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House of Representatives

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The SPEAKER. Pursuant to House Resolution 273 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2670.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Wednesday, August 4, 1999, the amendment offered by the gentleman from Oklahoma (Mr. COBURN) had been disposed of and the bill was open for amendment from page 47 line 6 through page 48 line 5.

Are there further amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $142,320,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $10,940,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the NTIA Organization Act, 47 U.S.C. 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $18,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed $1,800,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That, notwithstanding section 391 of the Act, prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $13,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391: *Provided further*, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further*, That, notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: *Provided further*, That notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks, $735,538,000, to remain available until expended: *Provided*, That of this amount, $735,538,000 shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 2000, so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at $0: *Provided further*, That, during fiscal year 2000, should the total amount of offsetting fee collections be less than $735,538,000, the total amounts available to the Patent and Trademark Office shall be reduced accordingly: *Provided further*, That any amount received in excess of $735,538,000 in fiscal year 2000 shall remain available until expended, but shall not be available for obligation until October 1, 2000: *Provided further*, That not to exceed $116,000,000 from fees collected in fiscal year 1999 shall be made available for obligation in fiscal year 2000.

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SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $7,972,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $280,136,000, to remain available until expended, of which not to exceed $282,000 may be transferred to the ''Working Capital Fund''.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $99,836,000, to remain available until expended: *Provided*, That none of the funds provided under this heading may be provided for Federal financial assistance to a Regional Center for the Transfer of Manufacturing Technology (''Center''), beyond six years at a rate in excess of one-third of the Center's total annual costs or the level of funding in the sixth year, whichever is less, subject before any renewal to a positive evaluation of the Center through an independent review.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $56,714,000, to remain available until expended: *Provided*, That of the amounts provided under this heading, $44,916,000 shall be available for obligation and expenditure only after submission of a plan for the expenditure of these funds, in accordance with section 605 of this Act.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 53 line 13 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; not to exceed 250 commissioned officers on the active list as of September 30, 2000; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i; $1,477,738,000, to remain available until expended: *Provided*, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, $67,226,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': *Provided further*, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000: *Provided further*, That, of the $1,621,616,000 provided for in direct obligations under this heading (of which $1,477,738,000 is appropriated from the General Fund, $71,226,000 is provided by transfer, $34,000,000 is derived from fees, if enacted into law, and $38,652,000 is derived from unobligated balances and deobligations from prior years), $235,900,000 shall be for the National Ocean Service, $350,545,000 shall be for the National Marine Fisheries Service, $260,560,000 shall be for Oceanic and Atmospheric Research, $599,196,000 shall be for the National Weather Service, $100,656,000 shall be for the National Environmental Satellite, Data, and Information Service, $57,594,000 shall be for Program Support, $7,000,000 shall be for Fleet Maintenance, and $10,165,000 shall be for Facilities Maintenance: *Provided further*, That not to exceed $31,439,000 shall be expended for Executive Direction and Administration, which consists of the Offices of the Under Secretary, the Executive Secretariat, Policy and Strategic Planning, International Affairs, Legislative Affairs, Public Affairs, Sustainable Development, the Chief Scientist, and the General Counsel: *Provided further*, That the aforementioned offices, excluding the Office of the General Counsel, shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis above the level of 33 personnel: *Provided further*, That no general administrative charge shall be applied against any assigned activity included in this Act and, further, that any direct administrative expenses applied against assigned activities shall be limited to five percent of the funds provided for that assigned activity: *Provided further*, That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

AMENDMENT NO. 22 OFFERED BY MR. EHLERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. EHLERS:

Page 53, line 26, after the dollar amount insert ''(increased by $390,000)''.

Page 54, line 12, after the dollar amount insert ''(increased by $390,000)''.

Page 54, line 13, after the dollar amount insert ''(increased by $390,000)''.

Page 54, line 18, after the dollar amount insert ''(increased by $390,000)''.

Page 56, line 9, after the dollar amount insert ''(reduced by $390,000)''.

Mr. EHLERS. Mr. Chairman, I offer an amendment dealing with the problem on the Great Lakes, and I thank the chairman for all he has done on the Great Lakes in this legislation. Notably, the committee has funded the Great Lakes Environmental Research Laboratory at last year's level after the administration cut it in their budget submission, and we appreciate the chairman's action on that.

In May of this year, NOAA's National Ocean Service proposed the elimination of 13 of 49 water level gauging stations on the Great Lakes-St. Lawrence River system. These stations provide valuable water level data used by several different agencies and institutions to predict water levels and monitor water flows at specific points in the lakes.

I am proposing an amendment that would increase NOAA's operation budget by $390,000 to upgrade these stations and ensure that they will continue to provide valuable research data.

Due to record-low water levels in the Great Lakes, it is more important than ever to maintain a monitoring network for research into the hydrologic cycles in the Great Lakes Basin.

The downsizing was prompted by the need to upgrade and automate these stations, which NOAA claims could not be accomplished within the existing operational budget constraints. Several agencies, including the Army Corps of Engineers, the Environmental Protection Agency, the Great Lakes Environmental Research Laboratories, and the International Joint Commission, which is currently conducting a year-long study of water levels on the Great Lakes, objected to the closure of these stations.

Several of the affected stations provide key comparisons for the long-term record of water levels, and many stations located in connecting channels provide key information on water transfer between the lakes.

Local communities would be the most severely affected by the loss of data from stations located at upstream sites. For example, Lake Erie water levels are most directly affected by the rate of water flow through the Detroit and St. Clair Rivers.

This is a very important issue in the Great Lakes. I appreciate all the chairman has done. I understand that he also looks favorably upon this amendment. I hope that is correct, and, if so, we can bring this debate to a rapid conclusion.

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

Mr. Chairman, the gentleman has brought to the Committee's attention a very important matter. We have examined the amendment and agree with the gentleman and thank him for bringing this matter to our attention and support the amendment.

Mr. QUINN. Mr. Chairman, I rise today in support of Mr. EHLERS' amendment to increase funding for the National Oceanic and Atmospheric Administration (NOAA) operations budget by $390,000. It is imperative that the 13 National Ocean Services (NOS) water level gauging stations upgrade their computer networks to Y2K compliance.

Sturgeon Point—the gauging station in my district—is essential. It predicts floods in times

of high water and aids navigation in times of low water on Lake Erie. Without Sturgeon Point, and the other 12 stations, much industry and recreation could be paralyzed in Buffalo and all of the Great Lakes region.

The $390,000 provided to the National Ocean Service by the amendment meets the estimated cost of upgrading the additional 13 stations. When the new technology comes on line, NOAA estimates that operational expenses should fall to approximately half of the current level. Using those estimates, the system upgrades should pay for themselves in just over five years.

Mr. Chairman, if there was ever a summer that we could see the need for these stations, it is this one. With water levels falling from drought and the threat of despair we can see that these stations can aid us in getting through the heat of the summer and thaw of the spring.

Mr. DINGELL. Mr. Chairman, I rise in strong support of the amendment offered by my colleague and friend from Grand Rapids.

Earlier this year, the National Ocean Service proposed eliminating 13 of 49 water level gauging stations in the Great Lakes and St. Lawrence River system due to a budget insufficient to address Y-2-K compliance problems.

This proposal was advanced without consulting many of the constituencies who rely on the data of this Water Level Observation Network, including shoreline residents, local governments, recreational and commercial fishermen, and shippers of commerce from Great Lakes ports to points worldwide.

In my own district, two water-gauging stations were proposed for closing: one on the Detroit River and one in Lake Erie near the City of Monroe. WIthout these stations, other federal agencies such as the U.S. Army Corps of Engineers, the EPA, the Fish and Wildlife Service cannot provide needed services that support recreational uses, commercial uses, and the ecological integrity of the Great Lakes.

Mr. Chairman, my colleague from Michigan is offering a commonsense amendment to address a critical need for Great Lakes protections, and I urge the House to accept it.

The CHAIRMAN. Is there further discussion on the amendment?

