy and Intelligence," expands on the report of the Commission on Protecting and Reducing Government Secrecy of which he was the Chairman. This is a fascinating and provocative review of the history of the origins of government secrecy in the government since World War I and argument for an "era of openness".

At home in New York, in a state which is known for its rough and tumble politics, he has shown leadership again and again, demonstrating the power of intellect and the ability to rise above the fray. That has been a wonderful contribution not just to New York but to all of America.

As the MOYNIHAN Legacy family, which will never forget their huge contribution, we salute PAT and Elizabeth MOYNIHAN.

Mr. WARNER. Mr. President, in the 211-year history of the United States Senate, the Senate has one of the richest and most storied legacies.

Since 1789, New York has sent to the Senate 63 Senators. I have had the distinct privilege of serving with four of them, most memorably, Senator DANIEL PATRICK MOYNIHAN.

When the people of New York elected PAT MOYNIHAN to represent them nearly 25 years ago, they sent to Washington an up-and-coming young man. Those are the reasons, Senator MOYNIHAN is one of only two, out of 63 Senators from New York, to have been elected to four consecutive terms in the United States Senate.

The talented men and women who have served with him would agree that PAT MOYNIHAN for his humor, his intellect, his grace, his eloquence, and his humility.

Beyond the physical monuments to his achievements, I will always remember PAT MOYNIHAN for his humor, his intellect, his grace, his eloquence, and his humility.

All of us here, before we cast the first vote, before we discharge the first responsibility, take the oath of office. We solemnly commit "to support and defend the constitution. . . ." "Against all enemies, . . ." we commit "to bear true faith and allegiance" and we undertake "to faithfully discharge our duty."

I hereby read a minute to thank Senator MOYNIHAN for his leadership and the personal courtesies he extended to me, as he laid plans for the new United States capital, could only hope that a man like Senator MOYNIHAN would one day work with such compassion and perseverance to keep alive the true spirit and design envisioned in the original blueprint of George Washington's federal city.

One of the most rewarding assignments in my own career in public service, has been the opportunity to serve with Senator MOYNIHAN as a member of the Smithsonian's Board of Regents. The talented men and women who have served on the Board are unquestionably committed to the arts and preserving this nation's cultural heritage. And I assure you, that all of them would agree that PAT MOYNIHAN's leadership and guiding wisdom have been indispensable.

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The Senate and the nation know Senator MOYNIHAN as a true patriot, a gentle- man, and a statesman. His legacy is a remarkable gift we will benefit from for years to come.

In closing, I would like to submit for the RECORD these articles, so all citizens can read of the enormous contributions Senator MOYNIHAN has made to this his Home State of New York, and, indeed, this country.

The Nation’s Capital—in the words that Navy men and women understand—bids you a final “Well done, Sir. We salute you as the L’Enfant of this century.”

There being no objection, the material ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 17, 2000]

FAREWELL, MR. MOYNIHAN

(By George F. Will)

When this Congress ends, so will one of the broadest and deepest public careers in American history. Daniel Patrick MOYNIHAN—participant in John Kennedy’s New Frontier, member of Johnson’s and Nixon’s White House staff, Richard Nixon’s domestic policy adviser, Gerald Ford’s ambassador to India and the United Nations, four-term senator—will walk from the Senate and political life, leaving both better for his having been in them, and leaving all who observe them benefit of the rare example of a public intellectual’s life lived adventurously, bravely and leavened by wit.

The intellectual polarities of his life have been belief in government’s ameliorative powers—and in William Butler Yeats’s definition of expectations for politics: “Parnell came down the road, he said to a cheering man: Ireland shall get her freedom and you will still break stone.”

Having served four presidents, MOYNIHAN wrote that he did not remember ever having heard “a better man” celebrate a “seamless discussion of political ideas—one concerned with how men, rather than markets, behave.” His partner in the Federal Triangle, Richard G. TUGENDHART, MOYNIHAN has stressed the importance of patriotism—of the Balkans, the Brahmin, to come to that. MOYNIHAN knew how wrong Marx was in asserting the historic saliency of pre-industrial factors, such as ethnicity and religion, in the modern age.

His gift for decorous disruptions was apparent early, when, during a 1965 audience with Pope Paul VI, at a time when the Church was reconsidering its doctrine of the collective guilt of Jews for Christ’s crucifixion, Catholic, shamed protocol by addressing the pope: “Holy Father, we hope you will not forget our friends the Jews.” Later, an unsettled member of the audience, the bishop of Chicago, said, “We need a drink.” MOYNIHAN said, “If they’re going to behave like a Medieval court, they must expect us to take an opportunity to petition them.”

During his U.N. service he decided that U.S. foreign policy elites were “decent people, utterly unprepared for their work” because “he knew the House of Woodrow Wilson’s crusade for lawful rather than normless dealings among nations.

“Everyone,” says MOYNIHAN the social scientist, “is entitled to his own opinion but not his own facts.” When in 1993 the Clinton administration’s Goals 2000 asserted that by 2000 American student graduation rates would be 90 percent and American students would lead the world in mathematics and science achievements, MOYNIHAN acridly compared these goals to the 1953 Soviet grain production quotas. Of the projected 2000 outcome, MOYNIHAN said: “That will not happen.”

MOYNIHAN has written much while occupying the dark and bloody ground where social science and policymaking intersect. Knowing that the two institutions that most shape individuals and the state, he knows that when the former weakens, the latter strengthens. And family structure is “the principal conduit of class structure.” Hence MOYNIHAN’s interest in government measures to strengthen families.

MOYNIHAN understands that incantations praising minimalist government are America’s “civic religion, avowed but not constraining.” Government grows because of the ineluctable bargaining process among interest groups whose private policy outcomes that benefit them. And government grows because knowledge does, and knowledge often grows as a result of government.

Knowledge, says MOYNIHAN, is a form of capital, much of it formed by government investment in education. And knowledge begets government. MOYNIHAN’ s gift to California’s Imperial Valley, unchanged since “the receding of the Ice Age.” Only God can make an artichoke, but government—specifically, the Bureau of Reclamation—made the valley a cornucopia. Time was, hospitals’ biggest expense was clean linen. Then came technologies—diagnostic, therapeutic, pharmaceutical—that increased costs and expanded government.

“Not long ago,” MOYNIHAN has written, “it could be argued that politics was the business of who gets what, when, where, how. It is now more than that. It has become a process that also deliberately seeks to effect such outcomes as who thinks what, who acts when, who lives where, who feels how.” MOYNIHAN appreciates the pertinence of political philosopher Michael Oakeshott’s cautionary words: “To try to do something which is inherently impossible is always a corrupting enterprise.”

The 14-year-old MOYNIHAN was shining shoes on Central Park West when he heard about Paul Revere. Subsequent six decades he has been more conversant with, and more involved in, more of the nation’s transforming controversies than anyone else. Who will do what he has done for the intellectual nourishment of public life? The nation is not apt to see his like again, never having seen it before.

[From the Washington Post, Oct. 7, 2000]

MOYNIHAN’S LEGACY IS WRITTEN IN STONE

(By Benjamin Forgy)

Sen. Daniel Patrick MOYNIHAN, on the edge of retirement, argues his way to a finish, tells the story whenever he feels the audience is right. And why not? It is a true-life Washington legend.

Time: Sunny Day. The White House. Scene: A Cabinet meeting with President John F. Kennedy. The nation’s chief policymakers are bustling deliberately foreign policy, when the president talks, the next-most-important issue in government comes up—which, of course, is office space.

That time always gets a laugh. MOYNIHAN knows what people think about Washington—one liners at the expense of the bureaucracy never miss. But what comes afterward is the true beginning of the legend.

The president appoints Labor Secretary Arthur J. Goldberg to co-chair “something called the Compromise –Aeronautical Act Committee on Federal Office Space.” To MOYNIHAN, then Goldberg’s 34-year-old deputy, this day must have felt how much space is needed, and writing the report.

It is far-fetched to imagine a 15-page committee report having much significance for even 38 minutes after being written. This one, completed in the spring of 1961, was destined to have impact across 38 years, for it contained, improbably, the genesis of a plan to redevelop Pennsylvania Avenue.

The opportunistic idea was Goldberg’s—he had decided to try to do something about the avenue when surveying its fragmented, decaying north side from a slow-moving limousine during Kennedy’s inaugural parade. But the brilliant words were MOYNIHAN’s. He vividly sketched the “scene of desolation, friendly, and inward side, opposite the impressive classic revival buildings of the 1930s Federal Triangle. He sensitively summarized the avenue’s story, having a rare understanding of the crucial importance of the interplay in Pierre Charles L’Enfant’s 1791 plan—symbolizing, MOYNIHAN wrote, “at once the separate powers and guarantees of governmental unity in the American Government.”

Above all, MOYNIHAN showed that he understood the avenue’s story meant that the United States capital was in the process of tearing down and building anew. The opportunity had arisen, he wrote, “to design and construct what would, in effect, be a new avenue.” By the time the government had a historic duty to “maintain standards of buildings and architecture in the nation’s capital.”

MOYNIHAN’s vision was humane and, for its time, exceptionally urbane. “Care should be taken,” he admonished, “not to line the north side with a solid phalanx of public and private office buildings which close down completely at night and on weekends. . . . Pennsylvania Avenue should be lively, interesting, and inviting, as well as dignified and impressive.”

More than any other American politician of the second half of the 20th century, MOYNIHAN has engaged the issue of architecture, urban design and infrastructure. He has used his intellectual prowess, political skills and power to effect changes—trees, to save historic buildings, to improve federal architecture, to get buildings built. Washington has been the great beneficiary of MOYNIHAN’s interventions—especially on the section of the great boulevard linking the Capitol and the White House.

There is a sense in which the rebuilding of Pennsylvania Avenue became MOYNIHAN’s destiny. Partly by chance, partly by design, he has been around to persuade, push and prod a vision into reality. And, for the last 30 years, he has been able to watch it happen with his wife, Elizabeth, from their apartment above the Navy Memorial and Market on the avenue between Ninth and Seventh Streets NW.

Soon after the report was published, Gold-
beg was appointed to the Supreme Court. MOYNIHAN thus inherited responsibility for shepherding the avenue dream in the Kennedy administration. He became great pals with Daniel Okapuy, the new archi-itect Kennedy chose to come up with a plan. The pair would walk the avenue in the eve- ning, talking and planning, and, future while sitting, recalls MOYNIHAN, on “those nice, strong benches next to the Na-tional Archives.”

When Kennedy was assassinated, MOYNIHAN helped keep the project alive during the Lyndon Johnson presidency—nothing
had been built. He had the enthusiastic collaboration of White House counsel Harry McPherson Jr., and an invaluable plug from Jacqueline Kennedy, who “saved the undertaking of a farewell call on President John-son,” Moynihan recalls. Thereafter, he says, J ohnson “took Mrs. Kennedy’s wishes as something of a command.”

Moynihan was as much as he liked and admired Nat Owings, he did not care for Owings’s formidable first plan. It was a “terrible plan,” he now says, though he did not say so at the time. The young politician was perhaps a bit in awe of the elder Great Archi-tect—lots of people were. The firm that Owings had started in the 1930s—Owings & Merrill—was by then world-renowned.

How flawed was that first plan? Well, typical of its time, it called for massive demolitions—including the National Press Club building and the Willard and Washing-ton hotels. These were to be replaced by an impressively bloated National Square or by massive buildings all in a row.

Fortunately, time was not kind to this vi-sion. Thus the Pennsylvania Avenue Development Corp. and the Pennsylvania Avenue Development District were back by 1969—shockingly, to his lib-eral-Democrat colleagues—as top urban af-fairs adviser to Republican President Rich-ard Nixon.

Once again, Moynihan had lots to say about Pennsylvania Avenue. It is no coinci-dence that during Nixon’s first term the ave-nue plan was given real teeth in the 107th legis-lation creating the Pennsylvania Avenue Development Corp. And it was a very differ-ent, less destructive plan—much more in keeping with Moynihan’s original admonish-ment to be “lively, friendly and inviting.”

Nothing much got built during the ‘70s, but the PADC was quietly preparing the groundwork. By the time building got start- ed in the early ‘80s, Moynihan was back in town, this time as a senator from New York. Soon, he has been haranguing for the avenue—out front or behind the scenes, in large matters or small.

How large? The Reagan Federal Building and the Consolidated Trade Center—the big mixed-use federal building at Pennsylvania and 12th Street NW—is one of his enthusi-asms. With whom? Senator Edward M. Ken-ney, a Kennedy year old, with Moynihan’s Labor Department office in the Fed-eral Triangle had looked out on parking lot of “surpassing ugliness.” He never forgot, and that lot is where the Reagan Building stands.

How small? Moynihan never forgot, either, that the Ariel Rios Building, at 13th Street, had been left in place when work on the Federal Triangle ceased; its brick sidewalk was left exposed “just like an amputated limb,” of J. Carter Brown, chairman of the federal Commission of Fine Arts. Moynihan, Brown believes, was the “eminence grise who was able to shake the General Services Administration by the la-pels and get that thing finished.”

But if in one way or another Moynihan had a hand in practically everything that was built on this crucial stretch of Pennsylvania Avenue, he also worked for Washington in other ways. He helped might-yly to preserve and find new uses for three of Washington’s stabilable historic struc-tures—the Old Patent Office (now housing two Smithsonian museums), the Old Post Of-fice (a mixed-use building because of a law Moynihan passed) and the Old Pen-na-nsion Building (now the National Building Museum).

I just about single-handedly did Moynihan arrange for the construction of the distin-guished U.S. Judiciary Building next to Union Station. He was a crucial negotiator in the New York and Washington each get a share of the National Museum of the American Indian. Moynihan fought to get cars off Frederick Law Olmsted’s Central Park. Moynihan continues to wage an enlightened campaign for reason-ability about security in federal buildings. The list could go on.

Of course, it is simply Washington that has benefited. As might be expected, M oy-mihan’s own state has profited immensely as well.

The new Penn Station—a complex, ongoing project involving federal, state and city bu-reaucracies and private enterprise—is just the latest, grandest example. There’s much talk of calling it “Moynihan Station” because he was its “guiding light and soul,” says chief architect David Childs.

Nor is it just Washington and New York. It is the nation. Two examples of many: The Intermodal Surface Transportation and Effi-ciency Act of 1991 and its successor, the Transportation Equity Act for the 21st Cen-tury ("Ice Tea" and "Tea 21" for short), are Moynihan bills through and through and through. By encouraging mass transit and loosening the ties that strangle the nation’s transportation policy, these laws do the country an esti-mable service.

And then there are his “Guiding Principles of Federal Architecture.” They are straight-forward and smart: There should be no offi-cial style; the architecture should embody the “finest contemporary American archi-tectural thought.” Regional characteristics should be kept in mind. Sites should be se-lected with care. Landscape architecture also is important.

The principles take us back to that com-mittee report of 38 years ago. Nobody asked for a Pennsylvania Avenue plan and no one asked for architectural guidelines. Moynihan simply invented them and attached them to the report, and they have functioned as a beacon for high-quality federal architecture ever since.

Moynihan’s act is almost impossible to fol-low. In the phrase of Rep. Earl Blumenauer (D-Oregon), a top urban democrat, Moynihan pos sesses “a bundle of qualities” sel-dom found in a single politician: a good eye, a first-rate mind, a passion for the subject, lots of power, long experience, a certain flamboyance, a canny sense of timing.

Nor is there likely to be another politician alive whose favorite quotation is Thomas Jefferson’s statement: “Design activity and political thought are indivisible.”

Mr. CONRAD. Mr. President, today, I wish to pay tribute to the very distin-guished Senator from New York, who will be retiring at the end of this Congres-sional session.

Senator MOYNIHAN, as his recent bi-ography makes clear, has been an in-telectual giant in the Senate and throughout his service to our nation. The breadth of his interests—and his knowledge—is extraordinary. From questions about the architecture and urban development of Washington, D.C., to the problems created by single par-ent families to the workings of the International Labor Organization, Senator MOYNIHAN has demonstrated his thorough knowledge and designed policy answers. I don’t think there’s a Senator who hasn’t learned something from Senator MOYNIHAN’s vast stock of personal experience, un-derstanding of history, and ability to draw parallels between seemingly unre-lated topics to enlighten our under-standing of both.

I have had the particular pleasure of serving with Senator MOYNIHAN on the Senate Committee on Finance. As Chairman and as ranking member of the Finance Committee, Senator MOYNIHAN has been a true leader. Starting in 1993, when I took Senator Bentsen’s seat on the Committee and Senator MOYNIHAN claimed his chairmanship, Senator MOYNIHAN successfully guid-ed the 1993 economic plan through the committee and the Senate. That budget, which I was proud to help shape and support, laid the foundation for our current record economic expansion. That same year, we worked together to expose the shortcomings of the North American Free Trade Agreement.

After Republicans took control of the Senate in the 1994 election, Senator MOYNIHAN was a fierce critic of their excessive budget proposals. We joined in opposing shortsighted proposals to have Medicare “wither on the vine,” turn Medicaid into a block grant, and destroy welfare rather than reforming it. Senator MOYNIHAN was, as always, personally passionate about the dire straits of teaching hospitals, warning that the plan to slash spending for Medicare’s graduate medical education would threaten medical research in this coun-try—a fear that has proved well-founded as teaching hospitals have struggled to survive the much smaller changes enacted as part of the compromise Bal-anced Budget Act that emerged in 1997. The Finance Committee—and the Senate—will not be the same without him. Who else will be able to gently tutor witnesses on the importance of the grain trade in upstate New York in the early nineteenth century to a cur-rent debate about health care policy? Who else will call for the Boskin and Secrecy Commissions of the future? And who else will be able to open his collea-gues on the inequitable distribution of federal spending and taxation among the various states?

Mr. President, I will miss PAT MOYNIHAN. But I have no doubt that he will continue to be part of the debate as Senator MOYNIHAN retires to his beloved farm in upstate New York, I join my colleagues in looking forward to more and more insightful treaties on new and complicated policy issues.

RETIREEMENT OF SENATOR J. ROBERT KERREY

Mr. LEVIN. Mr. President, when the Senate adjoins Senator Bob Kerrey will be retiring from the Senate.

Bob Kerrey served his beloved state of Nebraska as a highly popular and successful governor from 1982 to 1987. As governor, he was widely credited for his efforts to improve the state’s health care and for educational and welfare reform. In 1988, he was elected to the Senate. But, Bob Kerrey established himself as a man of great courage and intellect long
before he was elected governor or entered the U.S. Senate. He was an American hero long before he became a Senate hero. Now he’s both. Time and time again, he earned his reputation as one of the most courageous members of this body, again and again, voting on tough issues around—from entitlements to health care, and speaking his mind no matter what. He took on sacred cows where others feared to act. He did so with tremendous dash and daring, with a wonderful youthfulness and enthusiasm. He voted against amending the First Amendment of our Constitution relative to flag burning, for instance, have been speeches which I have often used as a resource back home to prove that the most courageous among us—those that have put their lives on the line for this country—also believe in its Constitution with great passion and believe we must not reduce its protections of our freedoms in response to the behavior of a few misguided or extreme individuals. As a member of the Senate Finance Committee and the Senate Agriculture Committee, Bob has earned a reputation as a proponent of tax reform, Medicare and Social Security reform, and a tireless advocate for the nation’s farmers.

The Senate will sorely miss Senator Bob Kerrey’s wise and experienced voice on national security matters. And, I will deeply miss his presence, although we will see that his new role at the New School University will not keep him from weighing in on public policy issues that so need his special touch.

I have often thought, only half in jest, that Senator Kerrey should be awarded a second Congressional Medal of Honor for his many brave stands in the Senate to match the one he won in war. It has truly been a privilege to serve with Bob Kerrey and I will miss the moral purpose he has brought to so many causes.

Mr. Conrad. Mr. President, I rise today to pay tribute to my good friend Senator Bob Kerrey. I have mixed emotions knowing that the United States Senate, the State of Nebraska, and the nation are losing a valued public servant at a time when we can ill afford to lose a person of such great talent. I am saddened thinking about the loss of his valued presence in this chamber. But I recognize that my friend is leaving by his own choice to take on the challenges of a new adventure as president of the New School University of New York City. New challenges and new accomplishments are about to be added to his already legendary list of achievements that include Medal of Honor recipient, entrepreneur, governor, and Senator. I smile as I think about the good company my colleague has been at the Senate. As a Senator from an Agriculture state, I always felt as if the hearing room brightened up a notch when Senator Kerrey entered the room. I appreciated greatly the fact that we never failed to share a few light moments together, even as we worked to help the farmers and ranchers we represent. His collegial approach crossed the aisle, too. Senator Kerrey moved landmark agricultural legislation to passage with hard work and the will of all the Senate’s colleagues on both sides of the aisle, as he did this session with the crop insurance reform bill.

We also served together on the Senate Finance Committee, where Senator Conrad has been an absolute bulldog on the issue of entitlement reform. Senator Kerrey headed up the bipartisan entitlement commission and served on the Medicare Commission. He was a particularly active participant in the centrist coalition, which worked to find common ground on budget issues during the partisan stalemate in 1995 and 1996—an effort that helped produce the 1997 Balanced Budget Act. On these very difficult issues, Senator Kerrey has always been willing to make sense for the long term even when these policies carry a high political price in the short term. He was a leader in insisting that the Senate version of the Balanced Budget Act contain long term Medicare reform as well as short term fixes. Yet throughout these discussions, Senator Kerrey has also been a strong defender of the most vulnerable among us—from children in low income families struggling to get by with cash assistance, food stamps and Medicaid care, to those who depend on adequate Medicare reimbursement to maintain health care in their local community.