If not, the question is on the amendment offered by the gentleman from Michigan (Mr. EHLERS).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to this section?

Ms. RIVERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today not to speak to what is in the bill but what is not in the bill. Specifically, the Advanced Technology Program. This program was created with bipartisan support under the Bush administration.

The Advanced Technology Program has as its basic mission to benefit the U.S. economy by cost-sharing research within industry to foster new and innovative technologies. The ATP invests in risky, challenging technologies that have the potential for a big payoff for the U.S. economy.

There have been many arguments made about the ATP over the years, but most of them have been addressed. Unfortunately, this has not been included in this year's appropriations, and I think it is to the detriment of our economy and to our high-tech industries as well.

The ATP is industry driven. Its research priorities are set by industry, not the government. For-profit companies conceive, propose, and execute ATP projects and programs based on their understanding of the marketplace and research opportunities. Far too often this particular fact has either been misunderstood or misrepresented.

The ATP is not a product development program, as many people have argued. The ATP does not fund companies to do product development, it instead funds R&D to develop high-risk technology to the point where it is feasible for companies to begin product development, but that they must do on their own.

ATP also embodies fair competition. They are rigorous, they are fair, and they are based entirely on technical and business merit. Too often people argue about this program by saying the government is picking winners and losers. That is not true. And small companies compete just as effectively as large companies for ATP grants. Roughly half of the ATP awards have gone to small companies or joint ventures led by a small company. ATP is in fact a partnership. It is not a free ride for winning companies.

Many people have argued that we can sustain this loss of funding because tax credits can take the place of the ATP. In fact, tax credits cannot replace ATP. R&D tax credits are an important policy tool for encouraging research and innovation by industry, but they are not a substitute for the Advanced Technology Program.

The Advanced Technology Program has been evaluated and reevaluated. It has shown that many of the projects that have taken place would not have been done or would not have been done in the same way or as quickly without the ATP.

Lastly, two more issues I want to point out is that university participation in ATP is an important aspect of the program. Out of the 352 projects selected by the ATP since its inception, 189 of the proposals included plans to involve one or more universities. Lastly, small businesses also participate greatly in this program.

The ATP works, Mr. Chairman, and it would be a shame for us to lose it. This body should oppose its elimination.

AMENDMENT OFFERED BY MR. TERRY

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

The Clerk read as follows:

Amendment offered by Mr. TERRY:

Page 53, line 26, after the dollar amount insert ''(reduced by $3,000,000)''.

Page 54, line 12, after the dollar amount insert ''(reduced by $3,000,000)''.

Page 54, line 13, after the dollar amount insert ''(reduced by $3,000,000)''.

Page 54, line 24, after the dollar amount insert ''(reduced by $3,000,000)''.

Page 88, line 3, after the dollar amount insert ''(increased by $2,000,000)''.

Mr. TERRY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

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Mr. TERRY. Mr. Chairman, I am pleased that my colleague from New York (Mr. ACKERMAN) is a cosponsor of this amendment. We are joined by the gentleman from North Carolina (Mr. JONES) and the gentleman from Georgia (Mr. BARR) and others.

Our amendment addresses a situation that was first brought to my attention by Bruce and Christine Bowen of Omaha, Nebraska. They are parents of two Merchant Marine Academy midshipmen. As one who believes strongly that we must do right by those who serve our country, what they told me and showed me upset me into action. The Terry-Ackerman amendment will help correct a problem that has been lingering for quite some time.

The U.S. Merchant Marine Academy, located in Kings Point, New York, is in desperate need of repair. This 55-year-old academy has been neglected for far too long. The last 5 years it has been funded at roughly $31 million annually, which is just enough to operate the facility without doing any maintenance. Consequently, a backlog of basic maintenance projects exists, totaling $20 million. This is unacceptable. Something has to be done.

Let me tell my colleagues how serious the situation is at the Merchant Marine Academy. The lack of maintenance has caused pipes to explode in the library, damaging a collection of rare books. Water pipes are so old that there are signs posted in the building ''Lead in Drinking Water.'' The heating system is so antiquated that the temperature in the rooms is regulated by opening all the doors and windows.

I have some pictures here that illustrate some of what I am saying. Mr. Chairman, the Merchant Marine Academy has become the lost son. All of our other military academies have received or will receive substantial sums of money for new construction or improvements. The U.S. Military Academy at West Point received $30 million to upgrade its cadet mess hall and will receive $75 million to build a new gym.

The U.S. Naval Academy will receive $41 million per year for the next 12 years to upgrade all of its midshipmen dorms. The Merchant Marine Academy is not looking for a new building. It just wants those that it has repaired.

If we demand a commitment of 10 years from the graduates of the academy, we should make sure that they have a learning environment conducive to that commitment.

Mr. Chairman, our amendment will begin the process of returning the Merchant Marine Academy to the level it deserves. The amendment I am offering

now is a modification of the original version. It will provide $2 million for maintenance at the academy, enough to repair some of those leaky roofs, under the Maritime Administration.

Before concluding, I would like to ask the gentleman from Kentucky (Chairman ROGERS) a question.

It has been the practice of the Maritime Administration to pay for certain overhead expenses of the entire agency, including the academy. There have been proposals to require the academy to pay portions of the overhead costs, which could result in a loss as much as $1.8 million to the academy.

I understand that the committee intends that all the monies provided to the academy in fiscal year 2000 are to be used for the same functions as was the case in fiscal year 1999. In other words, no additional administrative expenses may be imposed on the academy by the Department of Transportation or Maritime Administration.

I ask the gentleman, am I correct, Mr. Chairman?

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

Mr. TERRY. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman is correct. It is the intent of the committee that the Maritime Administration will continue to pay certain administrative costs related to the academy in the same fashion as in 1999.

Mr. TERRY. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments.

Mr. Chairman, in conclusion, I urge support for this amendment.

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

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

Mr. ACKERMAN. Mr. Chairman, I thank the gentleman from Nebraska (Mr. TERRY) for his strong initiative.

I rise in support of the Terry-Ackerman amendment, which, as we have heard, would add $2 million for the critical facility maintenance program at the U.S. Merchant Marine Academy, which is located in my district on the north shore of Long Island.

The academy plays a vital role in maintaining the economic and national security of our country and is one of the five Federal Service academies. Kings Point's mission is to train young men and women to serve and to lead in our Merchant Marine, our Armed Forces, and in the transportation field.

In times of peace, these Merchant Mariners contribute to our international trading prosperity. In times of war, it is the Merchant Mariners who enable our country to move troops and materiel anywhere, anytime.

Despite rising costs over the years, the funding has remained nearly static for each of the last 5 years. The result of this level of funding is a real dollar budget cut for Kings Point. The 55-year-old infrastructure is in need of millions of dollars of capital maintenance repair projects.

Included in these projects are barracks renovation, Y2K compliance requirements, maintenance of the 220-foot training vessel, the King's Pointer, instructional technology and training requirements, and improvements in waterfront renovation.

Congress has already recognized the need for additional funds for the Merchant Marine Academy. In their report for the Defense Authorization Bill for fiscal year 1999, the House Committee on Armed Services said that they are ''concerned about the deteriorating material condition of the physical plant of the midshipmen barracks at the Merchant Marine Academy.''

They go on to say, ''The plant is antiquated and in need of replacement before it becomes a health and safety concern to the midshipmen and the staff.''

It is to this facility, Mr. Chairman, that, as Members of Congress, we nominate some of the finest young men and women so that they might study and become graduates of the academy. We must work to ensure that the academy is safe and conducive to this training.

This funding for fiscal year 2000 will help it achieve this goal so that the U.S. Merchant Marine Academy can achieve their mission of providing our country with the highest quality Merchant Marine officers.

I ask all of our colleagues to join with us in supporting this critical amendment.

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

Mr. Chairman, as the chairman of the panel that authorizes the funding for the Maritime Administration and under it the Merchant Marine Academy, I rise in strong support of the amendment offered by the gentleman from Nebraska.

The Merchant Marine Academy is one of the most distinguished higher educational institutions in America. If we rated it in keeping with the outstanding record of its graduates, it would be in the top 15 colleges or universities of America. It is truly an outstanding institution.

It also is in outstanding need of long-deferred maintenance that this amendment, at least, will contribute toward.

My panel authorized a $7-million increase for maintenance at the Merchant Marine Academy. But I understand that the distinguished chairman of the subcommittee that handles this in the appropriations has not had the funding that he could do that.

I appreciate that which I understand he is willing to do to contribute toward a building on this badly needed maintenance program. I can only tell my colleague and forewarn him that in the next budget submission we will see larger sums because this only begins to address a need that is clearly identifiable and must be addressed. It has been neglected too long.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment of the gentleman. It is true that the Merchant Marine Academy has in so many ways been totally forgotten, and the description and presentation of the gentleman shows the problem.

So I just want to, very briefly, be supportive of the amendment but at the same time remind us that we would accomplish helping the Merchant Marine Academy by cutting some funds from NOAA. So I would hope that, in the process that continues here as we go on to conference, we can find the monies to make up the changes that we have made. But I rise in strong support of the amendment and hope it can be approved.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate that the gentleman from Nebraska (Mr. TERRY) has worked with us and the Committee on Resources in proposing this amendment.

I also continue to hear from alumni and families of current students at the academy about the dire state of the facilities there. I believe this amendment will help to address that problem, particularly to improve the living conditions of the midshipmen.

I have no objection to the amendment and support its adoption and commend the gentleman for his fine work.

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

Mr. Chairman, I rise today in opposition of the Terry amendment. While I applaud the gentleman's effort for attempting to increase funding for the Merchant Marine Academy, the offsets that the gentleman has proposed will be devastating to an already depleted National Marine Fishery Service budget and thus devastating to America's rural fishermen.

Like farmers, fishermen are a cornerstone of our country's cultural heritage as well as our economy. The U.S. commercial and recreational fishing industries generate more than $25 billion to our economy and employ approximately 300,000 men and women per year.

As important as they are to our economy, many fishermen in my district and in the Northwest are going through difficult times. Stocks are minimal and harvest is declining. Rural fishermen in my district, especially in towns like Astoria, Warrenton, Hammond and Clatskanie are going through a difficult transition period as we work to rebuild depleted stocks of salmon and steelhead. Their livelihood depends on what they yield from the rivers and oceans.

As a country, we have recognized that through a variety of different causes, the fish that these fishermen harvest are threatened to the point of extinction. We have committed desperately needed resources to help restore salmon runs and trout populations. By cutting the NMFS budget further, we are underfunding fishermen in my state and all over the country.

The National Marine Fishery Service works with state and local entities to ensure the stability and restoration of our ecosystem. An additional $14 million cut to the NMFS budget,

beyond the $27 million already cut in the bill, would significantly reduce the agency's already compromised ability to fulfill its congressional mandates to conserve and rebuild our nation's valuable marine fisheries and marine resources. Not funding NMFS at adequate levels is equal to an unfunded mandate.

We have heard the rhetoric of this country's commitment to rural Americans, and yet this is one more attack on rural America. These rural fishermen depend on the harvest they get from their nets and depend on NMFS to ensure that there will be a harvest for their children. The monitoring of fish stocks that NMFS oversees is helpful in two ways: one, if the stocks are improving, fishermen are made aware and harvest will increase; two, if the stocks are collapsing, fishermen are made aware and harvest will decrease, so that the remaining fish are saved.

The gentleman's amendment strikes at the very heart of NMFS ability to help endangered and threatened species recover. A 15% cut in conservation and management programs and a 20% cut in endangered species recovery programs would gut much needed assistance to rural farmers.

I urge my colleagues to join with me in voting against the Terry amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. TERRY).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read, as follows:

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $480,720,000, to remain available until expended: *Provided*, That unexpended balances of amounts previously made available in the ''Operations, Research, and Facilities'' account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $4,000,000, for purposes set forth in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.

PROMOTE AND DEVELOP FISHERY PRODUCTS AND RESEARCH PERTAINING TO AMERICAN FISHERIES

FISHERIES PROMOTIONAL FUND

(RESCISSION)

All unobligated balances available in the Fisheries Promotional Fund are rescinded: *Provided*, That all obligated balances are transferred to the ''Operations, Research, and Facilities'' account.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $953,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), and the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), and the American Fisheries Promotion Act (Public Law 96–561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $189,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, $238,000, as authorized by the Merchant Marine Act of 1936, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $30,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $22,000,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses authorized by section 8501 of title 5, United States Code, for services performed by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the decennial censuses of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce, or any portion thereof, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: *Provided*, That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: *Provided further*, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce, or any portion thereof, to cover the costs of actions relating to the abolishment, reorganization, or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: *Provided*, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 205 of this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 207. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such Department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 208. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 209. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103–356: *Provided*, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: *Provided further*, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further*, That such fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed

4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2000 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of Department financial management, ADP, and other support systems: *Provided further*, That such amounts retained in the fund for fiscal year 2000 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: *Provided further*, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103–356.

This title may be cited as the ''Department of Commerce and Related Agencies Appropriations Act, 2000''.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $35,041,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $6,872,000, of which $3,971,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $16,101,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and 8 judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $11,804,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,934,138,000 (including the purchase of firearms and ammunition); of which not to exceed $13,454,000 shall remain available until expended for space alteration projects; and of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,138,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

In addition, for activities of the Federal Judiciary as authorized by law, $156,539,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103–322, and sections 818 and 823 of Public Law 104–132.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), $361,548,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

In addition, for activities of the Federal Judiciary as authorized by law, $26,247,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 19001(a) of Public Law 103–322, and sections 818 and 823 of Public Law 104–132.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $63,400,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $190,029,000, of which not to exceed $10,000,000 shall remain available until expended for security systems, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $54,500,000, of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $17,716,000; of which $1,800,000 shall remain available through September 30, 2001, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $29,500,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $8,000,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $2,200,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $8,500,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and Other Judicial Services, Defender Services'' and ''Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'', shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $10,000 and shall be administered by the Director of the Administrative Office of the United States

Courts in the capacity as Secretary of the Judicial Conference.

This title may be cited as the ''Judiciary Appropriations Act, 2000''.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title III be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to that portion of the bill?

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

Mr. Chairman, there is an amendment pending to this title in the bill. The offeror is on his way to the floor as we speak, and I did not want to let this title pass without the gentleman being able to offer his amendment.

I am wondering if we can secure unanimous consent that when the gentleman from Florida (Mr. STEARNS) arrives on the floor he would be able to offer his amendment out of turn.

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

Mr. SERRANO. Mr. Chairman, reserving the right to object, I am trying just to find out what the gentleman from Kentucky (Mr. ROGERS) is trying to accomplish.

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

Mr. SERRANO. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman from Florida (Mr. STEARNS) is preparing to offer an amendment to this title. We moved rather swiftly on the preceding matters, and he is on his way to the floor as we speak. I am hoping that we could be able to proceed and do his amendment, even out of turn, when he arrives.

Mr. SERRANO. Mr. Chairman, reclaiming my time, I ask the gentleman, when do we expect the gentleman to be here?

Mr. ROGERS. Mr. Chairman, if the gentleman will continue to yield, I am told momentarily.

Mr. SERRANO. Mr. Chairman, I have no objection, and I withdraw my reservation of objection .