All of us will miss his keen intellect, his insight and his candor. We will miss his terrific sense of humor. We will miss his positive attitude. We will miss the unflappable perspective he brings to every discussion. We will miss his integrity and his courage. But most of all, we will miss the boundless enthusiasm and commitment to public service. There is no question the Senate will soon be made poorer by his departure, and there is no doubt Senator Kerrey will make the university community he now joins richer by brining these wonderful attributes to his new position.

We thank you Senator Kerrey for your service to the United States Senate.

And I thank you for your friendship. I look forward to your continued leadership in public service. I rise today to pay tribute to Senator Robert Kerrey of Nebraska. As Undersecretary, then Secretary of Navy for over five years during the war in Vietnam, I learned first hand the courage and sacrifice of the men and women of the armed forces who served our Nation. Lieutenant, USN, Bob Kerrey earned our nation’s highest recognition for his valor and unwavering leadership during that conflict. Those same extraordinary personal attributes Bob Kerrey brought to the Senate.

Serving with Bob is a reward all Senators will cherish. Though the challenges of education will be his next call to duty, I predict he will someday soon be back in public office. Enjoy this respite, my friend, but harken to the bugle-cry in years to come for another career to strengthen our nation with your “brand” of leadership. We are grateful for our floor debates, our trips abroad to visit our troops, our moments of levity as two old bachelors. As we sailors say, “well done sir”!

RETIREEMENT OF SENATOR SLADE GORTON

Mr. Levin. Mr. President, as this session of Congress ends, Senator Slade Gorton of Washington will leave the Senate. Senator Gorton has long been a leader among the Republicans and a thoughtful voice in the Senate. Senator Gorton, a hard-worker, has served not only on the Senate Appropriations Committee, where he chairs the Interior Appropriations Subcommittee, but on the Budget Committee, the Commerce, Science and Transportation Committee, the Energy and Natural Resources Committee, and the Indian Affairs Committee. He has carried an impressive workload.

In addition, Slade Gorton, a former Attorney General in the State of Washington, earned a reputation as a tough proponent of fighting violent crime, particularly international terrorism. While proud of his conservative credentials, Slade Gorton was often willing to reach across the aisle to work with Democrats on issues like consumer affairs and an increase in the minimum wage.

I admired Slade Gorton’s work along with Senator Joe Lieberman to fashion a sensible, balanced and expeditious way to consider the impeachment resolution sent to the Senate by the House of Representatives in 1998. While the plan was ultimately not adopted by the Senate, the careful and judicious way they crafted it reflected Slade’s commitment to the dignity of the United States Senate. As this year winds to an end, I know that I am joined by my colleagues in the Senate in wishing Slade Gorton and his wife, Sally, their three children and seven grandchildren, the very best in the years ahead.

Mr. Conrad. Mr. President, I rise today to add my voice to those paying tribute to Senator Slade Gorton upon his departure from the Senate. I have had the privilege of serving with Senator Gorton on the Senate Budget Committee for the past eight years. During this time, Senator Gorton shall miss our vigorous debates. I have respected the principles he believes in: a stable economy and a balanced budget. He has made a significant contribution to bringing fiscal discipline to our nation. As part of that effort, in 1996 Senator Gorton and I, as part of the Centrist Coalition, worked with the other senators to forge a compromise budget resolution that balanced fiscal responsibility with our nation’s discretionary spending needs.
The Retirement of Senator Frank Launtenberg

Mr. THURMOND. Mr. President, I rise today to pay tribute to a fine individual and distinguished colleague upon his retirement. At the close of the 106th Congress, Senator Frank Launtenberg will step down from his position as a United States Senator after 18 years of dutiful service to the people of New Jersey and the citizens of the United States of America.

Senator Launtenberg has truly lived the American Dream. The son of immigrants, Senator Launtenberg, was born in the hard working town of Paterson, New Jersey in 1924. During his childhood he endured some twelve times in search of employment, and his father spent a majority of his time working in the Paterson silk mills.

After his high school graduation, Senator Launtenberg answered his country’s call to duty when he enlisted and served in the Army Signal Corps in Europe during World War II. Following his military service, he enrolled in Columbia University on the G.I. Bill, and graduated with a degree in economics in 1946.

Senator Launtenberg then began a very successful business career. He and two of his childhood friends founded Automatic Data Processing (ADP). ADP, a payroll services company, developed computer service companies in the world.

Frank Launtenberg worked very hard to achieve success in the business world. Many individuals would have simply stepped away to a more relaxing and slow paced life, but not Senator Launtenberg. Throughout his tenure, Frank Launtenberg has exhibited the characteristics of patriotism, hard work, and service to others that define great Americans.

In 1982, he decided to begin a new career in public service, and for the past 18 years he has represented the people of New Jersey in the United States Senate. Senator Launtenberg wanted to give back to the state and Nation that has given him the opportunity to rise to such great heights, and he has worked diligently to make America a better country for her citizens and future generations.

It has been a pleasure working alongside Senator Launtenberg, especially on such issues as reducing alcohol abuse. We shall miss him in the Senate chamber, and I wish Senator Frank Launtenberg and his entire family health, happiness, and continued success.

Mr. LEAHY. Mr. President, one of the greatest pleasures of being a Senator is working with fellow members like Frank Launtenberg. Few Senators have brought more dedication and experience to their service in this body. I will never forget how excited my father was to meet Senator Launtenberg when he first came here almost 18 years ago. My father of proud Irish decent followed Frank’s first campaign. What made Senator Launtenberg’s argument so effective was not just the ideas he possessed but the way he delivered them. He has a rhetorical force that I have always admired, and I think that this ability to marry sound ideas with effective speech-making is what makes him such a stellar member.

Of course, Senator Launtenberg has a number of legislative accomplishments. He helped make our democracy more transparent, opposing confusing smoke and mirrors as a Chairman and Ranking Member of the Senate Budget Committee. He promoted international justice by fervently urging the prosecution of war criminals. Senator Launtenberg understood that reconciliation and economic growth could not come until these perpetrators are held responsible and punished for their actions. At home, Senator Launtenberg laid the foundation for our strong economic growth of the last decade. Amtrak and commercial aviation had no greater friend than Senator Launtenberg, who confidently chaired the Senate Appropriations Subcommittee on Transportation. And he has improved the public’s health, encouraging restrictions on tobacco use and ensuring the cleanup of hazardous waste sites.

In his 18 years here, Senator Launtenberg had an impact on U.S. troops to Kosovo. A veteran of the European theater in World War II and the builder of a data processing empire, Senator Launtenberg understood that democratic stability could not be achieved by through military means and patient investment in peace.

What made Senator Launtenberg’s argument so effective was not just the ideas he possessed but the way he delivered them. He has a rhetorical force that I have always admired, and I think that this ability to marry sound ideas with effective speech-making is what makes him such a stellar member.

Of course, Senator Launtenberg is first and foremost a good friend.
I have served on the Senate Budget Committee with Frank Lautenberg since 1987; he became Ranking Member of the Committee in 1997. Senator Lautenberg played a key role in the 1997 negotiations on the bipartisan Balanced Budget Act, which compiled the work of balancing the federal budget. That legislation provided important resources for education and health care, while cutting taxes for millions of Americans.

Senator Lautenberg has also been a good friend to the environment, serving as the top Democrat on the Environmental and Public Works Committee's Subcommittee on Superfund. Throughout his time in the Senate, Senator Lautenberg has fought to improve the Superfund program, and has worked for legislation preventing pollution, and ensuring clear water and clean air.

Senator Lautenberg's accomplishments in the area of transportation are impressive. Mr. President, he serves as the top Democrat on the Appropriations Committee's Subcommittee on Transportation. Senator Lautenberg authored laws establishing the legal drinking age at 21, and was successful just this year in encouraging states to reduce legal blood-alcohol limits to .08. He worked successfully to ban smoking on airplanes, and has championed funding for Amtrak and mass transit.

Senator Lautenberg has also worked for health care, including tobacco policy issues. He is a nationally recognized leader in the fight to protect our young people from the health consequences of cigarettes. In 1997, I was extremely fortunate that Senator Lautenberg was chosen to co-chair the Senate Democratic Task Force on Tobacco. Senator Lautenberg was a particularly strong proponent of provisions on second-hand smoke and the so-called "look-back" enforcement mechanism to reduce youth smoking.

Frank Lautenberg's dedication and expertise on many issues will be missed greatly in the United States Senate, even as New Jersey natives welcome him home. I will miss my good friend and colleague.

RETIREE OF SENATOR WILLIAM ROTH

Mr. LEVIN. Mr. President, I want to join my colleagues in bidding good wishes and God speed to Senator William Roth, the distinguished senior senator of Delaware. I have served with Senator Roth for most of my career on the Governmental Affairs Committee. For a significant period of that time, Senator Roth chaired that committee and its Permanent Subcommittee on Investigations.

Senator Roth proved an able and dedicated leader in government reform, guiding our committee through oversight hearings and investigations into how our Federal programs were or were not working. He also spearheaded a number of key efforts—many of which were successful—to change our laws to reduce opportunities for waste, fraud and abuse.

When I sat in my seat on the dais of the Governmental Affairs Committee, I often marveled at Senator Roth's passion and convincingly for the enhancement of the M and management responsibilities, in OMB, the Office of Management and Budget. As much as anyone in this body, Senator Roth truly cared about the efficiency and effectiveness of government programs. He has my deep respect and the gratitude of all of us for his efforts in this area.

In addition, Senator Roth distinguished himself as a gentleman in a chamber that has sometimes lost its gentlemanly manner. Senator Roth could be tough, there's no doubt about that, on issues about which he cared, as well as he should be, but he was always civil.

We will miss his gentlemanly ways and his guiding hand on the important but not-always-so-visible issues of government management. I wish him well and hope he enjoys an active but less hectic life which he so clearly deserves.

Mr. WARNER. Mr. President, I rise to pay tribute to a man I have worked with my entire Senate career: Senator Bill Roth. He is a true friend and gentleman, as well as a superb legislator whose contributions to the nation are many.

Senator Roth will likely be best remembered as the co-author of the famous Kemp-Roth tax cuts, initiated during President Reagan's tenure and for the Roth IRAs which have made it possible for millions around the country to invest taxable income that can be withdrawn tax-free in their retirement.

Senator Roth has represented Delaware for 29 years, making him the longest senator in our "First State's" storied history.

Senator Roth is a decorated veteran of World War II, and began his Congressional service in 1966. He has served his country for almost 40 years. We all are indebted to him for his remarkable service.

I wish Senator Roth and his wife, Jane, well and hope that they will cherish the years to come in the same way they have those that have past.

Bill Roth's gentlemanly nature, his quietness and his humility were his hallmarks and strength.

Mr. CONRAD. Mr. President, when this Congress finishes its work it will also mark the end of a particularly distinguished 30-year career in this body. I rise to pay tribute to my chairman on the Finance Committee and my friend, Bill Roth.

No Senator could hope to serve under a more thoughtful and considerate member of the Republican leadership as Republican Conference Chairman, and he and I often disagree on the issues before the Senate, it has always been a pleasure to deal with him. Always an

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I wish Senator Roth and his wife, Jane, well and hope that they will cherish the years to come in the same way they have those that have past.

Bill Roth's gentlemanly nature, his quietness and his humility were his hallmarks and strength.

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able advocate for his point of view, he is a willing listener, open to compromise and when an opponent, always gracious, reasonable and fair.

CONNIE MACK has made a name for himself in the Senate on public housing and health care issues, particularly his efforts to make FDA-approved drugs available for other uses, especially in the fight against cancer. He and his wife, Priscilla, both cancer survivors, have been inspirational in their dedication to the message to all Americans that early detection of cancer is a life-saver.

CONNIE MACK and I have shared a special bond, one of those inside jokes which create strong personal ties. Whenever I hear of someone making a great speech, I shall smile inwardly, think of CONNIE and miss his warm smile and the kind word he has for all of his Senate colleagues. I hope that in the years ahead, CONNIE and Priscilla will visit often.

Mr. CONRAD. Mr. President, I want to pay a tribute to my friend and colleague from the State of Florida who has decided to leave the Senate after a distinguished career. In particular, it has been my pleasure to work with Senator MACK during that time on a number of important issues.

He has always been willing to reach across the aisle when bipartisanship is called for. The operation can make the difference. As colleagues on the Finance Committee, we have cosponsored each other’s bills on such varied subjects as benefits for retired coal miners, fairer treatment of consumers. Senator MACK has been a generous, thoughtful, and constructive member of our committee, and we will miss his presence there every much.

Year in and year out, I am constantly impressed with the energy, intelligence, and commitment that CONNIE MACK brings to the challenging job of representing such a large and diverse State. I have been privileged to have the benefit of his effective advocacy for their concerns.

I am confident that a man with public policy interests over as wide a range as CONNIE has shown during his tenure in the body is still going to be checking in with his old friends in the Senate to let us know what he’s thinking. I hope we will see him often in the coming years.

I am happy to join my colleagues in wishing the best for CONNIE and Priscilla as they move on to the next chapter in their lives.

Mr. WARNER. Mr. President, I rise today to pay tribute to Senator CONNIE MACK of Florida. There are many ways to discern the character of a Senator. CONNIE MACK has made his mark with strong leadership coupled with an unusual quality of gentleness. A true gentleman of the Senate, Senatorial courtesy was his hallmark. He loved this institution; it loved him.

One unique, but subtle mannerism reveals the inner security of this great man—how he handled the gavel. The gavel is that symbol of authority so coveted by all Senators. As we all know, a gavel consists of two parts: the relatively small handle to hold, and the large hammer-like head to strike the blow. Senate Chairmen love the sharp “bang” connoting authority and decision.

Senator MACK is the only Senator, the only Chairman, whom I have observed in my 22 years of service who simply used the hammer head for the grip, and the handle for the strike by gently tapping the end of the handle.

“May we have order, please.” Immediately following was always quiet acceptance. This symbolized to me how this elegant man commanded the great respect of all in the Senate. As with the gavel, his voice was always firm, and always with the soft tone of confidence. We wish him well, together with his wife and family, as they accept life’s next challenge.

RETIREMENT OF SENATOR RICHARD BRYAN

Mr. THURMOND. Mr. President, I rise today to recognize the selfless and noteworthy service of our esteemed colleague from Nevada, Senator RICHARD BRYAN. At the close of the 106th Congress, Senator BRYAN will retire from public service, and will end the final chapter in a most glorious and dedicated career as a servant of the people.

Even at an early age, RICHARD BRYAN displayed the leadership, sense of caring, and charisma that make for a successful public servant. Throughout his education he served as the president of many of his classes, including as the student body president his senior year at the University of Nevada-Reno.

After graduating, Senator BRYAN was commissioned a Second Lieutenant in the United States Army and served his country on active duty from 1959 to 1960. He then entered the University of California, Hastings College of Law, and graduated with honors in 1963.

Senator BRYAN returned home to Nevada and began a career in public service that would, to the benefit of the citizens of Nevada, span more than three decades. From 1964 to 1978, he served as a Deputy District Attorney, a Public Defender, a State Assemblyman, and a State Senator. In 1978, Senator BRYAN won his first state wide election when the people elected him Attorney General. Four years later RICHARD BRYAN became Nevada’s 28th Governor. After two terms as Governor, in 1988, he won election to the United States Senate. Richard BRYAN is the only Nevadan to have served as the state’s Attorney General, Governor, and United States Senator.

Clearly, Senator RICHARD BRYAN has always kept in mind the best interests of the people of Nevada and they have consistently asked him to represent these concerns. Additionally, over the last twelve years, Senator BRYAN has become one of the Nation’s leading consumer advocates. His deep concern for the consumer was evident by his successful campaign to require the installation of passenger side air bags in all cars sold in the United States.

Many lives have been saved because of Senator BRYAN’s promotion of this legislation.

It has been a pleasure getting to know Senator RICHARD BRYAN these past twelve years, and I wish him, and his wife, the best of luck in the future. I know they will enjoy all the benefits of retirement, especially the opportunity to spend more time with their family.

Mr. CONRAD. Mr. President, I would like to recognize the leadership and accomplishments of an esteemed colleague who will be retiring at the end of this term. Senator RICHARD BRYAN has served in the Congress as a representative of Nevada for more than a decade. During his tenure, he has been a tireless advocate of a wide range of legislative reform activities.

Throughout his career, Senator BRYAN has fought for improving natural resources, enhancing the quality of the nation’s classrooms, and protecting privacy on the Internet. Senator BRYAN has also been nationally recognized for his efforts on behalf of consumers.

As the former Chairman of the Senate Consumer Affair Subcommittee, Senator BRYAN was responsible for enacting laws to give consumers new powers to correct errors found on their credit reports and led the fight against telemarketing fraud. Perhaps most notably, DICK BRYAN was a champion of 1993 legislation that required air bags be installed in every new car sold in the U.S. These are important accomplishments that benefit consumers across the nation.

As colleagues on the Finance Committee, we have fought to address the challenges facing Social Security and Medicare. Just this year, we worked closely to develop a proposal to provide prescription drug coverage for all Medicare beneficiaries. I am proud to say that this proposal would provide much needed drug coverage to millions of seniors citizens and disabled individuals.

I have also had the opportunity to work with Senator BRYAN to address a very important priority for the nation—balancing the federal budget. We enjoy federal budget surpluses today because of the efforts of members like Senator BRYAN who supported measures to cut government waste and get our fiscal house in order.

For these and many other reasons, I have been honored to serve with DICK BRYAN. I would like to join my colleagues in wishing Senator BRYAN and his family the best of luck in the future and in paying tribute to DICK BRYAN’s lifelong commitment to public service. I wish him well.
SENATOR CHARLES S. ROBB

Mrs. BOXER. Mr. President, today I wish to pay tribute to my colleague from Virginia, Senator Chuck Robb, who will leave the Senate in January after 12 years of exemplary service to his state as a member of this body.

As others have noted, Chuck Robb has distinguished himself in public service. He served his country for 34 years in the Marine Corps and reserves, and he is a highly decorated combat veteran. He was a widely popular governor of Virginia, who increased the state's education budget by $1 billion, and appointed many women and minorities to top government jobs. And he has now served two terms as a United States Senator, where he has been praised for his leadership on national security, education, and the budget.

But I would like to note several aspects of Chuck Robb's Senate tenure that may not be quite as familiar, but for which I will always remember him and be grateful to him. The fact is that may not be quite as familiar, but for which I will always remember him.

The President is the Commander in Chief of the Armed Services, and he sets the goals. And then in service.

Mr. President, I thank the chair. I submit to you that it five basic virtues: Devotion to duty; loyalty to country, commanders, and comrades; skill in military arts; personal integrity; and courage. If you have the first four, you are an excellent soldier, whether your name of Manursky or Jefferson, Goldberg or Nguyen, Warner, Dole, Kerry, or.

A number of Americans who have these qualities, however, are being excluded from serving their country in the military for reasons beyond their control.

People have told me for some time that they cannot understand how someone who thinks of himself as a gung-ho marine can search to the music of a drummer that I do not hear.

Mr. President, the drummer I hear plays the Marine Corps Hymn. It still gives me a chill, and I still stand when it is played. I certainly do not want to detract in any way from the military's effectiveness or performance. Because of that, I cannot stand by and let a policy that I consider less than perfect keep our services from attracting the best and most competent people. The issue should not be about what kind of people are in but what kind of soldier, sailor, airman, or marine you are.

As a former marine who considers his 34 plus years in uniform and in the reserve to be the proudest affiliation of my life, I well understand those who argue the importance of maintaining morale and good discipline in the ranks.

Do some of today's soldiers fear what they do not understand? Certainly, they do. Obviously, but should America's policy be guided by fear, or should we be working to overcome prejudice by showing that merit and behavior, not orientations, are what counts in the military?

I have spent a great deal of time discussing this with a number of friends, including the Chairman of the Joint Chiefs, Gen. Colin Powell. I am simply on the wrong side of this issue, and I understand this and other objections to the proposal.

General Powell recently drew a difference between discrimination based on sexuality, which he called a behavior, and that based on race, which he called a benign characteristic. But I submit to you that race is obvious, until and unless it is expressed in conduct. And if that sexuality is expressed, it has no longer barrier. Then it will run into the existing regulations of the Uniform Code of Military Justice.

The code offers sufficient protections against much of the conduct that supporters of this amendment fear. And it can certainly be expanded to prevent breaches of decorum or good order.

The specter of drill sergeants dancing to the music of a drummer that I do not hear is unsettling, to say the least, Mr. President. But some of the amendment's supporters fail to note it is just the kind of behavior already prohibited by the Uniform Code, as is any conduct perceived as a concern by those who are in favor of this particular amendment.

The President is the Commander-in-Chief of the Armed Services. In order to meet the goals. Just as many military men were given the goal of ejecting Iraqi forces from Kuwait, and led the plan and implemented that goal, I believe that the military should also be cast with making the President's goal a reality.

As a former military commander, I can tell you that if a goal of truly equal access to military service is to be reached, I believe that the military itself will have to come to terms with it.

That will best be done if given the proper role of implementing the President's directive. Hearing announced actually last year by the distinguished chairman of the Armed Services Committee will add information and understanding to that process and further assure us that the important role of ensuring that readiness is maintained while achieving the President's goal. But I ask we not let fear govern our actions. While we may not perfectly understand what motivates individual sexual identity, we cannot allow that lack of understanding to block desiring patriotic Americans from service.