The CHAIRMAN. Is there objecton to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read, as follows:

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended, the Mutual Educational Exchange Act of 1961, as amended, and the United States Information and Educational Exchange Act of 1948, as amended, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of such Act; expenses authorized by section 9 of the Act of August 31, 1964, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; arms control, nonproliferation and disarmanent activities as authorized by the Arms Control and Disarmament Act of September 26, 1961, as amended; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $2,482,825,000: *Provided*, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the ''Emergencies in the Diplomatic and Consular Service'' appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That of the amount made available under this heading, $306,057,000 shall be available only for public diplomacy international information programs: *Provided further*, That of the amount made available under this heading, not to exceed $1,162,000 shall be available for transfer to the Presidential Advisory Commission on Holocaust Assets in the United States: *Provided further*, That any amount transferred pursuant to the previous proviso shall not result in a total amount transferred to the Commission from all Federal sources that exceeds the authorized amount: *Provided further*, That, notwithstanding any other provision of law, not to exceed $267,000,000 of offsetting collections derived from fees collected under the authority of section 140(a)(1) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public law 103–236) during fiscal year 2000 shall be retained and used for authorized expenses in this appropriation and shall remain available until expended: *Provided further*, That any fees received in excess of $267,000,000 in fiscal year 2000 shall remain available until expended, but shall not be available for obligation until October 1, 2000.

In addition, not to exceed $1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553), as amended; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs, and from fees from educational advising and counseling, and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

In addition, for the costs of worldwide security upgrades, $254,000,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $80,000,000, to remain available until expended, as authorized in Public Law 103–236: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $28,495,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977, as amended (91 Stat. 1636), $175,000,000, to remain available until expended as authorized by section 105 of such Act of 1961 (22 U.S.C. 2455): *Provided*, That not to exceed $800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and educational advising and counseling programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e).

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,350,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $8,100,000, to remain available until September 30, 2001.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Main State Building, and carrying out the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $403,561,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)): *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, $313,617,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), and as authorized by section 804(3) of the United States Information and Educational Exchange Act of 1948, as amended, $5,500,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $593,000, as authorized by section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $14,750,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $128,541,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $842,937,000: *Provided*, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: *Provided further*, That, of the funds appropriated in this paragraph, $100,000,000 may be made available only on a semi-annual basis pursuant to a certification by the Secretary of State on a semi-annual basis, that the United Nations has taken no action during the preceding 6 months to increase funding for any United Nations program without identifying an offsetting decrease during that 6-month period elsewhere in the United Nations budget and cause the United Nations to exceed either the reform budget for the biennium 1998–1999 of $2,533,000,000 or a zero nominal growth budget for the biennium 2000–2001: *Provided further*, That funds appropriated under this paragraph may be obligated and expended to pay the full U.S. assessment to the civil budget of the North Atlantic Treaty Organization.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $200,000,000: *Provided*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

ARREARAGE PAYMENTS

For an additional amount for payment of arrearages to meet obligations of authorized membership in international multilateral organizations, and to pay assessed expenses of international peacekeeping activities, $244,000,000, to remain available until expended: *Provided*, That none of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of an Act that makes payment of arrearages contingent upon United Nations reform: *Provided further*, That none of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated or expended until such time as the share of the total of all assessed contributions for any designated specialized agency of the United Nations does not exceed 22 percent for any single member of the agency, and the designated specialized agencies have achieved zero nominal growth in their biennium budgets for 2000–2001 from the 1998–1999 biennium budget levels of the respective agencies: *Provided futher*, That not to exceed $107,000,000, which is owed by the United Nations to the United States as a reimbursement, including any reimbursement under the Foreign Assistance Act of 1961 or the United Nations Participation Act of 1945, that was owed to the United States before the date of enactment of this Act shall be applied or used, without fiscal year limitations, to reduce any amount owed by the United States to the United Nations, except that any such reduction pursuant to the authority in this paragraph shall not be made unless expressly authorized by the enactment of an Act that makes payment of arrearages contingent upon United Nations reform.

AMENDMENT NO. 8 OFFERED BY MR. HALL OF OHIO

Mr. HALL of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 Offered by Mr. HALL of Ohio:

In title IV, under DEPARTMENT OF STATE, ARREARAGE PAYMENTS, strike the first proviso.

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

□ 1415

Mr. HALL of Ohio. Mr. Chairman, my amendment is a very straightforward amendment. It removes the requirement that the $244 million in the bill for paying our U.N. arrearages be subject to an authorization. My amendment does not change the reforms in this bill which the U.N. must meet before receiving the money. I want to repeat that again. This amendment does not change the reforms in the bill.

The U.S. owes the U.N. around $1 billion. I find it embarrassing that the world's only superpower is the U.N.'s biggest deadbeat. We have a legal obligation and I believe that great nations should pay their bills.

Do not just take my word. Here is what seven former U.S. Secretaries of State have said. In a letter earlier this year to House and Senate leaders, former Secretaries Henry Kissinger, Alexander Haig, James Baker, Warren Christopher, Cyrus Vance, George Shultz, and Lawrence Eagleburger said:

> Our great nation is squandering its moral authority, leadership, and influence in the world. It's simply unacceptable that the richest nation on earth is also the biggest debtor to the United Nations.

As a pro-life Democrat, I oppose linking payment of U.N. back dues to the Mexico City restrictions. These are different issues which need to be considered separately. When we link abortion with U.N. arrears, in my opinion, we take a moral issue and we twist it to serve other purposes. We try to make it fit where it does not belong.

Mr. Chairman, the American people support the work of the United Nations and they want us to pay the dues that we owe. Polls show that 70 percent have a favorable opinion of the United Nations and 80 percent of Americans, 80 percent of American voters, oppose linking provisions related to abortion policy.

Now is not the time to move the goal post. It is time to quit making excuses. It is time to do the right thing. It is time for Congress to keep its word and pay our dues.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment. I agree with the gentleman that this country should pay the amounts that we owe to the U.N. and other international organizations, but we cannot do so at the cost of abandoning the progress made on reforms at U.N. From the beginning, our approach has been to provide the arrearages only upon the achievement of real and substantial reforms.

Over the past 2 years, we have made available a total of $575 million for arrears. That funding remains available, pending authorization. It has been this subcommittee's position for many years now, under bipartisan leadership, that the United Nations needs to reform. We are after a more effective United Nations. We think that only by reforming the bureaucracy, streamlining the processes at the U.N., only then can we achieve an effective United Nations. That has been the policy goal of this subcommittee and of this Congress, both bodies. That drive for U.N. reform continues even today. Thus, we have conditioned the payment of the arrearages upon effective,

real reform at the U.N. I must say it is working. There are achievements that we can point to at the United Nations that we can be proud of in reforming the process, in streamlining the way they do business, in cutting unnecessary and wasteful costs.

The bill provides the final installment of $351 million to arrive at a total of $926 million in arrearages, the full amount that has been agreed to by the administration in the pending authorization.

The reforms that have taken place thus far at the U.N., as I say, have been due in large part to the fact that this subcommittee, the Committee on International Relations of the House, and of the Congress, because we have insisted on these reforms just as we continue to do in this bill.

Reform has been a priority of this Member since I have been chairman of this subcommittee and, like it or not, the only leverage that we have to ensure that these reforms take place is by making them a condition of arrearage payments. We have deferred to the authorization committee as is the rules of the House. And we defer to the authorization committee in this bill with this very language, making the payment subject to authorization. I think that is the appropriate way to handle this matter, just as it is the appropriate way to handle all matters. The Committee on Appropriations, of course, defers to the authorizing committees of the House except where they are in consent for some change that they would like in the appropriations bill.

The pending authorization bill passed by the Senate reflects that. It sets out an extensive series of necessary reforms, including reducing the U.S. share of assessments and maintaining a zero nominal growth budget, that is, a freeze. The rates of assessments that are being paid to the U.N. are based on 1945 standards. I submit to the Chair that the condition of the nations that make up the U.N. have changed dramatically in that period of 50-plus years. There are new world economic powers that did not exist at that time, i.e., Japan, Germany, and, yes, even China, to name a few. Yet the assessment level has not changed in all that time.

Mr. Chairman, it is time that we achieved a change, a reduction, in the rate of payment that the U.S. has to pay to support the U.N. It is a modest change, from 25 percent down to 22. I would like to see 20. But, nevertheless, it is a substantial change.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. ROGERS) has expired.

(By unanimous consent, Mr. ROGERS was allowed to proceed for 2 additional minutes.)

Mr. ROGERS. Mr. Chairman, these reforms are essential and we should all insist upon them as our responsibility to the U.S. taxpayer, and the Congress has gone along with our recommendations for the last several years.

The gentleman's amendment would give an unauthorized $244 million to the U.N., and send the signal to the U.N. and the rest of the world that we are no longer committed to reform. That is exactly the wrong message that we should be sending.

I urge rejection of the gentleman's amendment.

Mr. SERRANO. Mr. Chairman, I rise in strong support of the gentleman from Ohio's amendment. First of all let me say that I congratulated the gentleman from Kentucky, and I do once again, for taking serious steps to deal with this issue. I continue to ask him to do even more in conference and in the future to make sure that we pay our bills. But I do not want the gentleman to think that our support of this amendment does not salute and compliment the fact that he has tried to pay our bills. It is the fact that we are paying our bills in a very strange way, by dealing with issues that are not related to the fact that we have to pay our bills. That is the problem.

The problem, as the gentleman from Ohio has well stated, is that we run the risk of losing our vote and our membership in the U.N., our vote in certain parts of the U.N. and our membership in certain world organizations related to the U.N., if we do not pay our dues. We should really be very careful here today to understand that those of us who rise in support, in strong support, of the Hall amendment are not doing it because we want to somehow stop our involvement in the U.N. On the contrary. It is those who attach riders to this issue who may want to find this as an excuse to tie up our involvement in the U.N. We want our involvement to continue. We want the U.N. to reform.

Please understand that the moneys that we have approved in the past and that are pending now speak to reform at the U.N. But we cannot be asking for reform at the U.N. and then behaving in somewhat of a childish way in suggesting that whatever dollars go to pay our dues, not extra dollars we are giving them for something else but dollars that go to pay our dues, have to be based on whether or not they will do things that nobody else in the world agrees with us on. It is totally improper to do that.

I would hope that as we look at the gentleman from Ohio's amendment, we fully realize what is at stake here. If the U.S. does not pay its arrears to the U.N. in the 106th Congress or approve payment of our fiscal year 2000 dues without strings and conditions in the U.N., we could lose our General Assembly vote by January of 2000. I do not think anyone has really paid attention to that. I mean, the thought of us losing our vote by January of 2000 at the U.N. is something that no one should be planning to do.

We keep calling on the U.N. to participate with us in some missions, that not everybody, by the way, agrees with, but we keep calling on the U.N. to participate, to support us, to be a partner, and at the same time we continue to say that we will run the risk of not being a full-fledged member.

I would hope, and I will close with this, I do not want to take too much time, that we separate the fact that the gentleman from Kentucky in my opinion has done a very good job at making sure that we move forward on this issue from the fact that as we move forward to pay up part, or all of it, it should never be linked to anything else.

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

Mr. SERRANO. I yield to the gentleman from Kentucky

Mr. ROGERS. Mr. Chairman, I think it is important for us to note at this early stage of this discussion, there are actually two different types of conditions, if you will, that we are talking about the appropriation being subject to: One is the population control matter that is in the authorization process. The other is other types of reform of the operation of the U.N. that are unrelated to that population control matter. There is a whole series of those conditions for reform, such as reduction of the U.S. rate of assessment to 22 percent, such as guaranteeing a frozen budget in the out years, and various other procedural conditions that are in the authorization process. I want us to be sure we understand there are two different types of conditions that are being attached to the appropriation. One is the population control matter. The other are procedural reforms at the U.N. that I think most all of us would agree with.

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

Mr. SERRANO. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, if I could respond to the gentleman's comments. The assertion that the Hall amendment eliminates the reforms that this committee is pressing forward with is totally, absolutely false and misinformed. The Hall amendment eliminates lines 8 through 18 in the bill on page 80. That is only the language that refers to the requirement for authorization.

It leaves in place the following language:

> None of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated or expended until such time as the share of the total of all assessed contributions for any designated specialized agency of the U.N. does not exceed 22 percent for any single member of the agency.

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

(On request of Mr. OBEY, and by unanimous consent, Mr. SERRANO was allowed to proceed for 2 additional minutes.)

Mr. OBEY. I am continuing to read:

> And the agencies have achieved zero nominal growth in their biennium budgets for 2000–2001 from the 1998–1999 biennium budget levels of the respective agencies.

That makes it clear. Those reforms stay in place. What the gentleman from Ohio is trying to do is to simply get us out of the business of being a deadbeat because he understands that we have more leverage, not less, if we paid our bills. The fact that we have not paid our bills has already cost us $100 million because since we had not paid our bills we were not able to convince the U.N. to lower our percentage payments for the shared cost of those programs.

□ 1430

So if my colleagues are interested in saving the taxpayers' dollars, pass the amendment offered by the gentleman from Ohio (Mr. HALL). If they are interested in keeping the reforms in place for the U.N., pass the Hall amendment. Let us not confuse the facts.

Mr. SERRANO. Reclaiming my time, Mr. Chairman, I think that the gentleman's point has to be clear to everyone. That on which we agree on, the reforms stay in place under the Hall amendment. It is that which has been used as an excuse for us not to pay our dues and to get into areas we should not be involved in that he strikes, and that is important to note.

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

I would say to my friend I rise against the Hall amendment, and I will give my colleagues a few reasons, and I think even some of my colleagues on the other side of the issue would agree.

First of all, I have got the two absolute best daughters in this body; but when they are bad, I do not reward them, but when they are good, I give them an incentive; and when we are talking about the reforms, these long overdue reforms, they have had years to do this, and they will not do it.

The U.N. needs the United States when we are talking about losing a vote. We pay the lion's share; with all the different countries in there, we pay the lion's share. We only get one vote, and the U.N. votes against the United States the majority of time because we only get one vote; and as my colleagues know, the other Communist countries are in there that always put us down.

Let me give my colleagues a couple of examples of the U.N. In Somalia we lost 18 rangers because U.N. troops had armor there. India, for example, had T–64 tanks. They would not commit them. This was when butt Butros Butros Gahli was there. Our own President denied armor, and so there was none for these troops; and under U.N. leadership in control of our troops, we lost a bunch of people.

Second example. Some of my colleagues may remember when we bombed Iraq for the first time. Neither the President nor the Vice President nor the Secretary of Defense knew that the United States had gone to war. Our troops are bombing, but yet not even our President knew that we were in a war time, and I think that is wrong.

It is not just the U.N.; it is the other organizations as well. For example, NATO. Can we afford still that every conflict that we get into with NATO for us to pay for 86 percent of the sorties of the flights and to pay for 90 percent of the weapons dropped? I think we need a reorganization in NATO. Either they need to upgrade their capability, or they need to pay the United States. Our next supplemental ought to be a check.

In the U.N. just the cash is counted. When we deploy troops, when we have our carriers, when we have our assets there, none of that is counted against our 22 percent. I think that is wrong, and when they make those concessions, then I am willing to help my colleagues, but I think that gives a good incentive first to do that, and I think the way that we do it now is wrong.

If we look at the U.N. members, the limousines, let them stay in the Quality Inn. But do they? No. One was quoted: ''No, we deserve to stay in the Ritz because it is to the standing of a U.N. member.'' Well, I beg to disagree.

So those kinds of reforms, I think, Mr. Chairman, are very, very valuable before, and we pay our arrears, and I am opposed to the gentleman's amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to put this in hard-headed Midwestern terms. I do not believe that anybody in this House should vote to spend one dime on the United Nations if they think it is to help the United Nations or to help somebody else. We are supposed to be defending taxpayers' money, and what I would say to my colleagues is: ''Don't contribute to the United Nations unless you think that those contributions are helping our own country and helping us defend our own national interests,'' and they most certainly are.

What are the fund supposed to be spent for that the gentleman is talking about? He is talking about money that has been withheld from the World Health Organization. What does that agency do? It is helping to eradicate polio around the world. One of its responsibilities is to try to deal with one of the most dangerous items known to man, ebola, which causes wretched epidemics whenever it breaks out. In a world of instant transportation, the United States can just as easily be the victim of that as some African or European country. We need to eradicate worldwide diseases not just because we are trying to help somebody else, but because we are trying to defend our own populations from those kinds of diseases.