Mr. CONRAD. Mr. President, I rise today to pay tribute to Chuck Robb, a friend and colleague whom I deeply admire. Throughout our service together in the U.S. Senate, I have observed Senator Robb's unswerving commitment to the principle. Chuck Robb served his country courageously in Vietnam, and he served the Commonwealth of Virginia just as courageously in the U.S. Senate. Time and again, he voted his conscience, despite what the contrary. Senator Robb let principle, not politics, be his guide during his service in the body. His conduct should give every American faith that legislators can conduct themselves in a way that does honor to our democracy.

Senator Robb opposed the flag desecration constitutional amendment, opposed the Defense of Marriage Act, and supported spending cuts while opposing the politically popular tax cuts. He did so, I thought, what was in the interest of Virginians and the nation, and I thank him for that. The Senate is a better place for Senator Robb's service, and I join my colleagues in wishing him and his family all the best as he moves on to new endeavors.

Mr. CONRAD. Mr. President, I would like to recognize the leadership and accomplishments of a respected colleague who will be departing at the end of this term. Senator Chuck Robb has served in the Senate as a representative of more Virginians than any other member during his tenure, he has been a strong advocate for a wide range of important legislative reform activities.

During his time in the Senate, Senator Robb has fought to strengthen national security, maintain fiscal responsibility, and protect the environment. He has also been widely recognized for his long-standing commitment to improving education.

As a former Governor of Virginia, Senator Robb was instrumental in increasing resources for schools. Building on these efforts, he spearheaded efforts to help states and localities build and

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renovate schools, promoted legislation to put 100,000 new teachers in the classroom, fought for school safety initiatives, and championed measures to wire schools to the Internet. These are important efforts that have benefited children and teachers across the nation.

As colleagues on the Finance Committee, we have fought to address the challenges facing Social Security and Medicare. Just this year, we worked closely to develop a proposal to provide prescription drug coverage for all Medicare beneficiaries. I am proud to say that this proposal would provide much needed drug coverage to millions of seniors citizens and disabled individuals.

I would also like to note that I am proud to have worked with a colleague with such a distinguished military background. Senator Robb served our nation for more than 34 years, during which time he received national honors for his leadership and commitment to serving our nation.

For these and many other reasons, I have been honored to serve with Senator John Ashcroft. I would like to join my colleagues in wishing him and his family all the best in the future.

RETIREMENT OF SENATOR JOHN ASHCROFT

Mr. LEVIN. Mr. President, as we conclude the 107th Congress, we will be saying goodbye to our colleague and friend, Senator John Ashcroft of Missouri.

A former two-term Governor, John Ashcroft has earned a reputation in the Senate for his principled pursuit of conservative issues. He is also recognized as a strong proponent of the wide use of the internet by federal agencies as a way to make the government more responsive and accountable. As a leader in the term limits movement, he carried out the innovative online petition drive.

Senator Ashcroft served on the Senate Foreign Relations Committee, as well as the Commerce and Judiciary Committees. He established himself as a leader among Republicans on a range of issues from term limits to tax reform and welfare reform. While in many instances I have found myself on the opposite side of issues from John, I have always respected his intellect, his integrity, his principled positions and his ability to disagree without being disagreeable.

Since 1995, John Ashcroft and I have co-chaired the Senate Auto Caucus. In this capacity, we have worked together to provide Senators with up to date information on issues affecting the automotive industry and its employees. Through the Auto Caucus we organized informational briefings to give Senators and their staff an opportunity to better understand the auto industry's remarkable progress as well as the challenges it faces. The Caucus provides a forum for Senators to exchange ideas on issues affecting the industry such as transportation, environment, trade, technology and health care.

Working together with Senator Ashcroft's, we were able to increase membership in the Auto Caucus from six Senators to twenty-eight. The Auto Caucus played a leadership role in pressing the Administration to negotiate market opening trade agreements with Japan and Korea in the automotive sector and continues to weigh in on and monitor those agreements. In coordination with meetings between Senators and Automotive CEOs, provides timely briefings on US-Japan and US-Korea automotive trade negotiations, and encourages the Administration to fight to open markets to US vehicles and auto parts.

Last year, Senator Ashcroft and I worked together to urge the National Highway Traffic Safety Administration to use an unbelted 25 mph barrier test instead of a 30 mph test to design air bags that will help better protect children, teenagers and small adults. Our work on this very complicated and controversial issue brought the Administration and Auto industry together to reach a result that will increase automobile safety.

We also worked together to continue the moratorium on unfair and ineffective increases in Corporate Average Fuel Economy standards and worked toward a compromise in the Senate to ensure that a National Academy of Sciences study of the effectiveness and impacts of CAFE standards will include the effects of those standards on motor vehicle safety as well as discriminatory impacts of those standards on the U.S. auto industry.

Also, we have worked together in the past to ensure that environmental regulations recognize and reinforce the voluntary environmental improvements and technological achievements of the automobile sector.

Not only will John's contributions be missed in debate on the Senate floor, but his voice will be sorely missed, I suspect, by the "Singing Senators," the wonderful quartet in which he has joined with Senators Lott, Craig and Jeffords. My wife and family, join me in wishing the best in the years ahead for John, his loving wife (and co-author), Janet, and their family.

Mr. CONRAD. Mr. President, I rise today in agreement to Senator John Ashcroft as he prepares to leave the Senate.

For the past six years, Senator Ashcroft has done important work as a member of the Commerce, Judiciary, and Foreign Relations Committees in the United States Senate. For example, Senator Ashcroft has focused on reforming our nation's use of agricultural sanctions during foreign trade disputes. We share a common vision that we have used trade sanctions as a weapon in our disputes with other nations, and Senator Ashcroft has made a high priority of changing this policy. His work is important both domestically and internationally, and he can be proud of his contributions.

I also appreciate Senator Ashcroft's recent work with Senator Dorgan, Senator Bond, and me on the Dakota Water Resources Act. This legislation is critical for the people of the State of North Dakota, and I greatly appreciate the constructive role Senator Ashcroft played in representing the interests of his state. During discussions on this bill he was a tenacious advocate for his state's interests. His diligence in representing his state's interests, coupled with his willingness to gain an understanding of the water needs of my state, ultimately helped us reach a compromise acceptable to both states. The people of Missouri can be proud of his work fighting for their interests.

More generally, Senator Ashcroft has been a man of his word who served his state and his country with distinction. I join my colleagues on both sides of the aisle in wishing him well in his future endeavors.

Mr. WARNER. Mr. President, I rise to pay tribute to a colleague and friend who will be greatly missed by the United States Senate—Senator John Ashcroft.

Senator Ashcroft served Missouri and the nation with distinction.

In the Senate, he was a leader in passage of landmark welfare reform legislation, authoring the Charitable Choice provision. He fought for lower taxes, a strong national defense, greater local control of education, and enhanced law enforcement.

A popular, former two-term governor of his home state, John brought a real "can-do" sense of purpose to his work in the Senate. I have always felt that those who come to the Senate with experience as governor, have especially valuable experience that the entire nation benefits from.

This term is used throughout the 211 year history of the Senate called "Senatorial courtesy." John won the admiration of his colleagues in many ways, especially his caring tradition of writing wonderful personal notes—not by computer—but always taking time to write them by hand.

We wish you, your wife and family well as you take on your new challenges.

RETIREMENT OF SENATOR ROD GRAMS

Mr. LEVIN. Mr. President, as this session of Congress comes to an end, I want to speak about my friend and colleague from the State of Minnesota, Senator Rod Grams.

A former television news personality, Rod Grams, in his term in the House of Representatives and in the Senate, quickly established himself as a proponent of assistance to farmers and as an advocate for the establishment of a national nuclear waste repository.

As a member of the Senate Foreign Relations Committee, he has been an
opponent of international agricultural sanctions and a strong supporter of vigorous foreign trade. He supported IMF funding, trade with China and review of the U.S.-Cuba relationship.

He joined the bipartisan effort to enact strong brownfields cleanup legislation. Roy Gramps earned a reputation as a strong supporter of tax relief, favoring elimination of the marriage penalty and other tax cut proposals.

While Rod Gramps and I have disagreements on issues, I respect the commitment which he has brought to policy debate. Where we disagree, I found Roy Gramps to be a straight-talking and agreeable adversary. I wish him and his family well in the future.

Mr. Conrad. Mr. President, for the past six years, I have had the privilege of serving in the Senate with Rod Gramps, a colleague who has distinguished himself on a number of important issues including budget, tax policy, and agriculture. He has served Minnesota with distinction as a member of the Senate Foreign Relations Committee, the Senate Committee on Banking, Housing, and Urban Affairs, the Senate Budget Committee, and the Joint Economic Committee.

On a national level, Senator Gramps is perhaps best known for his “Families First” plan, first discussed as part of the 1994 Republican budget alternative. This plan included a $500 per-child tax credit, a recommendation that eventually became part of the 1997 Balanced Budget Act.

On a more parochial level, I have worked closely with Senator Gramps on issues affecting our farm communities, and in 1997 to help our states recover from the disastrous floods along the Red River Valley. Communities along the Red River were devastated by this 500 year flood which disrupted business and forced thousands of families from their homes.

Senator Gramps worked closely with delegations from North Dakota and South Dakota to make certain that the urgent needs of so many families and communities were met. He played an important role in ensuring bipartisan support and passage of the disaster relief legislation that was so critical for our states at that time. I know that many North Dakota families and businesses are very grateful for his support.

I extend my best wishes to Senator Gramps, and his family, and my appreciation for his support on critical agricultural, budget, and disaster issues that we have worked together on in committee and on the Senate floor together.

TRIBUTE TO SENATOR SPENCER ABRAHAM

Mr. Conrad. Mr. President, I rise today to pay tribute and recognize the accomplishments of a colleague, Senator Spencer Abraham from Michigan. Since joining the Senate in 1995, he has served with honesty, dedication, and integrity.

As members of the Budget Committee, I had the opportunity to work with Senator Abraham on a number of important issues. A fiscal conservative, Senator Abraham worked to balance the federal budget and cut government waste. He has been a champion of keeping our Social Security dollars locked away. This is an interest in which Senator Abraham and I share a keen interest.

Most recently, Senator Abraham was the lead sponsor of the American Competitiveness and 21st Century Act, legislation that will help ensure our nation’s continued growth and leadership in information technology (IT). The bill authorized visas for 195,000 high-tech professionals to work in the United States to meet the growing demand for skilled IT workers throughout our economy. During consideration of the bill, I was pleased to work with Senator Abraham and his staff to include in the legislation long-term initiatives designed to ensure that all of our agents are trained to fill critical IT positions in our Information Age economy.

During his time in the Senate, Senator Abraham also worked to curb unfunded mandates, stiffen sentences for sex offenders, and create stronger data privacy protections for consumers on the Internet. His work has been thoughtful and our nation is a better place because of his efforts.

Mr. President, it has been a pleasure to serve in the Senate with Spencer. I have the utmost respect for my friend and colleague from Michigan, and appreciate all of his contributions to the United States Senate and our nation. I would like to join with my colleagues in wishing the Senator and his family the best in the future.

Mr. Warner. Mr. President, I rise today to recognize the accomplishments of my colleague and friend, Senator Spencer Abraham from Michigan. Senator Abraham served his state in government in Washington, DC in 1990, when he had the honor of serving in President Bush’s Administration as Deputy Chief to Vice President Dan Quayle. In 1993, Senator Abraham returned to Michigan to run for the United States Senate seat vacated by Senator Don Riegle who was retiring. Senator Abraham won that Senate seat in 1994 and became the first Michigan Republican elected to the United States Senate in 40 years.

I have had the pleasure of working with Senator Abraham on a number of issues including high technology and immigration over the last six years. Not only is Senator Abraham a colleague of mine, Spence and his family are friends as well.

Spence Abraham is a dedicated public servant, and he has represented the state of Michigan well in the United States Senate. During the past six years, Senator Abraham took the lead in the Senate on high tech issues and immigration. He has been a strong supporter of tax cuts. Senator Abraham has also played a prominent role in trying to protect our Social Security Trust Fund—having fought hard for a Social Security Lock Box.

The Senate is going to miss Spencer Abraham’s leadership. And, those of us who know him well are going to miss his friendship in the Senate.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND ENGINEERING ESTABLISHMENT ACT

Mr. Lott. Mr. President, I ask unanimous consent that the Senate proceed to H.R. 1795, which is at the desk, having been received from the House in the name of the PRESIDENT OF THE UNITED STATES. The clerk will report the bill by title.

The legislative clerk reads as follows:

A bill (H.R. 1795) to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Bioengineering.

There being no objection, the Senate proceeded to consider the bill.

Mr. Kennedy. Mr. President, many of us have worked throughout this Congress to bring greater fairness to our immigration laws. The Legal Immigration Family Equity Act and its amendments are a constructive compromise worked out between members of both parties to address a number of the injustices in current law that have harshly affected many immigrant families. Included in the final legislative package are three provisions that will provide long overdue relief to valued members of our communities and their families.

First, the legislation includes the partial restoration of section 245(i) for individuals who are physically present in the United States by the date the legislation is enacted into law. Spouses, children, parents and siblings of permanent residents or U.S. citizens will now be able to adjust their status in the U.S. and avoid needless separation from their loved ones. Similarly, persons who benefit from employer-based petitions will also be helped by the restoration of section 245(i).

Second, this legislation will benefit many of the “late amnesty” class members who have been in legal limbo for close to 15 years. Their spouses and children will be able to remain in the United States until they become eligible for permanent residence.

Finally, this legislation provides desperately needed technical corrections that will benefit persons eligible for relief under the Nicaraguan Adjustment and Central American Relief Act and the Haitian Refugee Immigrant Fairness Act.

Because these provisions were developed outside the usual committee process, they are not accompanied by committee reports on the background and purpose of the provisions. Therefore, as the chairman and the ranking member of the Subcommittee on Immigration, Senator Abraham and I will be submitting a detailed memorandum explaining the provisions, which I ask unanimous consent be printed in the Record at the closing of my remarks.
Mr. KENNEDY. Our action today is a significant step in the right direction, but this legislation is far from perfect. Critical pieces are missing. We must continue to work for full parity for Central Americans, Haitians, and Liberians. It is unjust to treat refugees fleeing repression by left-wing dictators better than those fleeing repression by right-wing dictators. Congress must create a fair, uniform set of procedures for all of these refugees.

We also must continue to work for relief for permanent residents unfairly affected by the 1996 immigration law. The 1996 law contains some of the harshest provisions that Congress has enacted in many years. Their scope is sweeping. They hurt thousands of immigrants. They have taken immigrants away from their U.S. citizen families, without giving them even an opportunity to reunite with their families.

Next year, Congress must pass new legislation to correct the harsh provisions of these unfair laws.

It is also unfortunate that the legislation does not include far-reaching agreement on a comprehensive agricultural workers. Senator Graham, Congressman Berman, and many others worked skillfully to achieve this agreement. They proposed an excellent compromise that would have benefitted both the agricultural workers and the farmers.

These further reforms deserve high priority by the next Congress, and I look forward to working with my colleagues and with the administration of President-elect Bush to enact them into law.

The LIFE Act creates a new temporary "K" visa under which these spouses (and their children) can come to the United States and wait for their visa here, if their applications have been pending for more than three years. It also expands the criteria for "K" visas to include spouses and minor children of U.S. citizens. The purpose of the "K" visa is to provide a speedy mechanism by which family members may be reunited. We expect the Department of State and the INS to work together to modernize and to update the temporary nature of the visa that does not require potential beneficiaries to wait for months before their visas are approved.

Like the existing green card, the "K" visa is not intended to be a prerequisite for the admission of citizen spouses, but a speedy mechanism for the spouses and minor children of U.S. citizens to obtain their immigrant visas in the U.S., rather than wait for long periods of time outside the U.S.

Second, the LIFE Act sought to correct past administrative errors that resulted in the wrongful denial of adjustment of status to hundreds of thousands of persons who should have qualified for their applications recognition under the Immigration Reform and Control Act of 1986. It directs the Immigration and Naturalization Service (INS) to adjudicate the claims of individuals in two class action lawsuits on the merits, rather than continuing to litigate whether they were timely filed.

The LIFE Act Amendments make three significant additions to the provisions in the LIFE Act. First, they delete the LIFE Act's special mechanism for "V" and "K" visa holders to adjust to lawful permanent residence, and instead add a new provision modifying section 245(i), a mechanism by which anyone eligible for an immigrant visa and for whom a visa is currently available can adjust his or her status to that of lawful permanent residence in the U.S., rather than have to return abroad for consular processing. This mechanism was reauthorized in 1996, but only for individuals who were beneficiaries of immigrant visa petitions or labor certification applications filed by January 14, 1998.

The LIFE Act Amendments correct the LIFE Act. They also add a new requirement that for all beneficiaries whose application was filed after January 14, 1998, the principal beneficiary must be physically present in the U.S. on the date of enactment of the LIFE Act Amendments of 2000. The function of this last requirement is to make sure that the LIFE Act Amendments of 2000 (245(i)) does not operate to encourage anyone to violate our immigration laws. Accordingly, it should be interpreted with common sense.

It may be difficult for an individual physically present on the date of enactment of the LIFE Act Amendments of 2000 to prove the physical presence date by which such petitions or applications must be filed forward in time to April 30, 2001.

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Second, the legislation adds the members of a third class action suit, Zambrano v. INS, to the LIFE Act. The LIFE Act contains provisions concerning adjustment of status under the Immigration Reform and Control Act of 1986 (IRCA).

We note that persons eligible for adjustment pursuant to the combined LIFE provisions include everyone who has "filed with the Attorney General a written claim of class membership", that is all registered class members, not only those who have been issued employment authorization pursuant to a screening that did not reliably distinguish between potentially meritorious and non-meritorious applications.

We understand that several other class action lawsuits are still pending in the federal courts. We have been informed that a class of about 200 identified plaintiffs in Zambrano challenged the same regulation whose illegality the INS has conceded in Zambrano. We would encourage the Attorney General to provide a just resolution for the Zambrano class members in light of the legislation enacted today.

We believe that we have come to the attention, such as Proyecto San Pablo v. INS, and Immigrant Assistance Project v. INS, are in a different posture from those addressed by the LIFE Act and these amendments, in that they do not involve regulations that INS has conceded were illegal. At the same time, however, it is now almost 2001, that is, almost 15 years after the enactment of IRCA, and these cases remain unresolved. We encourage the plaintiffs and the Attorney General to explore the possibility of settling these cases and bring an end to years of bitter and costly litigation. Nothing in this legislation is intended to preclude this to proceed with the Attorney General from resolving any other IRCA adjustment applications on the merits.

In that connection, we also note that when the original legalization program was enacted, the Attorney General, pursuant to section 245A of the INA, was authorized to work in conjunction with voluntary organizations and other qualified State, local and community organizations to broadly disseminate information about the legalization program. The INS helped provide funding to these organizations to assist in this effort, as well as with the preparation and submission of the applications for adjustment of status. A similar outreach campaign should be conducted to disseminate information about the opportunity to apply for adjustment of status under this Act. As noted above, almost 15 years have elapsed since the original legalization program was enacted, therefore the need to publicize the resolution of these issues reached by the LIFE Act and amendments thereto is critical to ensure that people who have an opportunity to obtain the benefits of this Act. Moreover, nothing in the Act should be construed to preclude the Attorney General from using appropriated funds to provide counseling and to make available those qualified and experienced in the preparation and submission of adjustment applications.
Third, the amendments clarify that the spouses and unmarried children of the beneficiaries of Section 1104 of the LIFE Act are eligible for the Family Unity provisions of the Immigration Act of 1990. By enacting this provision, our objective is to ensure that these family members are treated in the same manner as the family members of those who adjust under IRCA.

In addition, the amendments address two, more technical issues. Section 1104 LIFE Act applicants, as well as beneficiaries under the Nicaraguan Adjustment and Central American Relief Act (NACARA) and the Haitian Refugees Immigrant Fairness Act (HRIFA) are made eligible for certain waivers of grounds of inadmissibility. These waivers are ordinarily available only to persons who are outside the U.S. The amendments to the LIFE Act allow the covered individuals to apply for these waivers in the U.S.

Finally, the LIFE amendments clarify that section 245a(S) of the INA which bars anyone who has been ordered removed and who subsequently reenters the U.S. from obtaining any relief under the INA. Because adjustment under section 245A, NACARA, and HRIFA is not “relief under” the Act, LIFE amendments specify that this bar does not apply to LIFE section 1104 beneficiaries, or NACARA or HRIFA applicants.

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

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, as follows:

- A resolution (S. Res. 390) tendering the thanks of the Senate to the distinguished Senator from South Carolina, Senator Strom Thurmond, for his diligent and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Sixth Congress.
- A resolution (S. Res. 388) tendering the thanks of the Senate to the Vice President, Al Gore, for his dignified and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Sixth Congress.

Mr. LOTT. Mr. President, let me note that the Vice President, Al Gore, a former member of this body, served the Senate. I served with him here. I served with him in the House. He has served his country so well for a long time. He, probably more than most Vice Presidents, did spend time up here. On a few occasions, he did have to come and break ties. Generally, I did not like that, but he was prepared to do that. He served his country so well, and a simple resolution of this nature is not adequate to express the appreciation of the Senate and of our Nation.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I associate myself with the remarks of the distinguished majority leader.