Those funds are also supposed to be going to the Food and Agriculture Organization to address global famine conditions. Now, if my colleagues do not think that it is in the American national interest to eliminate famine, then I invite them to remember what has happened in region after region around the world when economies are destroyed and when agricultural bases are destroyed. What happens is we have political instability that leads to the rise of governments that are not in our interests, and that often leads to war, and we often get involved in those wars.

We are also holding back funds for the International Labor Organization. That is the agency that is supposed to monitor compliance with child labor laws. We have had fights week after week on this floor about protecting American workers from competition, from goods produced in slave labor conditions or produced by child labor around the world. What the gentleman from Ohio (Mr. HALL) is saying is that we do good for the world, we do good for America, we do good for our own people when we pay our bills and participate fully in an agency that frankly we have far more influence in than any other country in the world. Does anybody really think the United Nations makes any major political decision without the agreement of the United States? Very few that I know.

It just seems to me that it is time to recognize that if we want to save our money, if we want us to be able to negotiate a lower payment rate to the United Nations, if we want to enhance our ability to do tough bargaining at the United Nations, we are in a stronger position if we paid our bills than if we have not. And I would point out if we do not pay our bills, we will lose our U.S. voting rights in the General Assembly eventually.

So I would suggest there are plenty of reasons to listen to the wise counsel of the gentleman from Ohio. We ought to pass this amendment and end this outrageous linkage that occurs when a tiny band of Members each year find one issue that matters to them more than any other, and so they tie up virtually every other issue in this place until they get their way.

Let us have clean, stand-up, up-or-down votes on all of these issues rather than linking them until we are virtually tied like Gulliver because we have got these lilliputian issues that do not allow the Congress to accomplish anything. The gentleman from Ohio is right. He saves taxpayers' money in the long run; he serves the U.S. national interest. We ought to support him.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words.

The gentleman mentioned the WHO debt, the WHO. The WHO arrearage that the gentleman mentioned arose in 1989. It an old bill, and it is a fairly small amount, $35 million. We pay our annual contribution to the WHO annually. No one disputes that. We are up to date on our annual payments. There is an old arrearage in 1989, $35 million; that is still in dispute. This arrearage, it is small, it is an old bill, it does not impact current operations. I want to be sure that people understand that the WHO is up to date on our payments, with our annual payments.

Let me try very briefly to try to put in perspective a very complicated matter. For the last 3 years mainly the Senate has been putting conditions on the payment of the arrearages, the so-called Helms-Biden bipartisan compromise on U.N. reform. There are 18 of those reforms signed off by the President. We are all in agreement on this. The President, Helms and Biden in the Senate, and we have deferred to that agreement.

Those conditions for reform, I think most all of us can agree are legitimate and correct, recognizing American sovereignty, one; no taxation by the U.N.; no standing Army by the U.N.; no interest fees by the U.N.; recognition of U.S. real property rights; termination of borrowing authority; the assessed share for U.S. peacekeeping contributions not to exceed 25 percent; limitations on assessed share of regular budget; limitations on the other parts of the budget; inspectors general for certain international organizations; new budget procedures for the U.N.; a sunset policy for certain U.N. programs; U.N. Advisory Committee on Administrative and Budgetary questions; access by the General Accounting Office; personnel rules; reduction in budget authorities to a flat budget; new budget procedures and financial regulations; limitations on the assessed share of the regular budget for the designated specialized agencies of the U.N. and so forth. There are 18 of those conditions; I think we all agree on them.

That is really what we are talking about. The President has agreed, the Senate has agreed, the House has agreed. We are all in agreement on these 18 conditions for reform, and unless and until they are agreed to, the arrearages have been withheld. It is a fairly complicated thing, but it is simple in that respect.

Mr. Chairman, I want us to be sure that we understand where we are. No one wants us to lose our voting rights in the U.N. I do not think we are at that point. We never will be at that point in the Security Council, I will point out to my colleagues, and that is the important place. But I think we all have to understand that in order to achieve these very creditable reforms that the administration and the Congress have agreed upon that we should make our moneys subject to, should be withheld until we see these substantial reforms.

Now the amendment that is pending, if it passes, would say, no, let us forget all of the conditions that we have required before paying these moneys, and let us go ahead and pay the moneys and forget about reform. We have too many years invested, we have too much money invested. More importantly, we have too much of an international stake involved here to let the U.N. continue to be the bureaucratically entrenched organization that it is. We want, I want, a more effective U.N. We need a U.N. We need an effective U.N. It is not effective now, and I think we all can agree upon that. The only way that we have seen work has been to force change by the withholding of funds, Mr. Chairman, and that is what this debate has been about for these several years.

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

Mr. ROGERS. I yield to the gentleman from Wisconsin.

Mr. OBEY. I would just like to ask, why does the gentleman continue to say that this amendment eliminates the conditions when in fact the conditions still remain in the bill. I mean saying something 15 times that is not so does not make it so.

Mr. ROGERS. Reclaiming my time, Mr. Chairman, our bill that is on the floor only contains two conditions. The authorization that would be forgiven by this amendment contains 18. The two conditions that are in the appropriation bill occur at page 80, and I quote Line 18:

> None of the funds appropriated or otherwise made available under this heading may be obligated or expended until such time as the share of the total of all assessed contributions for any designated specialized agency of the U.N. does not exceed 22 percent for any single member of the agency, and the designated specialized agencies have achieved zero nominal growth in their biennial budgets for 2000/2001 from the 1998/1999 levels.

Those apply to three international organizations other than the U.N.

□ 1445

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. ROGERS) has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. ROGERS was allowed to proceed for 2 additional minutes.)

Mr. ROGERS. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, in the interests of time, I would ask the gentleman one additional question: Why should we continue to allow appropriation bills to get bogged down by authorization issues? When is the last time the authorization committee has been able to pass their legislation, except for the year when they were able to attach it to the Committee on Appropriations? The answer is 1994. On the foreign aid bill, that committee has gone over 10 years without being able to pass a foreign aid bill. Why on Earth should we allow a committee that can never get its own work done to interfere in our ability to get our work done?

Mr. ROGERS. Mr. Chairman, reclaiming my time, the gentleman will have to change the rules of the House. The Committee on Appropriations works subject to the authorization committees. We appropriate, they pass laws. I am still of the belief that the House rules should prevail.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, just so my colleagues may know, I chair the Subcommittee on International Operations and Human Rights of the Committee on International Relations, and the gentleman from Wisconsin was incorrect. Last Congress, the 105th Congress, we passed and sent to the President, he said when did we last passed one, we had a conference report, it went down to the President, on State Department, it included reform, it included arrearages, $926 million for arrearages with very strong conditions and a very, very compromised Mexico City policy. Regrettably, the President vetoed that bill.

This issue of arrearages would not be before this body except for the appropriations amount that the gentleman from Kentucky, the chairman, has put into his bill. We had all of these conditions, but the President chose to veto that bill. That is unfortunate. Our hope is to take another shot at it.

We are now going to conference soon, it is already staff-to-staff, to try to work out this arrearage language that has been passed by Senator HELMS and Senator BIDEN working together.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. ROGERS) has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. ROGERS was allowed to proceed for 2 additional minutes.)

Mr. ROGERS. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, it is nice to have a little exchange, instead of five minute speeches.

Let me simply say in response to my good friend, you do not pass a bill if all you do is get it out of the Congress. The Constitution says that a bill becomes law only when you have agreement between the authorizing committee and the executive branch.

The problem with your committee, very frankly, is it has been so extreme in its positions, it has not been able to pass its bills except when they attach them to appropriation bills. You have not been able to put together a one-car funeral in your own jurisdiction in over 10 years on foreign aid. Yes, we have an authorization in an appropriation process, but that implies that the authorization committee be functional. Yours has demonstrated that it is not.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Just let me point out to my colleagues, and I think they realize this, that the appropriators certainly have an advantage in that they are bringing to the floor must-pass bills. The authorizers almost by definition are disadvantaged because an administration that may not like this provision or that will just say

we will wait for the money to arrive, because it has to arrive to begin the new fiscal year, from the appropriators.

So the honest negotiation that we hope would take place between House, Senate, and the executive branch is largely truncated and precluded precisely because the money in some form, usually less because of the inability or the lack of wanting to deal with us in good faith.

So the gentleman from New York (Mr. GILMAN) has led I think a very, very fine effort as chairman of our full committee, but we are disadvantaged, because, again, it is hard to work out the policy language, when they get their money anyway at the end of the day.

That has not been the case with arrearages. We have insisted on very strong, very tight, 15 pages of conditions on the United Nations, 15 single-spaced pages that the Hall amendment would vacate. It makes our bargaining position vis-a-vis the Executive Branch very much disadvantaged, and we want strong reform with regard to the U.N., not weak.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to get back to the basic issue today and rise in strong support of this reasonable amendment to begin to put the United States back in good standing at the United Nations.

When the gentleman from Connecticut (Mr. SHAYS), the gentleman from Iowa (Mr. LEACH), the gentleman from New York (Mr. ENGEL), and I joined in creating the bipartisan Congressional United Nations working group at the beginning of the 105th Congress, we never imagined that we would be here over 2 years later still demanding that the United States pay its arrears to the U.N. It is really extraordinary. But here we are, still outraged, still embarrassed, still trying to get the United States to live up to its commitments.

Let me be very clear. It is outrageous that the United States, the wealthiest country in the world, is the biggest deadbeat at the United Nations.

This amendment is very straightforward. It takes the empty U.N. arrears language in this bill and makes it real. It makes the reforms in the bill real. It makes the $244 million in arrears payments in the bill real. Quite simply, it removes the smoke and mirrors from the bill and puts us back on the road to acting like the world leader we are.

This funding is critical to United States foreign policy. It shows the international community that a commitment made by the United States means something, and it gives the U.N. the resources it needs to carry on the important work it is doing around the globe.

The United States has a tremendous amount of influence within the U.N., but, frankly, that influence is decreasing with every day that we do not pay our arrears. In fact, at the end of this year, as you heard, we face the unimaginable prospect of losing our vote in the General Assembly under the requirements of Article 19.

But this issue goes beyond simple embarrassment. How are we to expect the U.N. to continue to act in our interests around the world? How can we expect them to fund the projects we support, to send peacekeeping troops to areas where we want to see more stability, when we do not pay our debt? How do we expect to reform the U.N., and I agree with my colleagues on the reform measures which are in this bill, and most of them, it is my understanding, remain in this bill if we do not pay our U.N. dues?

As a member of the Committee on Appropriations, I am well aware of the limited resources we have been given to fund our international activities in recent years. I have seen the United States foreign assistance decreased to an almost unimaginable level in the last few years. But in this context, paying our debt to the U.N. is even more important. The U.N. is a cost effective way for us to leverage U.S. funding with that of the other members of the U.N. to make a difference around the world.

I want to reiterate again for my colleagues that what this commonsense amendment does is it essentially removes the language which makes meaningless the arrears section already in the bill because it is tying it to another issue. It leaves in place the reforms included in the bill that caps our future U.N. dues at 22 percent and mandates a zero growth budget for the U.N.

So I want to say to my colleagues once again, too often in this body we cannot pass and there remains a stalemate on issues such as this that are really very important, because we want to tie it, as our ranking member said, to another issue. Let us vote on that other issue as a clean issue. Let us have that vote, up or down.

I respect my colleague from New Jersey. Let us have that vote up or down. But let us not tie paying our U.N. dues to that issue. Let us have that vote cleanly.

So, again, I want to urge my colleagues to support the Hall amendment. Let us pay our U.N. arrears. Let us not be a deadbeat. Let us not tie that payment to other issues where there is some controversy. I would think that the majority of this body wants to stand tall, work together, and pay our U.N. arrears. If there are other controversial issues, let us have that debate, but let us take it as a separate issue, let us have a clean vote on paying our U.N. arrears with the provisions which are included in this bill to reform the U.N.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. GILMAN. Mr. Chairman, we all want to pay U.N. arrears, but we also want to reform the U.N. at the same time. I am opposing this amendment for three reasons: The Hall amendment is the wrong move at the wrong time on the wrong bill.

I commend the distinguished chairman of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations, the gentleman from Kentucky (Mr. ROGERS) and his staff for supporting the foreign relations attempts to reform the U.N. and the Committee on International Relations in our efforts to craft a sensible U.N. arrearage and reform package. Until this amendment was offered, we felt we had made considerable progress in finding a bipartisan way to pay our dues and at the same time to reform the United Nations.

I understand the administration may now have backed away from supporting the Helms-Biden compromise, and for that we have deep regrets. I note that the foundation of this reform effort was laid by our counterparts in the Senate, Senator Helms and his ranking Democratic member, Senator Biden. It passed the Senate by an historic vote of 98 to 1. The Helms-Biden U.N. reform package is clearly the way this Congress should go in paying our arrearages to the U.N. and at the same time fixing the U.N. Regrettably, the Hall amendment would wipe out that compromise.

The effect of the Hall amendment would be to fork over $244 million to the U.N. without requiring any new major reform already agreed to by our President. As the chairman of the Committee on International Relations and as a Member representing part of New York, I strongly support paying our U.N. dues, but I do not think we should move ahead by waiving the Helms-Biden compromise. That compromise lays out the plan for strong bipartisan support for the U.N. in years to come. Without it, we will roll back the clock to the bad old days of the U.N.

The reforms in the Helms-Biden compromise reform plan make sense. They require U.N. actions in our Nation to be subordinate to the U.S. Constitution; they deny the authority of the U.N. to levy taxes against our Nation or to keep standing armies; they require inspectors general, budget discipline and access by our own General Accounting Office; and they cut our share of the budget from amounts over 30 percent to 25 percent and below.

These reforms make sense and should not be overturned. I ask the House to defeat this amendment to keep the U.N. reform process on track.

I would also respond to concerns about the linkage between the payment of U.N. arrears and the Mexico City family planning policy. I supported the Campbell-Gilman amendment to fund the UNFPA, without the

gentleman from Ohio's vote, and we won that historic victory. It is clear after that vote that Congress will provide a U.S. contribution to the UNFPA.

I also backed the Greenwood-Gilman compromise amendment on the Mexico City policy, also without the support of the gentleman from Ohio. That amendment prevailed in another historic vote that showed we did not have to have the Mexico City policy attached to foreign policy bills in the House.

It is ironic that the gentleman from Ohio fought family planning advocates on those two amendments, and now seeks to override the entire U.N. reform process.

I strongly support family planning and U.N. reform, and I urge defeat of the amendment.

In response to the gentleman from Wisconsin, I would like to note that we are committed to paying our U.N. dues, but the Hall amendment guts the requirement for the authorization bill written by our Committee on International Relations and passed by this House 2 weeks ago. The Senate bill, S. 886, has 18 major U.N. reforms that would not be needed by deleting our authorization requirement. The Senate's authorization bill, which includes the Helms-Biden reforms, does not become must-pass legislation. Without that, these reforms will die.

□ 1500

Accordingly, I urge my colleagues to strongly oppose the Hall amendment.

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

Mr. GILMAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, does the gentleman understand that the Helms-Biden agreement includes 18 conditions for the payment of the arrearages to the U.N. were agreed to by President Clinton?

Mr. GILMAN. Agreed to by the President and also by the entire Senate.

Mr. ROGERS. Is it also the gentleman's understanding that this amendment would undo all of that agreement?

Mr. GILMAN. The gentleman is precisely correct. That is what we are concerned about.

Mr. ROGERS. Except for the two minor conditions in the bill that we had?

Mr. GILMAN. I thank the gentleman for underscoring that. He is absolutely correct.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the United States has become the deadbeat of the world in its failure to pay its U.N. dues and arrears. I rise in strong support of the Hall amendment, and would like the gentleman from Ohio (Mr. HALL) to respond to the gentleman's presentation.