I have admired the distinguished President pro tempore for a lot of reasons. But his diligence in opening the session every day, and his willingness to be as prompt as he always is, is something admired on both sides of the aisle.

So for all of his effort, for all of his service, for his willingness to serve as he has, we thank him.

I thank the majority leader for yielding.

THANKING THE VICE PRESIDENT

Mr. LOTT. Mr. President, I send a resolution to the desk on behalf of myself and Senator Daschle and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 389) tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 389) was agreed to, as follows:

- A resolution (S. Res. 388) tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Sixth Congress.
- A resolution (S. Res. 390) tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Sixth Congress.

Mr. LOTT. Mr. President, I could go on for quite some time about my colleague from South Dakota. He does a magnificent job as the Democratic leader. He is thoughtful. He is accessible. He is tenacious. He is committed. He is courteous. And while, as leaders
of our respective parties in the Senate, we sometimes disagree and sometimes even clash publicly—it has been rare—we have a very good working relationship. When the day is done and we have conversations, they are quite often personal reasons and they test very kind. I appreciate his courtesy. I look forward to working with him in the next Congress.

It is going to surely test us in every way, every day, but I hope and pray we will be up to the task. I will certainly try to fulfill that new, challenging role. I can count on my friend and partner to do his part on the other side of the aisle.

So I am delighted to be able to offer this resolution of commendation to Senator Daschle.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

COMMENDING THE EXEMPLARY LEADERSHIP OF THE MAJORITY LEADER

Mr. DASCHLE. Mr. President, I have a resolution at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 391) to commend the exemplary leadership of the Majority Leader.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, this resolution is offered in the most heartfelt and sincere way. These last 2 years have been very difficult. There have been times when it has tested all of us. But no one has been more tested than the majority leader. No one has been called upon to lead in more arduous circumstances, on more occasions, than the majority leader. And as he has just noted, there have been times when we have had our differences. But I have always admired him for his remarkable ability to put aside those differences, to come to my office, to invite me to his, to talk in the most affable and personal way when the day is done. I admire that and many other of his remarkable talents. We are fortunate to have his leadership. We are fortunate to have his service to this country. And I am fortunate to have his friendship.

So I congratulate him on his successful tenure as majority leader. And as he noted, our times in the future will become even more arduous, even more tested. I look forward to taking on those challenges with the same degree of enthusiasm, the same degree of willingness, to work in a partnership that I hope we can continually demonstrate. So I thank him. I wish him well and look forward to our service together in the next Congress.

Mr. REID. Mr. President, the American public, the people from South Dakota, the people from Mississippi, do not know how these two men work for their States and their country. They probably have some idea because they are both so popular in their respective States, but from someone who sits and watches these two men every day we are in session—and many others and we are in session—I am in awe as to the work they do and the difficult situations they get us out of. If someone had said this morning at 10 o'clock that we would be in the position we are in today—being able to go home and I should have laughed at them. I thought it was impossible for us to do that. But these two men, working together, were able to put together a package of about $500 billion involving the most important things this country deals with on a daily basis. They did this. They did it alone. There were others on the outside helping a little bit, but this is just an example.

But I have been able, from my perspective here for 2 years, to watch them, and I am tremendously impressed. I want this RECORD spread with the fact that these resolutions do not in any way connote the really good work they do. On paper it says they did a good job to someone who works with these two gentlemen on a daily basis to see the sacrifices they make for their States and for the country.

Their families should be so proud of what they do. The people of their States should be so proud of what they do. And I, speaking on behalf of Americans, after this bitter election, say here are examples of everything that is good about the American political system—Senators Daschle and Lott.

The PRESIDING OFFICER. Is there further debate on the resolution? Without objection, the resolution is agreed to.

The resolution (S. Res. 391) was agreed to, as follows:

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Majority Leader, the Senator from Mississippi, the Honorable Trent Lott, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 106th Congress.

Mr. LOTT. Mr. President, I want to just expound a bit on this resolution. We are deeply indebted to these staff members, including those at the table in front of us. They are so efficient. They are so informed. They save us many times from ourselves. They are here early. They are here late. And, of course, all of the clerks, the Parliamentarians, and the representatives who are here do a magnificent job. We do not always say we appreciate it enough, but we do. We could not make it without them.

This resolution is the very least we could do to say we appreciate them.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, again, I want to identify myself with the remarks of the majority leader. These staff are the best there could be. I thank them, on behalf of the entire Senate, for their hard work, for their professionalism, for the level of commitment they make each and every time they come to work. I thank them for what they do. There are so many ways we ought to stop throughout the year and express ourselves in as heartfelt a fashion as we do but at least now at the end of this Congress, we ought to say—with an exclamation point—thank you.

Thank you for what you do. Thank you for who you are. Thank you for what you give each and every day.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.
CONGRESSIONAL RECORD — SENATE December 15, 2000

Mr. REID. Mr. President, I ask unanimous consent that I be added as a cosponsor to each of these resolutions that have just been offered: S. Res. 388, S. Res. 389, S. Res. 390, S. Res. 391, and S. Res. 392.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nevada will be added as a cosponsor to the resolutions.

Mr. LOTT. Mr. President, those are all of the resolutions we have at this time.

I know the distinguished Senator from Alaska, the chairman of the Appropriations Committee, will probably have some remarks about the bill we have been working on for so long now. We have a few other items.

CONGRATULATING SENATOR STEVENS AND SENATOR BYRD

Mr. LOTT. Mr. President, let me take this occasion to thank the distinguished chairman of the Appropriations Committee and, in his absence, Senator BYRD for his cooperation with Senator STEVENS. They work together as a team every day. They do an incredible job. They have one of the toughest jobs in the Congress.

I have been working in budget processes now directly for me. I have been working on for so long now. As I was in the House as the whip, I sometimes reluctantly became a participant in those budget negotiations. They were never easy. But I don't think I have ever seen more fire, lightning, and thunder than we had on this bill, when you compare it to the difficult the past that were relatively small in size and various parts.

It was very tough. Everything was fought over so aggressively. Things didn't get in, such as Amtrak, and things got in, such as Medicare adjustments. But we found a way to make it happen. We found it very hard to let go. But the Senator from Alaska hung in there. I know he was working at 2 o'clock this morning, and I know he was back at the office today at 6:30. I talked to him sometime between 6:30 and 8 o'clock this morning. The amazing thing was he was sweet and charming and pleasant.

Is this the deed? Is this what we have here?

Mr. MOYNIHAN. I dare not ask a World War II pilot veteran to lift this or the rules on ergonomics might be contradicted.

But I congratulate you, sir.

Mr. LOTT. It probably violates the rules of ergonomics. I would like to say, if that is the package.

Finally, all of us learned in the last 2 days more than we ever wanted to know about the Steller sea lion. What is it, and what are they? Whatever they are, I am sure they are beautiful, and I know they appreciate the effort of the Senator from Alaska. I know about 10,000 Alaskans appreciate the fact that their jobs will not be wiped out almost instantly.

The administration was very tough, but they were protecting the Endangered Species Act. I don't know quite how Senator STEVENS found common ground. But he did. Thank goodness for the persistence. He is affectionately known as "The Tasmanian Devil." But today he did this job without his Tasmanian necktie.

While we get testy with each other sometimes, we still really appreciate the work that is done.

Senator STEVENS, congratulations, and I look forward to someday being able to know all that is in the bill.

The PRESIDING OFFICER (Mr. ASABRAHAM). The Democratic leader.

Mr. DASCHLE. Mr. President, this will be the last time, because I know others want to speak.

I, too, want to congratulate the chairman and ranking member. This has been a very difficult experience. He knows it. No one knows it better than he because he had to experience it as late as 3:30 last night and as early as 6:30 this morning. We know because of a very intense debate we had within our caucus. It would not have happened without his leadership. It would not have happened without his persistence and the work of his staff—and the staff whom both the majority leader and I have been fortunate to have serve with us as we have attempted to put this package together.

I congratulate him. I thank him. I also congratulate the people of Alaska for the kind of representation they sent to Washington in the person of TED STEVENS.

I yield the floor.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I know others are going to take the floor. While the two leaders are here, I thank each of them for their comments. Nothing is done in the Senate without the concurrence of the leadership. I know full well the help they have given us in the past days and weeks which led to the final solution. I will be speaking about that later.

I thank the Senator from Mississippi and also my friend, the Senator from South Dakota, for their help and for the sincere comments they made today. They are very welcome, as far as I am concerned, and I am humbled by them. I thank them very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I appreciate the positive remarks that have just been made about our leadership and those who have supported them throughout these difficult 2 years, and look forward at an appropriate time to hearing the comments of the chairman of the Appropriations Committee on this legislation.
EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JULIAN C. DIXON, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF HON. CORRINE BROWN OF FLORIDA IN THE HOUSE OF REPRESENTATIVES Friday, December 8, 2000

Ms. BROWN of Florida. Mr. Speaker, I have served with Congressman JULIAN DIXON for the past eight years. I was saddened by the news early Friday morning, December 8, 2000, that JULIAN DIXON is no longer with us. My heartfelt condolences go out to his beloved wife Bettye and son Cary. He will be missed by our colleagues of this United States Congress.

When I thought of JULIAN, I thought of him as an officer and gentleman. JULIAN was an officer. As an officer, he was honorable, noble, trustworthy, and a quiet commander. As a gentleman, he was a man of chivalrous and genuine qualities.

Service was the guiding principle of his life. He was the eminent expression of congenial relationships, and yes character and temperament changed with every activity he was involved with. Lives touched by Representative DIXON became engaged and thereafter empathetic, kindly and honorable.

He worked hard for his constituents of California. He never tired of spreading princey qualities to everyone he met. Yes, he was a consensus builder. He will be missed.

With Representative DIXON, it was never about winning, but it was truly about how you managed the hand you were dealt. He was an officer. He was a gentleman. He was my colleague.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JULIAN C. DIXON, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF HON. JAMES A. TRAFICANT, JR. OF OHIO IN THE HOUSE OF REPRESENTATIVES Friday, December 8, 2000

Mr. TRAFICANT. Mr. Speaker, today, I was deeply saddened to hear of the passing of JULIAN C. DIXON.

Mr. DIXON was a great member of Congress, and is to be commended for his accomplishments as the fifth ranking Democrat on the Appropriations Committee and as the ranking member on the House Permanent Select Committee on Intelligence.

He was well-known for his commitment to our nation’s civil rights and for the instrumental role he played in minimizing the effects of natural disasters that struck his community. His leadership in the bipartisan effort to secure federal support for the Alameda Corridor project in Los Angeles and in obtaining federal funds for communities hard hit by cuts in defense spending are to also be commended. JULIAN C. DIXON will be sorely missed on Capitol Hill. I extend my deepest sympathy to his family.

OSHAA ERGONONSENSE

HON. DOUG BEREUTER OF NEBRASKA IN THE HOUSE OF REPRESENTATIVES Friday, December 15, 2000

Mr. BEREUTER. Mr. Speaker, this Member highly commends this December 14, 2000, editorial from the Norfolk Daily News expressing strong concern regarding the new Occupational Safety and Health Administration (OSHA) regulation on ergonomics.

ERGONONSENSE

NEW OSHA WORKPLACE REGULATION ISN’T BASED ON A COMPLETED STUDY

The U.S. Occupational Safety and Health Administration calls its new regulation the “Ergonomics Program Standard.” The National Federation of Independent Businesses has a different description: “Ergo-nonsense.”

"Scheduled to take effect on Jan. 16, 2001, it is, without question, the most burdensome, expensive and intrusive regulation ever to be imposed on the small-business community," said Jack Faris, federation president.

We would have to agree. Ostensively designed to help prevent repetitive motion injuries, like carpal tunnel syndrome, the new regulation will require employers to alter the workplace in order to do so. It’s a noble intent.

But the regulation assumes that employers aren’t already doing everything possible to take care of the health and well-being of employees. The regulation also doesn’t have a scientific basis, seeing as how the National Academy of Science’s study on ergonomics isn’t even completed yet.

It’s also curious how this 1,688-page regulation was able to be introduced and published in about a year’s time, when, on average, it takes OSHA four years to do so with other regulations.

Because President Clinton allowed the regulation to move forward, it now will take legal action to stop it. That’s not a sure thing, so business owners everywhere had better start preparing for their own version of “ergo-nonsense.”

HONORING ELIZABETH MARQUARDT

HON. LYNN C. WOOLSEY OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES Friday, December 15, 2000

Ms. WOOLSEY. Mr. Speaker, today I recognize Elizabeth Marquardt. Elizabeth Marquardt has served for 22 years as a Governing Member of the Petaluma California School Board, the longest term in its history. Her vision, intelligence, and dedication has impacted the lives of hundreds of thousands of Petaluma students.

During her tenure Elizabeth was instrumental in raising money for schools and co-founding the Petaluma Educational Foundation. From sorting through the budget challenges following the passage of California Proposition 13 to hiring three superintendents, she has given generously her time and energy. Elizabeth has accomplished this while fostering a friendly, cooperative atmosphere that has helped board members work together to reach decisions that are best for the children of Petaluma.

It is my great pleasure to pay tribute to Elizabeth Marquardt. I am very proud to represent such a remarkable woman.

TRIBUTE TO MARIA MAGDA O’KEEFE

HON. BILL PASCRELL, JR. OF NEW JERSEY IN THE HOUSE OF REPRESENTATIVES Friday, December 15, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a person I am proud to call my friend, Maria Magda O’Keefe of Paterson, New Jersey, who was recognized on Thursday, November 9, 2000 on the occasion of the 25th Anniversary of the Hispanic Multi Purpose Service Center. It is only appropriate that she be honored as she retires from the Paterson City Council, for she has a long history of caring, generosity and commitment to others.

Maria was recognized for her many years of leadership in Paterson, which I have been honored to represent in Congress since 1997, and so it is only fitting that these words are immortalized in the annals of this greatest of all freely elected bodies.

Councilwoman Magda has a varied educational background and has studied in a multitude of fields. The State of New Jersey Department of Law and Public Safety, Division of Consumer Affairs certified her as a Social Worker. Also, the National Association of Forensic Counselors certified her to be a Domestic Violence Counselor. In addition, she is a Registered Nurse having earned her diploma at the Hospital de Damas in San German, Puerto Rico. She is a graduate of Central High School in Santurce, Puerto Rico. Also, she studied Health Education at Columbia University in New York and Cosmetology at the Master Headdresser Academy in Passaic, New Jersey.

Maria has always been an active and involved leader. One of her most important accomplishments was her founding of the Hispanic Multi Purpose Service Center (HMPSC) in Paterson. She is currently the Executive Director of the center. The HMPSC is a highly

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
respected agency that provides free social, educational and recreation services to the residents of Paterson and Passaic County.

This remarkable woman is a trailblazer for Latino elected officials in Passaic County. In her political career she has set many important milestones. In 1989, she became the first Hispanic Woman to be elected as the President of the Paterson City Council. Her vision and leadership has made it easier for all Hispanic Americans to seek and win elected office.

She was appointed by the President of the Federal Railroad Administration (FRA), Jolene Moltitoris.

A true champion of railroad safety, Jolene Moltitoris was appointed by the President of the United States William J. Clinton, to be the first female Administrator of the Federal Railroad Administration in 1993. In her tireless effort to improve safety in the United States and around the world, Administrator Moltitoris established her reputation as an industry standard. In addition, she created partnerships with rail labor and management, achieving historic increases in all safety categories. As a testament to the outstanding leadership of Administrator Moltitoris, the FRA began its transformation from a traditional regulatory agency into a result and consumer-focused organization.

Under Administrator Moltitoris’ management (1993–1999), the public enjoyed the safest seven-year period in history. During this period there was a 43-percent reduction in employee injuries and fatalities and a 30-percent reduction in grade crossing injuries and deaths.

Throughout her years of public service, Administrator Moltitoris has received many honors, including being named by Railway Age Magazine as one of the most respected and admired “Great Railroaders of the 20th Century.” In 1999, Administrator Moltitoris received three awards: the Ellis Island Medal of Honor awarded by the National Ethnic Coalition of Organizations Foundation, Inc; and the Jolene M. Moltitoris Golden Spike Award created by the Indiana High Speed Rail Association. Also, in 1999, the New Jersey Division of the Polish American Congress honored Administrator Moltitoris as their Millennium Woman of the Year.

On a personal note, I have had the wonderful opportunity to work with Jolene Moltitoris on a great many initiatives. I have great respect and admiration for her public service career. She is a person of solid integrity who possesses a true desire to serve the public’s best interest. She is an individual of tremendous talent and her leadership of the FRA will be long remembered.

I ask my colleagues to join me in rising to honor this truly remarkable public servant for her distinguished years of service, and her dedication to making our Nation’s railways safer.

TAX CREDITS WITHOUT HEALTH INSURANCE REFORM WON’T WORK! CHECK OUT THE FACTS ON EHEALTHINSURANCE.COM

HON. FORTNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, December 15, 2000

Mr. STARK. Mr. Speaker, books, toys, clothes and insurance. Now you can shop for just about anything on the web, including insurance. I recently window-shopped for insurance using ehealthinsurance.com; the same program Republican health care staffers received a briefing on last week.

My window-shopping included looking at the same program Republican health care staffers would need $1,032.00 per month to sustain the same plan from the same insurance company.

Shopping on the web is like shopping at a warehouse; it allows us to buy books, clothes and the like at prices that most people can afford. The same thing cannot be said about insurance: without insurance market reform, health insurance will remain unaffordable for tens of millions.

To view charts relating to this issue, please visit my website at www.house.gov—stark.

TRIBUTE TO THE 75TH ANNIVERSARY OF ALPHA PHI OMEGA
HON. ROB PORTMAN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Friday, December 15, 2000

Mr. PORTMAN. Mr. Speaker, today I pay tribute to the 75th Anniversary of the founding of Alpha Phi Omega National Service Fraternity.

On December 16, 1925, Frank Horton formed Alpha Phi Omega with a group of students at Lafayette College in Easton, Pennsylvania. Horton’s service in World War I, and his subsequent introduction to the Scout Oath and Law, helped to inspire him to found the fraternity as a way to encourage young people to help others and to bring about a better, more peaceful world.

Alpha Phi Omega members are united by the principles of leadership, friendship and service. These principles are designed to aid fraternity members in discovering and developing their leadership abilities, not only by making last friendships, but also by planning and providing helpful service to others.

Since its founding, Alpha Phi Omega has charted chapters at more than 700 campuses nationwide, and more than 300,000 Americans have been inducted into the organization. The fraternity is proud to count Members of Congress and even Presidents of the United States among its many distinguished alumni. Today, Alpha Phi Omega is active on about 350 campuses, large and small, with 18,000 current members throughout the country.

For its members, Alpha Phi Omega is much more than an extracurricular activity. It is a way for members to make their campuses, their communities and their world a better place for all of us. Alpha Phi Omega begins as a college experience, but its members have made it a lifetime commitment to turning Frank Reed Horton’s noble ideal of a better and more peaceful world into a reality.

I commend Alpha Phi Omega National Service Fraternity for a successful first 75 years,
and I would like to thank my friend and constituent, Mr. Ed Richter of Franklin, Ohio, for bringing this significant milestone to my attention. Mr. Richter currently serves as National Service/Communication Program Director for the organization.

I join my colleagues in wishing continued success to Alpha Phi Omega and its distinguished members and alumni.

THANKS TO MY CONGRESSIONAL AND SUBCOMMITTEE STAFFS

HON. JOHN EDWARD PORTER
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Friday, December 15, 2000

Mr. PORTER. Mr. Speaker, I want to pay tribute to the best Congressional staff in America: mine. My outstanding Chief of Staff, Ginny Hotaling, and my staff at home: Linda Maneck, with nineteen years of experience, Ed Kelly, with fourteen years. Carol Joy Cunningham, Dee Jay Kweder, eighteen years with me and five with my predecessor, Bob McCloy, Mary Jane Partridge and Nancy Johnson, and my Press Secretary, Linda Mae Carlstone, now in her second tour in that position—have all done superior work in serving me and our constituents.

In Washington, my accomplished Administrative Assistant, Katharine Fisher, my Office Manager, Jerri Lohman, with me for twenty years, my Legislative Director, Spencer Pearlman, the Executive Director of the Human Rights Caucus, Jeanette Windon, my Scheduler, Lori Frahler, Mike Liles, Eric Ramussen, and David Fabryczyk—they have also been incredibly responsive to the challenges of a very active and demanding office, and I can never thank each of these wonderful individuals enough.

My subcommittee staff is also simply the best on the Hill. Its exemplary Clerk, Tony McCann, and his colleagues: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador.

My outstanding Clerk, Tony McCann, and his colleagues: Carol Murphy, Susan Firth, Francine Salvador, and our clerks: Carol Murphy, Susan Firth, Francine Salvador.

IN HONOR OF WARREN-CENTER-LINE STERLING HEIGHTS CHAMBER OF COMMERCE HALL OF FAME RECOGNITION BANQUET HONOREES TARIK DAOUD, MARK STEENBERGH, AND GERALD ELSON

HON. DAVID E. BONIOR
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Friday, December 15, 2000

Mr. BONIOR. Mr. Speaker, I rise today not only as a member of the United States House of Representatives but also as a member of the Honorary Committee for the Warren-Center Line-Sterling Heights Hall of Fame Banquet. This is the event’s first year, and I am proud to be a part of honoring three exceptional individuals for their commitment to the betterment of their business and civic environments—Mayor Mark Steenbergh, Gerald Elson, and Tariq Daoud. One simply needs to view the landscape to see the tangible evidence of the impact these individuals have had on the economic environment there.

Since Warren Mayor Mark Steenbergh became mayor of Warren, taxes are down, property values are up, and businesses and racing to take root. Indeed, when Warren Mayor Steenbergh’s vision of a better Warren is evidence in the hard work and dedication to prosperity that he has put into the city. To many, the closing of the TACOM headquarters on Van Dyke spelled doom for the City of Warren. Mayor Steenbergh did not. He was proud with his commitment to working with state and local officials to build a successful industrial park on the site. The crown jewel of Warren will shine in 2002, when the new Warren Community Center opens its doors. As Mayor of Macomb County’s largest city, Mark Steenbergh is friend to all those who live and work in the Warren community.

Working his way up from design engineer, to his present position of Vice President of General Motors and GM of Operations for the North American Car Group, Gerald Elson personifies the hard working attitude of Western Macomb. His meteoric rise from the small town of Merrill, Michigan outside Saginaw to one of the highest ranking officials at the top company on Fortune Magazine’s Global 500 shows proof of his brilliant ingenuity and business sense. In this capacity, and as Chairperson for the GM Warren County Relations Committee, Elson has served as the architect of General Motor’s commitment to the City of Warren. Nowhere else in the world is the economy so reliant upon the auto industry as it is in Michigan, and Elson’s committee to keeping GM on top makes him invaluable to the community’s neighborhoods and business environment.

Community leader, business owner, and philanthropist, Tariq Daoud has been a part of the Macomb County Community since 1964. As owner of Al Long Ford in Warren, Daoud has recently been named a finalist for the 2000 Time Magazine Quality Dealer Award. This distinguished honor comes as a result of Daoud’s tradition of exceptional performance not only as a car dealer, but also to the community. Daoud sits on numerous Boards including Salvation Army and the Warren YWCA, in addition to his work with the International Visitor Council, which hosts foreign visitors to the Metro Area. Tariq Daoud has earned his reputation and respect throughout the community not only for his success as a businessman, but also for his education and charitable contributions.

Please join me in thanking the Chamber of Commerce, and congratulating these three outstanding individuals for their devotion to their work and the betterment of our communities.

REMEMBERING THE FORGOTTEN OF THE FORGOTTEN WAR: AFRICAN AMERICANS IN KOREA

HON. CORRINE BROWN
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Friday, December 15, 2000

Ms. BROWN of Florida. Mr. Speaker. September 13–16, 2000, marked the 50th anniversary of the Korean War. On this occasion, the Congressional Black Caucus Foundation convoked, in conjunction with the 50th anniversary of the Korean War, a special event which has become one of the traditional congressional events of the year. This year’s event was particularly important because it allowed us to remember the sacrifices and service of African American soldiers during the Korean War. African American soldiers were a part of the war effort and made significant contributions.

Throughout the Korean War, African American soldiers were a part of the war effort and made significant contributions. They fought gallantly side by side with their white comrades in the most trying conditions, often facing discrimination and segregation. These brave men and women, known as the “Forgotten of the Forgotten War,” served with distinction and honor.

The event, which was held in conjunction with the 50th anniversary of the Korean War, was significant because it brought together African American veterans and their families to discuss their experiences and honor their sacrifices. The event featured keynote speakers, including former Secretary of Veterans Affairs Robert McDonald, who highlighted the significant contributions of African American soldiers during the Korean War.

The event also featured a panel discussion with veterans who shared their personal stories and experiences. These stories were interspersed with a performance by the National Guard Band, which played heartfelt and inspiring music. The event was a powerful reminder of the sacrifices made by African American soldiers during the Korean War.

In summary, the event was a fitting tribute to the brave men and women who served during the Korean War. It allowed us to honor their sacrifices and remember their service. The event was a powerful reminder of the importance of remembering and honoring those who served our country in times of war. It was a moment of reflection and inspiration, and it reminded us of the importance of remembering the sacrifices made by African American soldiers during the Korean War.
sacrifice their sons and daughters to help defend freedom in a nation few had ever heard of. But if Korea is the Forgotten War, then truly the African American soldiers who served in that conflict are the “Forgotten of the Forgotten War,” as the title of this forum suggests. They had been set apart and marginalized as a fighting force long before the beginning of the Conflict. But by war’s end, they were integrated into units throughout the Army and involved in the thickest of the fighting. The tremendous contributions our soldiers made in that war have never been fully recognized. And particularly the contributions of our Korean veterans were not recognized in the way we hailed the return of our World War II veterans and certainly even less made of the service and contributions of our African American veterans who were not fully recognized. Those who were overlooked included men like Congressman CHARLES RANGEL and Congressman JOHN CONYERS, senior Members of the House, founding members of the Congressional Black Caucus, and decorated veterans of that war. Then Sergeant RANGEL was awarded the Bronze Star with “V” while he served with the 503d Field Artillery Battalion. And 2d Lt. Gen. Julius Becton, one of our Army’s most senior leaders and a personal role model when I was a young officer, recently recalled that as a young African American officer serving in the early days of the Korean War, the question was put to him, where should we send the replacements who had started to come over to fill the thinning ranks? The black units were integrated. But at the start of the Korean War, of 1948 said the Armed Forces were officially integrated. But at the start of the Korean War, the best in their men. The result was an Army where they did not invest time in bringing out the true character of those segregated units. There was a permeating sense that Korea taught us was that segregation has never been more wrong than in warfare. The tremendous contributions our soldiers made in that war have never been fully recognized, 29% of the enlisted ranks and fully 11% of our officer corps. We could not be the world’s best land power force without these soldiers and without their leadership. They are integral to all we do, and of the future of this great Army, from our peacetime operations in the Balkans to our deterrent missions on the Korea Peninsula, to the Persian Gulf. In the coming years, when America will need to draw even more on the diversity of her communities to meet the new challenges of the 21st century, we will continue to count on young African American men and women to shoulder the heavy burden of our nation’s security. Thank you very much. God bless you and God bless our Korean War veterans.

In addition, the Secretary of Labor paid a very special tribute to Korean War veterans bravery and helped honor those African Americans who served in the Korean War. The Secretary of Labor reminded each of us that the Korean War occurred at a time when African Americans served in segregated units, and many of those units were in heavy combat. However, the success of the integration of the military enabled African American veterans to return home and become key participants in the success of America’s workplace. Lastly, the Secretary asked that all Americans remember the loyalty and valor of African American soldiers who fought bravely in the Korean War, brought change at home, and helped enable African Americans to serve in the Armed Forces, beginning with the Revolutionary War, War of 1812, Civil War, Indian Campaigns, Spanish-American War, through World War I and II to Korea and Vietnam is by now legendary. Forgetting Korea and its veterans may thus be said to be no exception. It’s a tradition. But, despite our nation’s historic forgetfulness, we are here today honoring all Korean War veterans. As we believe that this special tribute to our African American war veterans aims to make memory a friend, not foe. To turn off the fear and face our past with renewed courage, like the courage so powerfully and memorably demonstrated by our veterans in places like Inchon, Pusan, Bloody Peak, Old Bailey, Hill 200, Triangle Hill, Hill 440, Hill 666 (or Gung Ho Hill), the Chosin Reservoir, Yalu, Chorwon Valley, Munsan-ni, Kumpchon, Taegon, and other places where war’s violence was met by them with the liberating force of sacrifice and valor.

Later that evening, with the gracious assistance of the 50th Anniversary of the Korean War Commemoration Committee, and underwriting by Quality Support, Inc., an SBA 8(a) Vietnam Veteran Owned Firm, we honored...
The most important legacy that black Korean fought for in Korea. That knowledge may be trained, and led in accordance with our na-fended by an armed force that is recruited, armed force that is truly representative of all of us. We know that America is best defended by an armed force that is fully professional, trained, and led in accordance with our na-tional ideals—the ideals black veterans fought for in Korea. That knowledge may be the most important legacy that black Korean war veterans have given us. VA is proud to serve the heroes of the Korean war, and of all wars.

The 50th Anniversary of the Korean War Commemorative Awards went to the following (partial list of) brave African American men and women LTC Mary Ellen Anderson, USA, Ret.; Mr. Leon Asbe, Lt. Gen. Julian Becton, Jr., USA, Ret.; Mr. Francis Brown, First Sergeant George Bussey, Sr., USA, Ret.; Ens. Jesse L. Brown, USN (Posthumous), Mr. Na-thanial Brunson, Maj. David Carlisle, USA (Posthumous), Mr. Harold Ceci, Sgt. Cornelius Charlton, Congressional Medal of Honor Recipient (Posthumous), Col. Fred Cherry, USAF, Ret.; Mr. Earnest Cornish, Mr. Arthur Code, Mr. Samuel Crawford (Posthumous), Sgt. Earl Densinger, Sr., Sgt. Edward Dixon, Mr. Gerald Eldridge, Sr., Mr. Daniel Faulk, Mr. Joseph Frederick, Mr. Willie Wren, Sr., Mr. Albert Gibson, Sgt. Maj. Samuel Grays, USA, Ret.; Mr. Sturby Holiday, SFC. Laurence Hogan, USA, Ret., Mr. Theodore Tied Hudson, Jr., CSM. Samuel Jenkins, USA, Ret., Dr. Edwin Nichols, Dr. Leonard Lockley, Mr. Wilfred Mathews, Col. Charles E. McGee, USAF, Ret., Mr. Jerome Milborne, Mr. Curtis ‘Kojo’ Morris, Rev. Newman Ham, Professor, Morgan State University Museum; Mr. Marvin Eason, White House Liaison, Department of Veterans Af-fairs; Mr. Clifton Toulson, Associate Adminis-trator, U.S. Small Business Administration; Ms. Marilyn Valliant, Catering Manager, Doubletree Park Terrace Hotel, and Mr. Ron E. Armeast, Executive Director, Congressional Black Cau-cus Foundation Veterans Braintrust.

Once more, we would like to pay a special tribute to three distinguished current members of Congress and Korean War vet-erans. Honorable CHARLES B. RANGEL (D-NY), Ranking Member on the House Ways and Means Committee, and Founder of the Con-gressional Black Caucus Veterans Braintrust; the Honorable JOHN CONYERS (D-MI), Ranking member on the House Judiciary Committee; and the Honorable WILLIAM CLAY (D-MO) Ranking Member on the House Education and the Workforce Committee. Three veterans who have also fought in the long hard battle for so-cial, political and economic justice for all Americans.

Finally, to the families of those killed, wounded, missing in action, or former pris-oners of war, and particularly, Mr. Leemon Smith, Mr. Talmadge Foster, Past Director of Alabama’s Veterans Leadership Program, Gen. Roscoe Robinson, USA, Ret. and Mili-tary Historians Col. David Carlisle and Col. John A. Cash, USA, Ret., speaking on behalf of the entire membership of the Congressional Black Caucus I would like to express our sincerest condolences and appreciation for their commitment, indomitable fortitude and dedi-cated service to country, community and fam-ily that characterized their lives.

Owe you all.

TRIBUTE TO THE LATE DR. SAMUEL F. PETRAGLIA

HON. JAMES A. TRAFICANT, JR. OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. TRAFICANT. Mr. Speaker, today, I was deeply saddened to hear of the passing of my dear friend, Dr. Samuel F. Petraglia. Dr. Petraglia, a decorated World War II vet-eran, was a family physician for forty-two years and an upstanding citizen of the commu-nity. He was the first Italian doctor to estab-lish a practice in Poland, Ohio.

Dr. Petraglia was a very dedicated physician who never refused to treat a patient because they were unable to afford his services. He was also one of the few remaining physicians willing to make house calls to patients who were incapacitated.

Dr. Petraglia served on the staff of St. Elizabeth Health Care Center and the adjacent staff of Northeast Ohio Universities College of Medi-cine. I send my deepest regrets and sympa-thy to his wife and to his family. May God bless them.
HONORING KEITH WOODS

HON. LYNN C. WOOLSEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, December 15, 2000

Ms. WOOLSEY. Mr. Speaker, today I recognize Keith Woods. Keith Woods has left the Santa Rosa Chamber of Commerce where he served with distinction—and flair—for 13 years. During his tenure, Mr. Woods made the Chamber into one of the most active in the state with a broad diversity of programs including classes, a speaker series, connections with the Convention and Visitors Bureau, and the creation of the popular Wednesday Night Market.

Keith's strong leadership in the business community and his well-known sense of humor have earned him a national reputation. He is known for the quick quips and insightful jabs that at various times run the gamut from self-deprecation to stinging sarcasm. He is Santa Rosa's toastmaster as well as the city's master of the roast.

He has also been honored three times by the California Association of Chambers of Commerce, including an award for Executive Director of the Year. Even beyond California's borders, Mr. Woods has had an impact, spreading the word at national chamber events about the importance of community involvement.

With Keith Woods at the helm of the Santa Rosa Chamber, there was always excitement, enthusiasm and new ideas in the business community. Thanks to Keith, it was never simply “business as usual.” It is my great pleasure to pay tribute to Keith. I am very proud to be representing him.

TRIBUTE TO PASSAIC VALLEY REGIONAL HIGH SCHOOL

HON. BILL PASCRELL, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Friday, December 15, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to the storied history of an important school in my district, Passaic Valley Regional High School in the Township of Little Falls, New Jersey. September 16, 2000 marked the 60th anniversary of this fine institution of learning. It is only fitting that this school be honored, for it has a long history of caring and commitment to its students and the community at-large.

Passaic Valley Regional High School was recognized for its many years of leadership in Little Falls, which I have been honored to represent in Congress since 1997, and so it is only appropriate that these words are immortalized in the annals of his greatest of all freely elected bodies.

Passaic Valley Regional High School opened its doors on September 16, 1940, to some 610 students from Totowa, West Paterson and Little Falls, New Jersey. The school is governed by the Passaic Valley Regional High School, District #1 Board of Education which is composed of nine Board members from the three towns.

As a school committed to the development of well-rounded students, Passaic Valley has added many other programs to augment its strong academic curriculum. These include a wide range of athletic, musical and literary activities, which are designed to stimulate and encourage the individual growth of each student.

It should be noted that the remarkable success of the Passaic Valley Regional High School is due to its community support. The Passaic Valley Regional High School, District #1 Board of Education, school administration, teachers and friends of the school have aided and fostered its growth and development. Thanks in no small part to these individuals and the collective of their efforts this school is now a stellar force in the community.

I applaud the many outstanding and invaluable contributions that this school has given to the community. Education is one of the cornerstones of our culture. This wonderful school has added much to the rich history of the State of New Jersey, and we all should be proud that we are able to celebrate a day in its honor.

Mr. Speaker, as a former educator in New Jersey, I can say that I can think of no other school or faculty that works harder or cares more about the students. Perhaps the greatest tribute Passaic Valley Regional High School is success of its former students. Alumni from this prestigious high school have risen to prominence in a variety of fields.

Mr. Speaker, I ask that you join our colleagues, the Township of Little Falls, Passaic County, the State of New Jersey, the students, teachers, staff, Principal, Passaic Valley Regional High School, District #1 Board of Education, Superintendent and me in recognizing the outstanding and invaluable service to the community and the 6th anniversary of Passaic Valley Regional High School.

HON. DEREK CUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Friday, December 15, 2000

Mr. CUCINICH. Mr. Speaker, I rise today to recognize North Coast Health Ministry for their exemplary work in helping the uninsured and underinsured access health care services. As a volunteer organization, it fills an important need in my district for thousands of working families.

North Coast Health Ministry operates clinics that are staffed by physicians, nurses and other staff who volunteer their time and services to provide comprehensive health care services. Started in 1986, NCHM has established relationships with health care professionals and three local hospitals to treat referred patients when they need additional care and treatment, including surgery and recovery.

Since its inception, it has linked with other clinics in the area to establish the Ohio Association of Free Clinics. This expanded network improves access to health care for the working poor throughout the state. Through the determination and initiative of the NCHM, the Ohio Association was recently awarded a $600,000 grant to continue and expand its services.

I ask my colleagues to rise in recognizing the exemplary efforts of the North Coast Health Ministry and the many volunteers who have contributed to it. I commend them for their kind works and congratulate them on their grant.

REPUBLICANS GIVE $200 MILLION GIFT TO DRUG INDUSTRY

HON. FORTNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, December 15, 2000

Mr. STARK. Mr. Speaker, the Medicare bill before us gives a $200 million gift to the nation's drug manufacturers—undoubtedly a pay-off for the industry's massive, $80 million contribution to the Republicans and Governor Bush.

In section 429, as passed by the House, and in the versions of the bill circulating as late as December 12, Medicare was prohibited from either increasing or decreasing the rates of reimbursement for drugs. This section blocked an effort by the Justice Department, the HHS Office of the Inspector General and Medicare to save the taxpayer hundreds of millions of dollars a year in overpayments. CBO scored the blockage as costing about $200 million. To offset the cost, the original bill, as passed by the House, also blocked drug companies from increasing their charges to Medicare.

Sometime between December 12th and last evening, someone in the Speaker's office or the Senate Majority Leader's office dropped the word "increase"—thus allowing the drug companies and doctors who profit from huge mark-ups on drugs to continue to rip-off patients and taxpayers. The bill before us now only blocks the cuts in reimbursement that had been recommended by the Department of Justice.

What a travesty. Senator McCain is right: it is way way past time for campaign finance reform.

TRIBUTE TO THE HONORABLE DEIDRA HAIR

HON. ROB PORTMAN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Friday, December 15, 2000

Mr. PORTMAN. Mr. Speaker, today I pay tribute to a distinguished friend, Judge Deidra Hair, who will step down from her service on the Hamilton County Common Pleas Court on December 31, 2000.

In 1995, the Hamilton County Common Pleas Court was founded as Ohio's first drug court. Judge Hair, who helped to establish the drug court, has tirelessly handled about 1,500 cases each year. Her court has become a model across Ohio, and since 1995, ten additional courts in Ohio have been crafted in its likeness.

The goal of the drug court is to rehabilitate substance abusers and keep them out of court and out of prison. Those arrested on drug abuse charges or those who commit a non-violent felony under the influence of drugs may have their case heard by the drug court. Using strict criteria, the court may accept applicants who do not have a violent criminal background and who have committed a low-
level felony that does not require prison time. If accepted, they must plead guilty and enter drug rehabilitation. The goal is to break the cycle of addiction, so the court selects those who are most likely to be helped.

I have been privileged to observe the drug court and to attend an inspiring graduation ceremony, by participants who have successfully completed this program. Through that, I’ve seen firsthand the good work that drug rehabilitation can do.

Judge Hair has literally helped to turn hundreds of lives around in the Cincinnati community, and she will be clearly missed when she steps down from the Hamilton County Common Pleas Court. All of us in the Cincinnati area wish her the very best in her future endeavors.

U.S. SUPREME COURT PREVENTED JUDICIAL INTERVENTION IN THE ELECTION

HON. JOHN EDWARD PORTER
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Friday, December 15, 2000

Mr. PORTER. Mr. Speaker, the decision of the U.S. Supreme Court was consistent with common sense and the need to bring finality to a process which, in my judgment, should never have started. By that, I mean the judicial involvement in the election decision.

Before the onset of technology, in the distant past when cards were used to count votes in elections, the standards for a valid vote were clear and universally observed. To vote, you placed an “X” in the box by the candidate’s name. If you used a check mark or other mark or placed your “X” outside of the box, your vote for that office was invalid and, in the absence of fraud, was not counted.

Voting machines were meant to speed the process of voting and counting the votes cast. But they also have standards. If you do not punch the card in the manner specified, indicating your intended vote, the machine will not count it. If you cannot understand the instructions or make a mistake as you vote, you can ask for help or a new ballot. The machine is impartial. It counts all properly cast votes. It does not count those not properly cast, nor should it. Unless there is a challenge to the workings of the machine in counting the vote, or other irregularity or fraud alleged, the count of the voting machine should be certified or final count in the election.

The judicial challenges in Florida by the Gore campaign were based principally upon the cards that the machine did not count. The Gore contention was not that the machines did not count correctly, but that votes not properly cast by the voter should be counted by hand—somehow by having county election officials divine the voters’ intentions. It is fascinating that the standards to do this were never established in two decisions by the Florida Supreme Court. Telling county election officials simply to use their best judgment was clearly unconstitutional, as the U.S. Supreme Court just ruled, since it violates the equal protection clause. It is also plainly an open invitation to manipulation of the results and fraud. Detecting clause. It is also plainly an open invitation to manipulation of the results and fraud.

Court just ruled, since it violates the equal protection clause. It is also plainly an open invitation to manipulation of the results and fraud. Detecting clause. It is also plainly an open invitation to manipulation of the results and fraud.

Second, we should have learned that the judiciary, in the absence of alleged fraud, should not intervene in the political process. For most of our history this has been an unbroken part of the separation of powers. The first decision of the Florida Supreme Court should have upheld the Secretary of State’s certification. Unfortunately, their desire to intervene in the absence of alleged fraud necessitated not one but two trips to the U.S. Supreme Court. It is instructive that the court in Washington did not itself intervene but prevented the Florida court from doing so.

Finally, it is a testament to the founders of this great Republic that all of us are sufficiently imbued with the rule of law that we sat patiently through this long process and believed that it would be resolved as fairly as is humanly possible within that rule. We did not take to the streets, take the law into our own hands, or threaten to overthrow our system. It is not perfect, and we are not perfect, but we know it is the best system that humankind has ever devised.

IN HONOR OF THE RETIREMENT OF BARBARA B. ASWAD

HON. DAVID E. BONIOR
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Friday, December 15, 2000

Mr. BONIOR. Mr. Speaker, today I rise to honor one of our country’s great scholar-educators, Dr. Barbara B. Aswad of Wayne State University. Dr. Aswad is retiring from Wayne State after 30 years as a professor of Middle Eastern Cultural Anthropology. Her research has focused on peasant culture, women and family studies, and urban anthropology.

Professor Aswad has conducted field studies in Arab villages and Turkish towns in the Middle East as well as in Arab-American communities here in the United States. She is a Fulbright Scholar and has published three books and 32 scholarly articles and chapters in books on Middle Eastern social organization. In 1991 she was elected President of the Middle East Studies Association of North America, the professional association for professors of Middle Eastern disciplines. Dr. Aswad was also a recipient of the prestigious Alumni Faculty Service Award for her service to Wayne State.

In addition to her many contributions to academic research and lengthy service in professional organizations, Dr. Aswad must be recognized for her dedication to her students, her department, and the Arab-American Community. She is widely respected by her peers not only as a fine educator, but as a wonderful person as well.

While Wayne State University may be losing a faculty member, ACCESS and other organizations that Dr. Aswad is so dedicated to will still have a strong voice in our community. Please join me in wishing Dr. Barbara Aswad all the best in her retirement from Wayne State University.

AFRICA AND THE NEXT ADMINISTRATION

HON. FRANK R. WOLF
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Friday, December 15, 2000

Mr. WOLF. Mr. Speaker, I want to share with you an outstanding speech by Ambassador Richard T. McCormack titled: The Challenges and Opportunities in Africa. In this speech, Ambassador McCormack’s analysis and insight into the the problems and predicaments facing Africa are astute. I am hopeful that Ambassador McCormack’s voice on Africa will be heard by both the next Congress and the next Administration.

PRESENTATION TO THE CENTER FOR THE STUDY OF THE PRESIDENCY
THE CHALLENGES AND OPPORTUNITIES IN AFRICA

Every year my work for American companies, investment firms, and think tanks results in a tremendous amount of global travel. I have learned that there is simply no substitute for seeing local circumstances with your own eyes and talking face-to-face with leaders who are struggling to cope with their problems.

Last May I visited China and met with top Chinese leaders to discuss concerns about W longevity issues. In July I visited Bulgaria and the Czech Republic to consult with elected leaders and central bankers concerning economic opportunities and dilemmas. Earlier that year I discussed with central bankers in Europe problems involving the Euro and potential vulnerabilities in the international derivative markets. And I have continued to monitor Japan’s ongoing banking and growth problems with close contacts in Japan.

But our chairman was aware of another extensive trip I took this summer to Africa at the request of friends. He suggested that I share with you tonight some of the observations and conclusions from this consultation with Presidents, central bankers, key officials from the African development bank, leaders at the Organization of African Unity, aspiring political leaders, and hundreds of ordinary citizens.

One of the reasons that I agreed to make this trip was my long standing interest in Africa beginning with my Ph.D. dissertation about Kenya many decades ago. I took this trip not because Africa is strategically important to the United States, but rather because there are hundreds of millions of people who are often in desperate circumstances in that part of the world. These people need our understanding and assistance if they are not to undergo catastrophe on a scale that has not been seen since the plagues and wars of Europe during the Middle Ages.

Furthermore, I knew that Africa has produced a number of leaders who have the right policy instincts and who care about their people, but who need support in implementing their visions.

Whatever I am going to do in the next few minutes is offer some snap shots of what I saw and heard on this trip to give you some sense of what is happening in parts of Africa today. I plan to reflect some suggestions that could help deal with some of the regional problems.
Benin

Benin was the first country on the agenda. It is a small county in West Africa led by a remarkable man, President Kerekou. This veteran African leader had for many years followed events in Washington, but realized on one point the bankruptcy of this approach and voluntarily left office. Years later, he ran for the presidency on a very different platform and won.

Benin, of course, was one of the great slave exporting countries in the 17th and 18th centuries. One Sunday morning during a recent trip to Washington, President Kerekou visited one of the largest predominantly black churches. To the astonishment of the people, he appeared on behalf of Benin's politicians for having participated in the enslavement of their ancestors. I am told that there was hardly a dry eye in the church when the old gentleman finished his plea.

In Benin, there were two kinds of tribes. Some of the coastal tribes were the predators, and many of the tribes in the interior were the prey. The animosity between these two ethnic groups continues to this day to poison political and social life in Benin and elsewhere in West Africa. For the past several years, I have been in a narrow array behind the President and the death of a number of his guards. I was told that he had been sold a story which was largely confirmed later by the American embassy.

It seems that there were several hundred soldiers from Ivory Coast who had been sent to Benin's border to try to force the President to stand for a full term in the upcoming election. Since the General lacked much in the way of charisma or ideas for dealing with the country's problems, some of the General's advisors and associates crafted an election procedure that disqualified most of the more popular political opponents on one pretext or another. Nine relatively weak opponents remained.

Shortly after I left the country, riots broke out on one of the various fronts. President Guei lost the election and was forced to flee the country. But it is not clear what will happen next in Ivory Coast. There are great tensions in the country and there seems to be as many as 60 tribes and language groups, divisions between Christians, Muslims, and Animists. There is also ill will between the native Ivorians and the more recent arrivals who are attracted by the relative prosperity and stability of the country in past decades. No one thinks that political problems are yet settled.

Ivy Coast

In the Ivory Coast, I had two meetings with President Guei, whose name has recently become front pages of many American newspapers due to controversies surrounding the recent presidential election in the Ivory Coast. Indeed since our conversations, President Guei has fled into exile.

But in my meetings with him, it was obvious that he was an exhausted man with no visible ideas on how to deal with his country's multiple problems. He was surrounded by layers of bodyguards to foil assassination attempts. Within weeks of our visit, another coup d'etat occurred in a narrow array against the President and the death of a number of his guards.

I asked friends how he came to be President and was told a story which was largely confirmed later by the American embassy. It seems that there were several hundred soldiers from Ivory Coast who had been sent on a peacekeeping mission to a neighboring country. They had been promised a bonus for completing their work and returned home, they could not give them the bonuses, ostensibly so great was his stature as a regional power that the country. They had been promised a bonus for completing their work and returned home, they could not give them the bonuses, ostensibly to try to heal the country. But it is not clear what will happen next in Ivory Coast. There are great tensions in the country and there seems to be as many as 60 tribes and language groups, divisions between Christians, Muslims, and Animists. There is also ill will between the native Ivorians and the more recent arrivals who are attracted by the relative prosperity and stability of the country in past decades. No one thinks that political problems are yet settled.

Nigeria

Nigeria was the next stop. From all the reports, the current President of Nigeria is an honest man with the interests of his people at heart. But there are a number of problems.

One of these is a culture of corruption which took root in part of the society and body politic in years past. A substantial portion of Nigeria oil production is said to be officially unaccounted for. As you travel around chaotic Lagos, you frequently see warnings on buildings and fences against land scammers.

The old agricultural base of the economy was neglected when oil became such a critical part of the economy. This contributed to urbanization and drained the economy in ways as well. During times of low oil prices, the lack of a more balanced economy is acute. Nigeria's economy contributes to the high unemployment rate.

Airport security has been a persistent problem in recent years, particularly the smaller domestic airport in Lagos. Even my Nigerian hosts were alarmed as we ran the gauntlet of muggers and panhandlers between the parking lot and the actual terminal building. This alarms potential foreign investors and tourists.

The new capital, Abuja, shows the signs of efforts of city planners to avoid the chaotic growth of Lagos. And Nigerians take justifiable pride in some of the new federal buildings. The most conspicuous feature of the local press, however, were articles about the struggle between the President and the new parliament over a self appropriation of $40,000 to each member of Parliament for furnishing for their private residences. The struggle is described as part of a larger problem, particularly during a period of budgetary stringency.

Great tensions between Muslim and Christian groups have flared again. These tensions have deep historic roots, but have recently worsened due to a campaign to impose Islamic law in areas of mixed populations with Muslim majorities. You also hear the frequently expressed wish that the President would reach out to the younger people, particularly younger people with recognized technical skills.

THREE

Ethiopia was a country that I toured extensively when I wrote my Ph.D. dissertation, but I had not visited this country for several decades. I was interested in seeing the progress made by the people who had brought in Haile Selasi's ancient kingdom.

My first visit was to the American embassy to seek a briefing on economic and political leaders. In the days that followed, I discovered an old friend, a senior IMF official who was discussing the problems of the Ethiopian government. I did receive an outstanding economic briefing.

I also met with many of the key leaders in Ethiopia, who had just completed a successful defensive war against Eritrea, their neighbor to the north, and who were struggling to get the economy back on track. Many of these people are honest, but a Marxist education is not always the best preparation for organizing an efficient market economy.

In Addis Ababa, we saw a world class hotel, but which is surrounded on all sides by poverty. Large numbers of malnourished veterans of past wars, streeturchins, the aged, and women with babies beg at every opportunity. It is heart rending to see such scenes, and they are poison for the tourist industry, which is the only mass market for the tourist industry, which is the only mass source of jobs and foreign exchange.

Famine stalks the land in part of Ethiopia, even as one drives by vast well watered and fertile lands which could produce much higher yields with modern agricultural techniques. Unclear tenure systems contribute to the rural economy, which supports a massive source of jobs and foreign exchange.

Many years ago I lived in Nairobi, Kenya. When I revisited this capital city, I found it virtually unrecognizable, swollen like many other African cities, and much bigger than the rural economy. Indeed, so great is its stature as a regional power in years past. A substantial portion of Nigeria oil production is said to be officially unaccounted for. As you travel around chaotic Lagos, you frequently see warnings on buildings and fences against land scammers.

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Kenya's agriculture is in crisis. Drought is only part of the problem. Kenyan farmers are compelled to sell their coffee, the country's main foreign exchange earner, to the government marketing board. This board has not yet paid the farmers for last year's crop, creating acute hardships and vast resentment. Such farmers are not in a position to make expensive outlays for fertilizer and other needed materials, guaranteeing a poor crop next year to a country with a foreign exchange shortage and high unemployment.
One bright spot, though, is the vast game parks of Kenya which are a source of great local pride and considerable tourist revenue. During a visit, we actually observed a group in Masai with spears trying to run down a lion, which had been stalked by a herd of cattle. The drought had brought both the cattle and the Masai into the normally forbidden game park.

**SOUTH AFRICA**

In South Africa, the legacy of decades of apartheid has contributed to tension which is experienced at every hand. Johannesburg, once a vibrant city, has become an urban fortress with electrified fences and military concertina wire surrounding affluent home and neighborhood. Private security services are one of the few booming businesses. Hotels are being built near the airport because much of the downtown area is no longer safe for visitors. Rural farmers find themselves sometimes virtually under siege. Perhaps as many as 50% of South Africans are unemployed. More than 20% are HIV positive and doomed unless medical assistance is available. Many of these stricken young men and women are deeply angry, contributing to the crime and violence. Educated young people are leaving the country in droves from South Africa and for the first time, the growing anarchy could eventually take the country into zones where racial and tribal passions rise.

Tensions arise between former President Mandela and his successor. His successor is under great pressure to find jobs for black Africans. There is reluctance to confront the AIDS problem with the urgency that is needed. Unions supported by President Mugabe in Zimbabwe are putting growing pressures on South African leaders to follow similar policies. In Zimbabwe, such policies have proven catastrophic both for modern agriculture, the national economy itself, and for social peace. But it is not clear how long South African leaders can resist pressures to begin similar policies. There is great apprehension among the commercial farming communities.

Leaders of the South African government greatly resent unfavorable reports about conditions in South Africa since they des- perately want to attract foreign investment to create jobs and support the currency. But the truth of the matter is that potential foreign investors always inquire of local contacts about true local conditions. There is fear in South Africa, strongly op- posed by the government, about breaking up the country into zones where racial and tribal concentrations exist. Unless stability is created, the growing anarchy could eventu- ally lead to just such a result.

If the deterioration in South Africa leads to anarchical, civil war, and economic collapse, all neighboring countries with important commercial links with South Africa will also suffer. But the reverse is also true. If the South African economy can be sta- bilized and revived, growth and talent in South Africa will spread naturally through- out the southern region. So the stakes are very high. It is also important to remember that the earlier constructive action takes place, the easier it will be to achieve results. Congress should play a role. There are parts of the political class in other parts of the world which viewed their task as finished, once apartheid was been crushed and Mr. Mandela installed in office with a mission to reconcile the nation. The truth of the matter is that Mr. Mandela is out of office. Many ex- ites from socialist traditions

The complexities and dilemmas inherent in this situation have caused many people who were involved in the anti-apartheid struggle from Western countries to avert their eyes from the growing unrest in large parts of the country. If South Africa plunges into tragedy, for example, if the elimination of apartheid only ushered in a new era of economic and political mis- ery, and eventually a new one-party perpet- ually lead to just such a result.

**CONGO**

Reports on developments in former Zaire, now the Congo, are even more unsettling. These reports estimate that more than two million people died in the war that has been raging throughout the country during the past two years. Here too there is talk about the possible breakup of this vast, potentially rich nation that has deteriorated steadily since 1960. Indeed, 70% of the mod- ern hard surfaced roads built by Belgian colonists in Congo have reverted to bush and jungle and are unusable today.

Some of the countries’ mineral de- posits are unworked due to violence, lack of mining machinery, collapsed transportation infrastructure, and poor maintenance of mines and facilities.

Revenues from some of the still working mining operations are being diverted to fi- nance foreign troops defending the regime in Kinshasa against other foreign troops who are penetrating other parts of the country where violence has created intolerable conditions for neighboring countries.

Many African leaders have worked hard to bring peace to their country and its 50 million people, but one agreement after another has not been implemented. And the war and killing continue.

**WHAT TO DO**

1. It is important to understand that there is no magic wand that can, at a stroke, erase at the legacy of decades of misrule, mistakes, injustice, poverty, and violence that have impacted parts of Africa. Many statistics are unreliable, particularly those which quantify bad news. But this knowledge should not paralyze us or prevent us from taking steps that can, in fact, mitigate some of the prob- lems in the region and build a foundation for later growth and development. Furthermore, there are now many examples of this.

2. While there are generic problems in sub-Saharan Africa, such as the AIDS crisis and other public health problems of equal con- cern, each country in sub-Saharan Africa is unique in tribal composition, politics, history, traditions, resource base, religion, culture, and all the other factors that con- tribute to diversity. Without a detailed knowledge of these unique factors, it is dif- ficult for even well-connected outsiders to contribute effectively in finding solutions to the problems. In the United States, for ex- ample, most parts of Africa lack an informed constituency of sufficient size to serve as a buffer against the mistakes that sometimes occur when policy issues in Washington be- come a compromise between a junior desk officer at the State Department, and a well- paid, politically connected lobbyist re- presenting the incumbent ruler. Fortunately, America possesses talent and knowledge in depth about most parts of Africa. Some of our experts are in the academic world, some in the foreign service or intelligence service, some in the foreign commerce of the United Nations can play a large role in the future in this context if adequately led and supported.

4. Conflicting commercial ambitions by companies and individuals in various African countries have sometimes produced foreign direct investment support for potential leaders or potential leaders who are viewed as friends. ELF Petroleum’s objectives and the multiple protection agreements are some of the many examples of this. Even where such interests are not directly involved, paranoia about the potential of such sponsorship is helping to prevent ad- vanced countries from working together ef- fectively to support development in Africa. Covert support for potential political leader is assumed. The recent election in the Ivory Coast was a case in point, where riots were mobilized by one group to protest al- leged French attempts to interfere in the election process.

Yet it is absolutely clear that advanced countries could accomplish much more in Africa by working together than by allowing divisions over conflicting commercial agen- dases to poison cooperation, to poison cooperation.

There are a number of highly able African leaders who care about the interests of their peoples, but who sometimes do not have the depth, local talent needed to craft develop- ment strategies that could command wide support.

There is an urgent need for such strategies in sub-Saharan Africa. The best of African
talent needs to be engaged with that from cooperating multilateral organizations and individual countries to produce a realistic and comprehensive market based development plan for each country in sub-Saharan Africa.

At its peak, the mineral riches of one province in Congo provided 25% of the GNP of that country. Once peace comes, a high priority should be put on a plan to restore the power and transportation infrastructure to allow these minerals to play their earlier role in the local and global economy.

By the same token, unwise policies, such as the current efforts of President Mugabe to demagogues the issues involved in the commercial farming sector of his country, need to be strongly discouraged by restating his position to deploy carrots and sticks. Everywhere in Africa there is a need for more intensive commercial farming, which has more than proven its potential in the latter part of the 20th century. The solid results achieved by efficient commercial farmers both in feeding local people and in providing desperately needed jobs and foreign exchange through exports is something that should not be ignored.

Delivery of health services is another area where more cost effective distribution systems are needed in some countries. A recent World Bank report suggested that of $100 appropriated for medicines by national budgets in Africa, only $12 worth of such medicines reach patients. The rest of the money is lost through a combination of spoilage, corruption, and other apparent consequences of gross mismanagement.

The cost of commercially available treatments for individuals or those with AIDS is about $15,000 per person. This is the approximate cost of educating 100 primary school students for an entire year. Offers by the United States to provide loans to impoverished African countries to allow them to purchase greater quantities of commercially available drugs to prolong the useful lives of the HIV positive will not find many willing takers among governments with unlimited pressing needs and limited resources.

Prevention is obviously the most important and least cost defense against this scourge. Senegal does an effective job in this regard, and its HIV positive population is merely 1.8% by comparison with other countries with rates in excess of 20% and growing. Uganda successfully lowered the infected number of their citizens through effective anti-AIDS information campaigns. But the Senegal and Uganda information programs should be put on the road and marketed in all the African countries.

Brazil has successfully begun to attack its own HIV problem with generic drugs produced for a fraction of the $15,000 commercial rate. It did so by simply expropriating the technology and subsidizing the production and dissemination of the drugs.

Clearly, it is in the interest of all that current market-based incentives for research and development of anti-AIDS drugs should continue and intensify. Companies which are successful should be rewarded for their success.

Both distribution of HIV/AIDS medicines in Africa should be purchased by donor governments and multilateral health agencies.

Even if all the billions now infected can be treated with anti-AIDS medicines due to cost factors and distribution complexities, at least the scarce talent in the country, educated at vast cost, can be treated and their lives greatly extended.

Better education programs are clearly part of the answer to Africa’s multiple problems. But today, less than 2% more women are being educated than was the case during the colonial period. Educational costs are unnecessarily high in some places because of the level of salaries and benefits. In some places, governments cannot afford to field the number of highly paid teachers who are needed to address the requirements of Africa’s children.

American children were educated in the first quarter of the 19th century with very simple structures and facilities. This is an area where friends of Africa in the developed world could perhaps useful contribute more in talent, funds, and advice. Schools are also.

6. Better education programs are clearly part of the answer to Africa’s multiple problems.
Teatro della Pergola and various other theaters as a stage technician until 1835. From there he accepted a job as a scenic designer and stage technician at the Teatro Tacon in Havana, Cuba.

Fascinated by technical research of any kind, Meucci applied to military equipment for the Cuban government. He continued his work in the theater, but science had become his indomitable passion.

One day, in his home, Meucci heard an exclamation of a friend, who was in another room of the house, over a piece of copper wire running between them. He realized immediately that he had something that was more important than any discovery he had ever made. With that realization also came the understanding that to succeed as an inventor, he would need an environment that truly fostered his inquisitive mind and vibrant spirit.

In 1855, when his wife became partially paralyzed, Meucci set up a telephone system which he hoped would revolutionize the theater. He worked tirelessly in his endeavor to bring long distance communication to a practical stage.

In 1860, when the instrument had become practical, Meucci organized a demonstration to attract financial backing. A description of the apparatus was soon published in one of New York's Italian newspapers and the report with a model of the invention were taken to Italy with the goal of arranging production there.

Unable to raise the sum for a definitive patent, Meucci filed a caveat, or notice of invention. Unable to raise the sum for a definitive patent, Meucci filed a caveat, or notice of invention. Fate would soon gain notoriety for his creative and productive mind. His purported inventions included a new method of galvanizing metal, which he hoped would revolutionize the theater.

Unfortunately, the promises of financial support, which were so forthcoming after the original demonstration, never materialized.

Antonio Meucci refused to let this set back destroy his vision. Though the years that followed brought increasing poverty, he continued to produce new designs and specifications. Unable to raise the savings for a definitive patent, Meucci died in 1889.

For too long Antonio Meucci has been only a footnote in our history books. At many local libraries, a search for Meucci in the card catalog yields nothing. His legacy deserves more. Remember that a federal court in the 1880’s found that Meucci's ideas were significant to the invention of the telephone and the Secretary of State at the time issued a public statement that "there exists sufficient proof to give priority to Meucci in the invention of the telephone."

Mr. Speaker, many people from many different nations have contributed to the greatness of America. Antonio Meucci was indeed one such person. He is an example of someone who worked for the benefit of all. It is fitting that his efforts are recognized here today.

IN HONOR OF TOM SHORT
HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Friday, December 15, 2000

Mr. KUCINICH. Mr. Speaker, President Thomas Short of IATSE, the International Alliance of Theatrical and Stage Employees, ranks as one of the City of Cleveland’s favorite sons. Cleveland is proud of his strong, disciplined, patient leadership which has earned him the gratitude of the rank and file of the IATSE, the appreciation of all international labor leaders, and the respect of those who sit across the table from his I/A team.

As a member of the labor committee of the United States Congress and as a member belonging to IATSE Local 660 (you are in politics it is always good to have another trade) I know first hand the powerful and positive impact Tom Short has had in protecting and advancing the economical, social, and political rights of working men and women. President Short achieves success for his members through making the use of principle, a practical and pragmatic process.

As a veteran of both labor and politics, I am aware of the challenges which confront my brothers and sisters in the entertainment world. Surely this, the most dynamic of all industries, with so many exceptional individuals blessed with depth of talent and breadth of vision—surely you can call upon the limitless reservoir of spiritual and creative energies always available to you, to design an environment of benevolence and co-operation where all are winners in the collective bargaining process.

Over thirty years ago, when I began my career in public service, I worked closely with Tom Short’s father, Adrian, who led Cleveland’s stage hand union. Adrian Short introduced me back then to his sons, Dale, a labor leader in his own right, and Tom, our honoree. How very proud your father would be of this well deserved moment of grace, Tom, for you embody every dream he had—in your quest to elevate the dignity of all working people.

THANKS TO THOSE WHO HELP KEEP THE CAPITOL FUNCTIONING
HON. JOHN EDWARD PORTER
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Friday, December 15, 2000

Mr. PORTER. Mr. Speaker, earlier this year, on October 24, I rose to thank all of the people that make this great institution work. I wish I could have mentioned all of our extended support staff by name. Peggy Sampson has been with the Republican staff almost as long as I’ve been in Congress. She does a fantastic job playing Mother Superior to all our pages, watching over them, helping to educate them, and generally herding them. This has become an infinitely more complex job when Republicans became the House majority, with the right to name so many more pages on our side. But Peggy not only does her job and does it in exemplary fashion, but she also helps the cloakroom staff in so many ways. She has been and is absolutely invaluable and irreplaceable. I also want to mention the garage attendants who are so friendly and helpful to all of us: Tommy, Dennis, Scotty and so many others are always there on the job and make our tour here safer and more enjoyable.

IN THE HOUSE OF REPRESENTATIVES
Friday, December 15, 2000

Mr. PORTMAN. Mr. Speaker, I rise today to recognize Father James Hoff, a friend, educator and community leader, who will step down from his service as President of Xavier University on December 31, 2000.

Over the past ten years, Father Hoff has led Xavier to new heights. In 1992, he began Xavier 2000 which led to the Century Campaign, the most ambitious fundraising campaign in the school’s history, raising the endowment from $24 million to $89 million. He has also significantly strengthened the university’s curriculum, advanced the quality of its faculty and created a more unified, attractive campus.

Perhaps most telling of Father Hoff’s work is the success of Xavier’s students. In the 1990’s, the average high-school grade-point average of its incoming students rose from 2.9 to 3.49 for the current class. And, in 1998, the school ranked first in the nation for student-athlete graduation rates (100 percent).

In 1995, Xavier was recognized for the first time by U.S. News and World Report as one of “America’s Best Colleges,” placing fifteenth among Midwest schools. In its 2001 ranking, Xavier climbed to seventh among regional institutions in the Midwest. Xavier has also received recognition from Money magazine and the John Templeton Honor Roll.

Although Father Hoff surely deserves much of the credit, he is modest and quick to recognize Xavier’s faculty and staff, Board of Trustees, administration and students—all of whom have worked to raise the level of excellence at the school.

He says his greatest accomplishment during his tenure is defining the school’s mission: “to...
prepare students intellectually, morally and spiritually to take their places in a rapidly changing global society and to work for the betterment of that society.” He certainly has done that, and all of us in the Cincinnati area thank him for his vision and goodwill. We look forward to his continued leadership in our area.

RECOGNITION OF THE RETIREMENT OF PAUL SELDENRIGHT

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. BONIOR. Mr. Speaker, today I rise to honor a good friend of mine, Michigan State AFL-CIO COPE Director Paul Seldenright upon his retirement. Paul Seldenright has been standing up for working men and women for over 40 years, beginning in 1960 as a steelworker in Trenton. Every day during that 40 years, the working families of Michigan have had a champion in Paul. The political battles Paul has fought in Lansing and in the State of Michigan have had a direct impact on the standard of living for the working people in our State.

Paul’s interest in politics led him to the position of chairman of his local PAC in 1962. In 1973, after associating himself with several successful political campaigns in Michigan, he began working for the Michigan AFL-CIO. He is a member of the A. Philip Randolph Institute as well as the Coalition of Labor Union Women and a lifetime member of the NAACP.

I want to be known that Paul Seldenright has dedicated his life to the betterment of the working men and women of the State of Michigan. While I know Paul’s retirement is well-deserved, his passion for politics and his dedication to working families will not let retirement take him from the causes he believes in and has fought for his whole life. Please join me in honoring the career of one of Michigan’s working heroes as Paul completes his final days as Michigan State AFL-CIO COPE Director. Paul, we wish you all the best.

THE ARMENIAN GENOCIDE

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. KNOLLENBERG. Mr. Speaker, in the closing days of the 106th Congress, I rise today to add perspective to the issue of the Armenian Genocide. Like many, I was deeply disappointed that the House did not consider H. Res. 596, the Armenian Genocide Resolution.

As my colleagues are well aware, the resolution was not considered because the Republic of Turkey decided to turn a sense of the House Resolution about the extensive U.S. record on the Armenian Genocide into a litmus test of its relationship with the United States. In an effort to stop the resolution, Turkey made repeated threats. In fact, many newspaper articles covering the progress of H. Res. 596 cited Turkey’s numerous threats should this body move forward.

These threats were not only directed at the United States, but also at Armenia and Armenians living in Turkey. In Istanbul, Turkey, people threw rocks at the windows of the Armenian Church of Samatia, an Armenian priest was subjected to physical attacks, another priest was arrested for referencing the Armenian Genocide, True Path Party leader Tansu Ciller called for the deportation of 30,000 Armenians, military activities increased along the border, and this shocking list goes on.

I regret that the Republic of Turkey opted to use coercion to make its case. However, it is even more regrettable that the United States succumbed to such tactics. I believe that we must remain vigilant in the fact of threats and those who continue to deny the Armenian Genocide.

While the resolution was aborted in Congress, internationally the pace of Genocide affirmation continued. During November alone, despite Turkish threats, the European Parliament, along with France and Italy, all adopted resolutions affirming the Armenian Genocide. In addition, Pope John Paul II recognized the Armenian Genocide. Today I am submitting copies of these documents for the record. Many experts have called for a dialogue between Turkey and Armenia on this subject. In fact, on October 3rd, the State Department offered to break the ice between these two countries. While Armenia has repeatedly agreed, Turkey has refused. During his address at the Assembly of Turkish-American Associations in Washington, DC last month, Anthony Blinken, U.S. National Security Council European Director, indicated that Turkey had the responsibility to take the first step to start a dialogue with Armenia. Blinken said “as a small, landlocked country suffering from economic problems, Armenia seeks Turkey as offering a fist, not a hand.”

I agree with Mr. Blinken on this point. From Armenia’s perspective, Turkey’s ongoing hostile actions and continued violations of international human rights laws and treaties represent a significant security threat. Turkey’s defense spending is the highest of any NATO country as a percentage of its Gross National Product (GNP) and over the next 25 years Turkey plans to spend $150 billion modernizing its armed forces—against whom is unclear. Armenia simply does not have the resources to defend its own borders, especially given Turkey’s military superiority and defense spending. Turkey’s blockade, refusal to establish normal relations, military superiority, refusal to acknowledge the Armenian Genocide, and complete solidarity with Azerbaijan’s demands regarding the Nagorno Karabagh conflict has not only kept Armenia out of the peace conference and forced Armenia to rely on third parties to buttress its security capacity. As my colleagues know, Armenians faced genocide at the beginning of the 20th Century and the Armenians of Nagorno Karabagh suffered another attack during the end of the 20th Century. It is incumbent on us to ensure that Armenians and others around the world are not subjected to genocide in the 21st Century.

I would like to point out to my colleagues that since gaining its independence Armenia has consistently reached out and sought to work with its neighbor only to be rebuffed at every step. Last year, when Turkey suffered a devastating earthquake, Armenia was one of the first countries to offer assistance. Armenia, having endured a major earthquake years before, has developed an expertise in earthquake response and recovery. Despite Armenia’s offer, Turkey initially rejected assistance. In fact, it was reported that Turkey’s Minister of Health, Osman Durnus, recently refused offers of blood from the Turks because he didn’t want Turkish blood mixed with theirs. More recently, Armenia offered earthquake assistance to Azerbaijan. To date, Azerbaijan has not accepted Armenia’s offer. Finally, Armenia’s President, Robert Kocharian has proposed and worked on the creation of a new system that will facilitate long-term peace and regional cooperation. President Kocharian stated, “the creation of such a system will allow the states of the region to cast away the current concerns and to overcome the atmosphere of distrust. It will allow the emergence of new dividing lines, to establish long-term peace, and to think about prospects of development and [a] prospective future.” Turkey did not take President Kocharian up on his offer.

Time and time again, Armenia has shown its willingness to normalize relations with its neighbors. However, Armenia’s offers have fallen on deaf ears. In my view, if Congress is to recognize and support the efforts of the U.S. record in response to the Armenian Genocide, why would Turkey feel any obligation to enter into a dialogue with its weaker neighbor Armenia when it has successfully silenced the United States? It is my hope that we can continue to work on these important human rights issues during the 107th Congress and create an atmosphere in the Caucasus region where security of all countries is not at issue and people can exchange views without the fear of retribution.

ITALIAN RESOLUTION

The Italian Chamber of Deputies has observed that on November 15, 2000 the European Parliament approved by a large majority a proposal deriving from the Periodic Review on the progress made by Turkey towards admission to the European Community, a review completed by the European Commission in 1999. The Turkish government has encouraged its efforts towards democratization, especially in the fields of criminal law reform, independence of the judiciary, freedom of expression, and the rights of minorities.

The Italian Chamber of Deputies has also observed that the recent resolution deals with questions concerning the Armenian people in three paragraphs of particular significance: “we urge recognition of the genocide inflicted upon the Armenian minority” and “we refer to the peace process proposed by the Turkish government itself [paragraph 20]” and, in support of the suggestion put forward in paragraph 21 by the Hon. D. Cohn-Bendit, President of the Bipartisan Parliamentary Commission on UE-Turkish relations, “invites the Turkish government to open negotiations with the Republic of Armenia to establish diplomatic relations and trade between the two countries, placing an end to the blockade currently in place.”

The Chamber of Deputies therefore urges the Italian Government, in concordance with the proposals described above, to pursue energetically the easing of all tensions between states and minorities and to look to the future (e.g. the Caucasus), in order to create, with due observance of the territorial integrity of the
two states, pacific coexistence and respect for human rights, thereby expediting a more rapid integration of Turkey within the European Community.

International Affirmation of the Armenian Genocide—Resolutions and Declarations—Vatican City, November 10, 2000, Joint Communique of Pope John Paul II and Catholicos Karekin II

His Holiness Pope John Paul II, Bishop of Rome, and His Holiness Karekin II, Supreme Patriarch and Catholicos of All Armenians, give thanks to the Lord and Saviour Jesus Christ and to meet together on the occasion of the Jubilee of the Year 2000 and on the threshold of the 1700th anniversary of the proclamation of Christianity as the State Religion of Armenia.

They also give thanks in the Holy Spirit that the fraternal relations between the See of Rome and the See of Etchmiadzin have further developed and deepened in recent years. This progress finds its expression in their present personal meeting and particularly in the gift of a relic of Saint Gregory the Illuminator, the holy mission that converted the king of Armenia (301 A.D.) and established the line of Catholicos of the Armenian Church. The present meeting builds upon the previous encounters between Pope Paul VI and Catholicos Vasken I (1970) and upon the two meetings between Pope John Paul II and Catholicos Karekin I (1996 and 1999). Pope John Paul II and Catholicos Karekin II now continue to look forward to a possible meeting in Armenia. On the present occasion, they wish to state together the following.

Together we confess our faith in the Triune God and in one Lord Jesus Christ, the only Son of God, who became man for our salvation. We also believe in the Holy Spirit, the Son of God. The Holy Spirit, the Body of Christ, indeed, is one and unique.

This is our common faith, based on the teachings of the Apostles and the Fathers of the Church. We acknowledge furthermore that both the Catholic Church and the Armenian Church have true sacraments, above all—by apostolic succession of bishops—the priesthood and the Eucharist. We continue to pray for a visible communion between us. The liturgical celebration we preside over together, the sign of peace we exchange and the blessing we give together in the name of Jesus Christ, we believe, is a sign that we are brothers in the episcopacy. Together we are jointly responsible for what is our common mission: to teach the apostolic faith and to witness to the love of Christ for all human beings, especially those living in difficult circumstances.

The Catholic Church and the Armenian Church share a long history of mutual respect, considering their various theological, liturgical and canonical traditions as complementary, rather than conflicting. Today, too, we have much to receive from one another. At different times, Armenia, which was part of the Roman Empire, and Armenia, which was part of the Byzantine Empire, have drawn inspiration from both the Catholic and the Armenian traditions. Today, we stand together as the Catholic Church and the Armenian Church.

As we embark upon the third millennium, we look back on the past and forward to the future. As to the past, we thank God for the many blessings we have received from his infinite bounty, for the holy witness given by so many saints and martyrs, for the spiritual and cultural heritage bequeathed by our ancestors. Many times, however, both the Catholic Church and the Armenian Church have lived through dark and difficult periods. Christian faith was contested by atheistic and antireligious ideologies; Christian witness was opposed by totalitarian and violent regimes; Christian love was suffocated by individualism and the pursuit of personal interest. Constantly, we have felt the pressure of political, economic and social circumstances.

Nevertheless, without diminishing the horror of these events and their consequences, there may be a kind of divine challenge in them, if in response Christians are persuaded to join together in deeper friendship in the cause of Christian truth and love. We now look to the future with hope and confidence. At this juncture in history, we see new horizons for us Christians and for the world. Both in the East and West, after having experienced the deadly consequences of godless regimes and lifestyles, many people are searching for truth and the way of salvation. Together, guided by charity and respect for freedom, we seek to answer their desire, so as to bring them to the sources of love and happiness. We see the intercession of the Apostles Peter and Paul, Thaddeus and Bartholomew, of Saint Gregory the Illuminator and all the Martyrs of Armenia, remembering that around the world, wherever members of the Armenian and the Catholic Church live side by side, all ordained ministers, religious and faithful will "help to carry one another's burdens, and thereby obey the laws of Christ." (Gal 6:2). May they mutually sustain and assist one another, in full respect of their particular identities and ecclesiastical traditions, avoiding to prevail one over another. And may we, having the chance, should do good to everyone, and especially to those who belong to our family in the faith." (Gal 6:10).

9. TURKEY’S PROGRESS TOWARDS ACCESSION


The European Parliament,
—having regard to Turkey’s application for accession to the European Union,
—having regard to its resolution of 3 December 1998 on the European Strategy for Turkey,
—having regard to the 1999 Regular Report from the Commission on Turkey’s progress towards accession (COM(1999) 513-C5-0036/2000),
—having regard to the resolution of 2 December 1999 on the implementation of measures to intensify the EC-Turkey customs union,
—having regard to Council Regulation (EC) No 764/2000 of 10 April 2000 regarding the implementation of measures to intensify the EC-Turkey customs union,
—having regard to its resolution of 6 September 2000 on measures to promote economic and social development in Turkey,
—having regard to its resolution of 7 September 2000 on the Turkish bombardment of northern Iraq,
—having regard to Rule 47(1) of the rules of Procedure,

A. recalling the decision taken on 13 December 1999 by the European Council meeting in Helsinki to grant Turkey the status of candidate country for accession to the European Union and to establish an accession partnership and a single financial framework with a view to helping Turkey’s application to progress in accordance with the Copenhagen criteria,

B. whereas, following the granting to Turkey of candidate country status, the Union must now, by common agreement with the Turkish Government, continue its development in an appropriate manner a credible comprehensive strategy with a view to accession,

C. whereas accession negotiations cannot begin until Turkey complies with the Copenhagen criteria,

D. whereas a climate of mutual trust should be created between Turkey and the European Union so that Turkey does not perceive the EU as a club for a "Christian Europe" but as a community of shared values which embrace, in particular, tolerance for other religions and cultures, and whereas no formal cultural or religious conditions are attached to accession to the European Union,

E. whereas a clear and detailed programme will be an effective encouragement to accelerate reform in the area of human rights and democracy, and will greatly strengthen the hand of those in the Turkish government, parliament, and civil society who wish to establish full respect for basic rights in their country,

F. noting the legislative changes carried out along the path towards democratisation since the 1995 constitutional reform and the establishment in the Turkish Grand National Assembly of the Conciliation Committee, which is responsible for reforming the constitution,

G. welcoming the signature by Turkey on 15 August and 8 September 2000 of four important UN conventions on political, civil, social and cultural rights respectively, which must be ratified as soon as possible so that human rights and democratic pluralism may be guaranteed in that country,

H. emphasising that, despite the progress already achieved along the path towards democratisation, human rights and the situation of minorities must continue to be improved by the implementation of those conventions,

I. whereas, according to Lord Russell-Johnston, President of the Parliamentary Assembly of the Council of Europe, the confirmation by Ankara of the sentence imposed on former Prime Minister Guenter Erbakan is not in conformity with the principles of democratic pluralism,
J. whereas Resolution 1250 of the UN Security Council called on the Turkish and Greek Cypriot communities to begin negotiations in the autumn of 1999, and whereas no progress in that direction has been recorded, despite the ongoing contacts made under the aegis of the UN Secretary-General in December 1999 and in January 2000, regretting, on the contrary, the violation of the military status for the Turkish occupation force in the village of Strovilia on 1 July 2000, K. whereas the judgment of the European Court of Human Rights in “Loizou v. Turkey” (No 15519/89), handed down on 28 July 1996 and in favour of the plaintiff, has still not been implemented, L. whereas the election to the Presidency of the Republic of Mr. Sezer, who has demonstrated his commitment to the rule of law, will make it easier for the necessary reforms to be successfully completed, 
M. noting Turkey’s place in the economy of Europe—it had a GDP of USD 185 billion in 1999—and the links already established between Turkey and the European Union, with N. whereas, in December 1999, the package of economic reforms demanded by the IMF with a view to introducing budgetary austerity and to curbing galloping inflation was approved by the Turkish Parliament, O. encouraging the Turkish Government, on the one hand, to commit itself to carrying out structural reforms which, ranging from dismantling state subsidies to reorganizing pensions and accelerating privatization, must therefore strengthen the bases of a free market economy accessible to all and, on the other, to continue its efforts to adopt Community legislation, P. recognizing Turkey’s important geostrategic position, having regard to its role within the Atlantic Alliance and its status of EU associate member, but noting that geopolitical and strategic considerations must not be the decisive factors in negotiations about accession, Q. welcoming the fact that Turkey has signaled its intention to commit military capabilities under the common European security and defense policy, R. regretting and unequivocally condemning the recent incursion by the Turkish Air Force into Iraqi airspace when Kandorak was bombed on 15 August 2000, S. endorsing the view set out in the Commission report that Turkey has undertaken a significant process of self-evaluation as regards the level of harmonisation of its legislation with the acquis communautaire and that it is the only candidate country to have joined the Customs Union, T. welcoming the decision taken in this spirit on 5 July 2000 by the Turkish Parliament to include in the eighth five-year development plan the non-transparent transposition of the acquis communautaire and to establish a Secretariat for the European Union responsible for coordinating the work required for such transposition, U. emphasizing, however, that a sustained effort is still needed to push through the current reform of the Turkish Civil Code, with particular regard to parental and women’s rights, V. expressing its concern about the bill seeking to make it possible to dismiss civil servants on ideological or religious grounds, W. welcomes the resumption of institutional activities and political dialogue in the Association Council, which met on 11 April after being suspended for three years, and welcomes in particular the recent implementation of the Association Council’s conclusions with the initiation of an analytical review for the purpose of identifying the establishment of eight subcommittees entrusted with the task of setting priorities for incorporation of the acquis; notes with satisfaction that three of those subcommittees have been successful and trusts that the remaining subcommittees’ meetings will be held by the end of this year, X. encourages the Turkish Government to step up its efforts to achieve democratization, with particular regard to reform of the Penal Code, independence of the judiciary, freedom of expression, the rights of minorities and the separation of powers, and especially the impact of the role of the army on Turkish political life; 4. Calls on the Turkish Government and Parliament to ratify and implement the UN conventions on political, civil, social and cultural rights which it signed recently; 4. Encourages in this respect the Turkish Parliament and Government to incorporate the recommendations of the report drawn up by the Secretariat of the Turkish Supreme Coordination Council for Human Rights; welcomes the Turkish Council of Ministers’ adoption of this report on 21st September 2000 as a “reference and working document”; and calls for the section on cultural rights to be reinserted into the report, with specific measures to protect the rights of minorities being added thereto; 5. Looks forward to the early abolition of the State Security Courts and welcomes the adoption of the law suspending the prosecution of villagers and the establishment of eight subcommittees have been successful and trusts that the remaining subcommittees’ meetings will be held by the end of this year, 12. Encourages the Turkish Government to lift the state of emergency in the Province of Siirt and on 26 June 2000 in the Province of Van, and calls on the Turkish Government to lift the state of emergency in the other provinces of the southeastern region as well; calls for a specific solution to the conflict and for the Kurdish people, encompassing the requisite political, economic and social responses; 12. Urges the Turkish Government genuinely to redirect its policy with a view to improving the human rights situation of all its citizens, including those belonging to groups whose roots go back deep into the country’s past, by putting an end to the political, social and 13. Demands the release of Leyla Zana, winner of the European Parliament Sakharov Prize, and of the former MPs of Kurdish origin imprisoned because of the views they hold; 13. Welcomes the Turkish Government’s adoption in September 2000 of an action plan which aims to restore economic balance with a view to resolving regional disparities by committing appropriate resources, and to promote the reopening of hamlets and the reconstruction of villages which inhabitants may return to, together with other measures aimed at boosting investment in the south-east; 15. Welcomes the decisions taken by the Helsinki European Council to set up a single financial framework, to recognize an appropriate level of resources, and an accession partnership; calls on the Council and Commission to implement those two decisions as soon as possible and to reassess the amount of the European Union’s financial assistance to Turkey, which should meet the needs of the pre-accession strategy on the basis of previous European Council conclusions with particular reference to the issue of human rights as well as the issues referred to in paragraphs 4 and 9(a) of the Helsinki conclusions; 16. Calls on the European Council, in accordance with the provisions of the European Union’s political dialogue with the associated countries, to take note of the Turkish Government’s request to be involved in one way or another in the process of developing the common foreign and security policy, and welcomes Turkey’s determination to contribute to improving European capabilities within the framework of the common European security and defence policy; considers that such contribution should be preceded by a clearly stated policy of respect for the territorial integrity of Member States; 17. Welcomes the start of negotiations on confidence-building measures agreed on 31 October 2000 by the foreign ministers of both Turkey and Greece; 18. Calls on the Turkish Government, in accordance with Resolution 1250 of the UN Security Council, to contribute towards the creation, without preconditions, of a climate conducive to negotiations between the Greek and Turkish Cypriot communities, with a view to reaching a negotiated, comprehensive, just and lasting settlement which comprises the reunification of Cyprus, and takes note of the Council resolutions and the recommendations of the UN General Assembly, as reaffirmed by the European Council; hopes that this will be possible during the fifth round of proximity
talks which will begin on 10 November 2000 and that those talks will result in bilateral negotiations, under the aegis of the UN, which will enable substantial progress to be made:

19. Calls on the Turkish Government to withdraw its occupation forces from northern Cyprus;

20. Calls on the Turkish Government, as it has proposed, to improve its relations with all its neighbours in the Caucasus within the framework of a Stability Pact for the region;

21. Calls in this connection on the Turkish Government to launch a dialogue with Armenia aimed in particular at re-establishing normal diplomatic and trade relations between the two countries and lifting the current blockade;

22. Calls on the Turkish Government, in cooperation with the Commission, to pursue its efforts with a view to enhancing the implementation of the pre-accession strategy as regards the incorporation of the acquis communautaire, notably by improving the situation in fields such as the single market, agriculture, transport, the environment and administrative organisation;

23. Welcomes the Turkish Government’s recent statement that the reform process, which covers the amendments to the Turkish Penal and Civil Codes, including parental and women’s rights, would be stepped up during the coming year;

24. Calls on the Turkish Government to comply with previous and future decisions of the European Court of Human Rights and to consider the proposals made by the Council of Europe with regard to the training of judges and police officers;

25. Reminds Turkey also of the commitments it has given within the Council of Europe and calls on it to transpose Council of Europe instruments in particular so as to permit more effective monitoring of the application of political measures that are part of the accession partnership;

26. Takes the view that Turkey does not currently meet all the Copenhagen political criteria and reiterates its proposal for the setting up of discussion forums, consisting of eminent politicians from the European Union and Turkey as well as representatives of civil society, in order to promote political dialogue and help Turkey progress along the path towards accession; welcomes the initiative taken by the former President of Turkey, Mr. Demirel, to establish a Europe-Turkey Foundation, which might also be involved in those forums;

27. Calls on the Commission to devise and implement additional programmes in the field of education, given the exceptionally high proportion of the population (50%) under 25, in order to help foster understanding of the basic principles of the shared values of Europe;

28. Calls on the Council and the Commission to find ways to improve the effectiveness of MEDA Programmes for democracy in Turkey with a view to strengthening civil society there, consolidating the democratic system and supporting free and independent media in that country;

29. Instructs its President to forward this resolution to the Commission, the Council, the governments and parliaments of the Member States and to the Turkish Government and Grand National Assembly.
HIGHLIGHTS

Senate and House agreed to H.J. Res. 133, Continuing Resolution.
Senate and House agreed to the Conference Report on H.R. 4577, Consolidated Appropriations.
Second Session of the 106th Congress Adjourned Sine Die.

Chamber Action

Routine Proceedings, pages S11807-S11854

Measures Introduced: Eight bills and seven resolutions were introduced, as follows: S. 3280-3287, S. Res. 388-393, and S. Con. Res. 162. (See next issue.)

Measures Reported:
Report to accompany S. 2508, A bill to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes. (S. Rept. No. 106-513). (See next issue.)

Measures Passed:
Lincoln Highway Study Act: Senate passed H.R. 2570, to require the Secretary of the Interior to undertake a study regarding methods to commemorate the national significance of the United States roadways that comprise the Lincoln Highway, clearing the measure for the President. Page S11822

Dillonwood Giant Sequoia Park Expansion Act: Senate passed H.R. 4020, to authorize the addition of land to Sequoia National Park, after agreeing to the following amendment proposed thereto:

Domenici (for Murkowski) Amendment No. 4365, in the nature of a substitute. Page S11822

Adjournment Resolution: Senate agreed to H. Con. Res. 446, providing for the sine die adjournment of the second session of the One Hundred Sixth Congress. Page S11829


National Institute of Biomedical Imaging and Bioengineering: Senate passed H.R. 1795, to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Bioengineering, clearing the measure for the President. Pages S11850-52

Thanking President Pro Tempore: Senate agreed to S. Res. 388, tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate. Page S11852

Thanking Vice President: Senate agreed to S. Res. 389, tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate. Page S11852

Commending Democratic Leader: Senate agreed to S. Res. 390, to commend the exemplary leadership of the Democratic Leader. Pages S11852-53

Commending Majority Leader: Senate agreed to S. Res. 391, to commend the exemplary leadership of the Majority Leader. Page S11853

Thanking Senate Staff: Senate agreed to S. Res. 392, tendering the thanks of the Senate to the Senate staff for the courteous, dignified, and impartial manner in which they have assisted the deliberations of the Senate. Pages S11853-54

Enrollment Correction: Senate agreed to S. Con. Res. 162, to direct the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 4577. (See next issue.)

Public Safety Officer Medal of Valor Act: Committee on the Judiciary was discharged from further consideration of H.R. 46, to provide a national...
Commemorating Gwendolyn Brooks: Senate agreed to S. Res. 393, commemorating the life of Gwendolyn Brooks of Chicago, Illinois, poet laureate of Illinois since 1968. (See next issue.)

Installment Tax Correction Act: Senate passed H.R. 3594, to repeal the modification of the installment method, clearing the measure for the President. (See next issue.)

Computer Crime Enforcement Act: Senate passed H.R. 2816, to establish a grant program to assist State and local law enforcement in deterring, investigating, and prosecuting computer crimes, clearing the measure for the President. (See next issue.)

Consolidated Appropriations: Senate agreed to the conference report on H.R. 4577, making consolidated appropriations for fiscal year ending September 30, 2001. (See next issue.)

California Trail Interpretive Act: Senate concurred in the amendments of the House to S. 2749, to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the setting of the western portion of the United States, clearing the measure for the President. (See next issue.)

Lower Rio Grande Valley Water Resources Conservation and Improvement Act: Senate concurred in the amendment of the House to S. 1761, to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley, clearing the measure for the President. (See next issue.)

Internet False Identification Prevention Act: Senate concurred in the amendment of the House to S. 2924, to strengthen the enforcement of Federal statutes relating to false identification, clearing the measure for the President. (See next issue.)

Appointment:

Advisory Committee on Forest Counties Payments: The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–291, announced the appointment of the following individuals to the Advisory Committee on Forest Counties Payments: Tim Creal, of South Dakota, and Doug Robertson, of Oregon. (See next issue.)

Authority To Sign Enrolled Bills: A unanimous-consent agreement was reached providing that the Majority Leader or Senator Abraham be authorized to sign all duly enrolled bills and resolutions following the sine die adjournment. (See next issue.)

Authority To Make Appointments: A unanimous-consent agreement was reached providing that notwithstanding the sine die adjournment of the Senate,
the President of the Senate, the President of the Senate pro tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or inter-parliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

(See next issue.)

Nominations Confirmed: Senate confirmed the following nominations:

David W. Ogden, of Virginia, to be an Assistant Attorney General.

Randolph D. Moss, of Maryland, to be an Assistant Attorney General.

Eric D. Eberhard, of Washington, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship & Excellence in National Environmental Policy Foundation for a term expiring October 6, 2002.

Luis J. LaRedeo, of Florida, to be Permanent Representative of the United States to the Organization of American States, with the rank of Ambassador.

Rust Macpherson Deming, of Maryland, to be Ambassador to the Republic of Tunisia.

Ronald D. Godard, of Texas, to be Ambassador to the Co-operative Republic of Guyana.

Michael J. Senko, of the District of Columbia, to be Ambassador to the Republic of the Marshall Islands, and to serve concurrently and without additional compensation as Ambassador to the Republic of Kiribati.

Howard Franklin Jeter, of South Carolina, to be Ambassador to the Republic of Nigeria.

Loretta E. Lynch, of New York, to be United States Attorney for the Eastern District of New York for the term of four years vice Zachary W. Carter, resigned.

Daniel Marcus, of Maryland, to be Associate Attorney General.

Lawrence George Rossin, of California, to be Ambassador to the Republic of Croatia.

Arthur C. Campbell, of Tennessee, to be Assistant Secretary of Commerce for Economic Development. (New Position)

Ella Wong-Rusinko, of Virginia, to be Alternate Federal Cochairman of the Appalachian Regional Commission.

Gordon S. Heddell, of Virginia, to be Inspector General, Department of Labor.

Barbara W. Snelling, of Vermont, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

Brian Dean Curran, of Florida, to be Ambassador to the Republic of Haiti.

Mark D. Gearan, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of two years. (New Position)

Barry Edward Carter, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development.

Mark S. Wrighton, of Missouri, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2006.

Glenn A. Fine, of Maryland, to be Inspector General, Department of Justice.

Robert S. LaRussa, of Maryland, to be Under Secretary of Commerce for International Trade.

Marc E. Leland, of Virginia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

Harriet M. Zimmerman, of Florida, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003. (Reappointment)

Donald J. Sutherland, of New York, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring August 11, 2002. (Reappointment)

Lisa Gayle Ross, of the District of Columbia, to be an Assistant Secretary of the Treasury.

Lisa Gayle Ross, of the District of Columbia, to be Chief Financial Officer, Department of the Treasury.

Holly J. Burkhhalter, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

Richard A. Boucher, of Maryland, to be an Assistant Secretary of State (Public Affairs), vice James P. Rubin.

Ruth Martha Thomas, of the District of Columbia, to be a Deputy Under Secretary of the Treasury.

Everett L. Mosley, of Virginia, to be Inspector General, Agency for International Development.

Marjory E. Searing, of Maryland, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

Leslie Beth Kramerich, of Virginia, to be an Assistant Secretary of Labor.

Seymour Martin Lipset, of Virginia, to be United States Alternate Executive Director of the International Monetary fund for a term of two years.

Frederick G. Slabach, of California, to be a Member of the Board of Trustees of the Harry S Truman
Scholarship Foundation for a term expiring December 10, 2005.

Michael Prescott Goldwater, of Arizona, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 2005.

Betty F. Bumpers, of Arkansas, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001. (New Position)

Betty F. Bumpers, of Arkansas, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005. (Reappointment)

Barbara W. Snelling, of Vermont, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005. (Reappointment)

Holly J. Burkhalter, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005. (Reappointment)

John M. Reich, of Virginia, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of six years.

Mora L. McLean, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

Mora L. McLean, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005. (Reappointment)

Claude A. Allen, of Virginia, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2005.

Willie Grace Campbell, of California, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2005. (Reappointment)

Maria Otero, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

Routine lists in the Foreign Service.

Nominations Received: Senate received the following nominations:

Islam A. Siddiqui, of California, to be Under Secretary of Agriculture for Marketing and Regulatory Programs.

Edwin A. Levine, of Florida, to be an Assistant Administrator of the Environmental Protection Agency.

Sarah McCracken Fox, of New York, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2005.

Julie E. Samuels, of Virginia, to be Director of the National Institute of Justice. (See next issue.)

Nominations Withdrawn: Senate received notification of the withdrawal of the following nomination:

Stuart E. Weisberg, of Maryland, to be a Member of the Occupational Safety and Health Review Commission, which was sent to the Senate on February 3, 2000.

Stuart E. Weisberg, of Maryland, to be a Member of the Occupational Safety and Health Review Commission, which was sent to the Senate on February 3, 2000, which was sent to the Senate on May 11, 1999. (See next issue.)

Messages From the House: (See next issue.)

Communications: (See next issue.)

Petitions: (See next issue.)

Statements on Introduced Bills: (See next issue.)

Additional Cosponsors: (See next issue.)

Amendments Submitted: (See next issue.)

Additional Statements: (See next issue.)

Adjournment Sine Die: Senate met at 12 noon, and, in accordance with H. Con. Res. 446, adjourned sine die at 8:03 p.m. until 12 noon, on Wednesday, January 3, 2001.

Committee Meetings

No committee meetings were held.
House of Representatives

Chamber Action

Bills Introduced: 16 public bills, H.R. 5666–5681; and 6 resolutions, H. Con. Res. 446–447, and H. Res. 677–680 were introduced. (See next issue.)

Reports Filed: Reports were filed today as follows:

Conference report on H.R. 4577, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001 (H. Rept. 106–1033). Pages H12100–H12439

Suspension—Installment Tax Correction Act of 2000: The House agreed to suspend the rules and pass H.R. 3594, to repeal the modification of the installment method. Pages H12097–H12100

Recess: The House recessed at 10:25 a.m. and reconvened at 4:47 p.m. Page H12100

Sine Die Adjournment of the Second Session of the One Hundred Sixth Session: The House agreed to H. Con. Res. 446, providing for the sine die adjournment of the second session of the One Hundred Sixth Congress. (See next issue.)

Making Further Continuing Appropriations: The House passed H.J. Res. 133, making further continuing appropriations for the fiscal year 2001. Earlier, agreed by unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution to the end that the joint resolution be hereby passed; and that a motion to reconsider be hereby laid on the table. (See next issue.)

Consolidated Appropriations Act, 2001: The House agreed to the conference report on H.R. 4577, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001 by a yea and nay vote of 292 yeas to 60 nays, Roll No. 603. Pages H12100–12439 (continued next issue)

The conference report was considered pursuant to a unanimous consent request made earlier by Chairman Young of Florida. (See next issue.)

Enrollment Correction: The House agreed to S. Con. Res. 162, to direct the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 4577, Consolidated Appropriations Act, 2001. (See next issue.)


Committee to Notify the President: The House agreed to H. Res. 679, providing for a committee of two Members to be appointed by the House to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed their business of the session and are ready to adjourn, unless the President has some other communication to make to them. Subsequently, the Chair announced the appointment of Representatives Armey and Gephardt to the committee. (See next issue.)

Resignations—Appointments: Agreed that notwithstanding any adjournment of the House until Monday, December 4, 2000, the Speaker, Majority Leader and Minority Leader be authorized to accept resignations and to make appointments authorized by law or by the House. (See next issue.)

Extension of Remarks—Chairmen and Ranking Members: Agreed that the Chairman and Ranking Minority Member of each standing committee and each subcommittee be permitted to extend their remarks in the record, up to and including the record’s last publication, and to include a summary of the work of that committee or subcommittee. (See next issue.)

Extension of Remarks: Agreed that Members may have until publication of the last edition of the Congressional Record authorized for the second session by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the second session sine die. (See next issue.)

Expressing Support for President-Elect Bush: The House agreed to H. Res. 677, expressing the commitment of the Members of the House of Representatives to fostering a productive and collegial partnership with the 43rd President. (See next issue.)
Speaker pro Tempore: Read a letter from the Speaker wherein he appointed Representative Wolf to act as Speaker pro tempore to sign enrolled bills and joint resolutions through the remainder of the second session of the One Hundred Sixth Congress.

(Malaria Control: Agreed to the Senate amendment to the House amendments to S. 2943, to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis clearing the measure for the President.

(See next issue.)

Annual Day of Peace and Sharing: The House agreed to S. Con. Res. 138, expressing the sense of Congress that a day of peace and sharing should be established at the beginning of each year.

(See next issue.)

American POW Slave Labor in Japan During World War II: The House agreed to S. Con. Res. 158, expressing the sense of Congress regarding appropriate actions of the United States Government to facilitate the settlement of claims of former members of the Armed Forces against Japanese companies that profited from the slave labor that those personnel were forced to perform for those companies as prisoners of war of Japan during World War II.

(See next issue.)

Computer Crime Grant Program: The House passed H.R. 2816, to establish a grant program to assist State and local law enforcement in deterring, investigating, and prosecuting computer crimes. Agreed to the amendment offered by Representative McCollum.

(See next issue.)

AMVETS Charter Amendment: The House passed H.R. 604, to amend the charter of the AMVETS organization. Agreed to the amendment offered by Representative McCollum.

(See next issue.)

Internet False Identification Protection: The House passed S. 2924, to strengthen the enforcement of Federal statutes relating to false identification. Agreed to the amendment in the nature of a substitute offered by Representative McCollum.

(See next issue.)

Multidistrict Litigation: The House passed H.R. 5562, to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial. Agreed to the amendment offered by Representative McCollum.

(See next issue.)

Dillonwood Giant Sequoia Grove: Agreed to the Senate amendment to H.R. 4020, to authorize an expansion of the boundaries of Sequoia National Park to include Dillonwood Giant Sequoia Grove—clearing the measure for the President.

(See next issue.)

Wolf Trap National Park for the Performing Arts: The House passed H.R. 2049, to rename Wolf Trap Farm Park for the Performing Arts as “Wolf Trap National Park for the Performing Arts.” Agreed to the amendment in the nature of a substitute offered by Representative Radanovich.

(See next issue.)


(See next issue.)

Support for Mentoring Programs: The House agreed to H. Res. 552, urging the House to support mentoring programs such as Saturday Academy at the Oregon Graduate Institute of Science and Technology. Agreed to the amendments offered by Representative Goodling to the text and preamble. Agreed to amend the title.

(See next issue.)

Pat King Post Office Building, Long Branch, New Jersey: The House passed H.R. 3488, to designate the United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the “Pat King Post Office Building.”

(See next issue.)

Resolutions Laid on the Table: Agreed that H. Res. 674, 675, and 676 be laid on the table.

(See next issue.)

National Moment of Remembrance: The House passed S. 3181, to establish the White House Commission on the National Moment of Remembrance—clearing the measure for the President.

(See next issue.)

Commending Army Nurse Corps: The House agreed to H. Res. 476, commending the present Army Nurse Corps for extending equal opportunities to men and women, and recognizing the brave and honorable service during and before 1955 of men who served as Army hospital corpsmen and women who served in the Army Nurse Corps.

(See next issue.)

Honoring Members of the Marine Corps who died on December 12: The House agreed to H. Res. 673, honoring the four members of the United
States Marine Corps who died on December 11, 2000, and extending the condolences of the House of Representatives on their deaths. (See next issue.)

**Senate Messages:** Message received from the Senate today appear on pages .

**Re-referrals:** H.R. 420 and H.R. 4694 were re-referred to the Committee on the Budget and H.R. 167 was re-referred to the Committee on the Budget and in addition, the Committee on Ways and Means. (See next issue.)

**Quorum Calls—Votes:** One yea-and-nay vote developed during the proceedings of the House today. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and at 8:41 p.m., in accordance with the provisions of H. Con. Res. 446, the Second Session of the One Hundred Sixth Congress adjourned sine die.

**Committee Meetings**

No committee meetings were held.
Next Meeting of the SENATE
12 noon, Wednesday, January 3

Senate Chamber

Program for Wednesday: Convening of the first session of the 107th Congress.

Next Meeting of the HOUSE OF REPRESENTATIVES
12 noon, Wednesday, January 3

House Chamber

Program for Wednesday: Convening the first session of the 107th Congress.

Extensions of Remarks, as inserted in this issue

HOUSE
Bereuter, Doug, Nebr., E 2189
Bonior, David E., Mich., E 2191, E 2195, E 2200
Brown, Corrine, Fla., E 2189, E 2191
Knollenberg, Joe, Mich., E 2200
Kucinich, Dennis J., Ohio, E 2190, E 2194, E 2199
Pascrell, Bill, Jr., N.J., E 2189, E 2194, E 2198
Porter, John Edward, Ill., E 2191, E 2195, E 2199
Portman, Rob, Ohio, E 2194, E 2190, E 2199
Stark, Fortney Pete, Calif., E 2190, E 2194
Traficant, James A., Jr., Ohio, E 2189, E 2193
Wolf, Frank R., Va., E 2195
Woolsey, Lynn C., Calif., E 2189, E 2194, E 2198

(House and Senate proceedings for today will be continued in the next issue of the Record.)