Mr. HALL of Ohio. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentleman from Ohio.

Mr. HALL of Ohio. Mr. Chairman, I want to thank the gentlewoman for yielding to me.

I just want to respond to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

The fact is that the reforms that are in the Committee on Appropriations before us are still in the bill. I do not touch those. I do release $244 million through this amendment without authorization. The money is already appropriated, so it is not an item that we have to offset.

Secondly, I support the Helms-Biden amendments and the reforms they were trying to do. As a matter of fact, they are still in the legislation that is before us, not this legislation but legislation that passed in 1998 and 1999, because the Helms-Biden amendment and all the reforms are still in that money, which has not been released because it is subject to authorization.

Herein lies the problem. Mr. Chairman, I have been waiting for 3 years and have been patient to have a clean vote on U.N. arrears. I have been hearing the same rhetoric over and over again, that we are going to get a chance, that we are going to get a chance. It is always subject to the authorization.

But the authorization bill never passes. What they do is they hold hostage this debt that we owe. I think it makes us look bad. Great nations pay their bills. We are not paying our bills on this. The reforms are still intact in this bill. The gentleman is wrong when he says that they are not. I strike the provision that says, pay the U.N. arrears; not the full amount, only a downpayment of about $244 million, which is 25 percent of what we owe.

That is what this really is all about. This is the first time we have ever had a chance to vote on U.N. arrears and have a clean vote. What I have trouble with, and the reason why I have offered this amendment, is I have trouble with the fact that we have very good moral issues here on the floor. Paying U.N. arrears is a moral issue. We owe it, we should pay it.

The issue of pro-life or pro-choice to me, I am a pro-life Member, that is a moral issue to me. But when we take an issue like this and we twist it for our reasons, for political reasons, in a way in which they should not be linked, I think it hurts the whole cause. I think it is not honoring.

That is why I have waited, as a pro-life Member, for a chance to say, these two issues do not belong in the same bill. And in holding the U.N. hostage because of abortion policy, because of the Mexico City policy, that is what it is all about, Members want leverage. What I am trying to do is release money in the fairest way possible.

We are trying to be honorable about this. I think the whole world is looking at us. I know the American people support this. There have been a number of polls, and 80 percent of the American people, of the American voters, say, pay the dues. That is what this vote is all about, pay the dues.

Mrs. MALONEY of New York. Mr. Chairman, I strongly support the Hall amendment for the reasons he outlined. As the gentleman pointed out, it leaves alone the reforms in the bill. We all support the reforms of the United Nations. It would allow the U.S. to make a long overdue $244 million downpayment on the $1 billion that we already owe.

We should pay our dues, our arrears, because it is in America's national interest. If we do not pay our dues without restrictions, without conditions, without riders that are totally unrelated, we could lose our vote in the U.N. General Assembly.

I am very, very privileged to have the U.N. in my district, a body that serves America's interests every single day. It serves to end conflicts by negotiating peace agreements. It serves to prevent nuclear proliferation. It serves to make our children around the world have immunizations against deadly diseases. It serves to alleviate hunger, which the gentleman has been a great leader on in this body by providing relief to some of the world's most desperate areas.

It is just plain good policy to pay what we owe, to strengthen our voice in this important body. And we should not link our dues, our arrears, to foreign policy riders that have absolutely nothing to do with the issue that is before us.

I strongly support the amendment of the gentleman from Ohio (Mr. HALL), and I urge all of our colleagues to support it.

Mr. ARMEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me begin by saying that I do, indeed, have the greatest respect for the sponsor of this amendment. The gentleman from Ohio (Mr. HALL) is a Member of this body who is admired by all of us for his deep convictions and constant and consistent work on behalf of the human rights of all people.

Not only do we respect him for his professional and humane commitment to these matters, but most of us, I say to the gentleman from Ohio, most of us see the gentleman as a good personal friend. It strikes me as one of the really unusual moments here to see the gentleman from Ohio (Mr. HALL) and the gentleman from New Jersey (Mr. SMITH) in such a heartfelt debate on this issue on different sides when one recognizes the acute friendship they have for one another. But that is the way of a legislative body.

Mr. Chairman, on the issue of the United Nations arrears, there are a range of views. We hear them expressed here. At one end there are many people who believe we do not owe any back dues to the U.N. The notion that we do in many people's judgment is based on bad accounting and bad policy.

There are other people in the middle of this spectrum, people like the gentleman from New York (Mr. GILMAN), like the colorful gentleman, Mr. HELMS from North Carolina, like the equally colorful Mr. BIDEN, and even the President of the United States, as represented by his own Secretary of State, who agree that we should provide some additional funds to the U.N., but only in return for commonsense reforms; and I mean basic reforms, such that the U.N. should use Inspectors General, adopt budget discipline, and reduce the American share of its budget to reflect our share of the world economy.

Then, Mr. Chairman, on the other extreme, is this amendment before us today. This amendment expresses the unique proposition that we should give $244 million of our taxpayers' money to the United Nations without insisting on our reform package. That is $244 million given with no authorization strings attached to the most bloated and wasteful bureaucracy since Byzantium.

This would be wrong. Even the best friends of the United Nations, and I would count the gentleman from New York (Mr. GILMAN) among them, should oppose this amendment because it denies the Congress of the United States, in conjunction with the presidency, the ability to reform our relationship with the U.N. and make it better and a stronger institution.

There has been some talk about linkages here. We all understand that it is a simple fact that the administration would have a better time getting its request for U.N. funding if it would deal with a variety of other issues.

But let me tell the Members about the linkages issues that we refer to here. I saw an effort last year in the authorization bill agreed upon now by the House and Senate to put some of those linkages in that authorization language, and I saw the distinguished chairman of the Senate, Mr. HELMS, who agreed with the linkages that we refer to, keep them out. Not in this bill, he said. We have worked hard on this bill. We have worked with the House and we have worked in good faith with the administration. I saw Mr. HELMS say, no, we will not put these kinds of linkages in our bill because we are working with the administration.

He honored that relationship, to protect the hard-won gains that they had done between the House and Senate authorizing committees and their relationship with the administration; I thought a deeply honorable thing, albeit for me at the moment, an inconvenient position for the distinguished chairman to take; a position, by the way, that I had rather assertively been reminded of by our own distinguished chairman, the gentleman from New York (Mr. GILMAN).

Now we have this same hardline work, all of these reforms so painstakingly negotiated between the Congress, the House, the other body, the White House, and the Secretary of State threatened again, threatened again, not this time by the effort to impose linkages into them, but this time by the idea, let us throw them overboard, forget all that work. Let us just give them the money, no strings attached. Forget all that hard work.

I am sure, Mr. Chairman, I am sure after the frankly heroic effort by the distinguished chairman, the gentleman from New York (Mr. GILMAN), and the distinguished efforts of the gentleman from the other body, Mr. HELMS, to keep those linkages out of the commitment as a matter of cordiality with the administration, just a year ago, I am certain, Mr. Chairman, that they would expect that the administration, the Secretary of State, would protect that work, too, by opposing this effort we have on the floor today to throw it over.

That is the story of linkages. Honor is as honor does. Honor should beget honor. The House and Senate chairman honored their working relationship with the administration. They have every right to expect the administration, and I am sure the administration does, to protect that work and oppose this amendment. If they do not, what a shame that there is not such respect for these two chairmen, for their honorable efforts.

What I am suggesting that we do is continue to honor the hard work of our committees, as this Committee on Appropriations has done, and say, as the bill does, the $244 billion is available subject to authorization. Let us enact those very necessary reforms agreed on by Republican and Democrat leaders alike in the House, in the Senate, in the administration, and then we will, of course, couple, again, the money and the agreement and the reforms, and do this properly.

Mr. Chairman, I just regret the impatience of the gentleman from Ohio (Mr. HALL). I understand his commitments. I understand his devotion. I understand his sense of urgency to make things right. He does that in many ways, and many times we respect and appreciate that.

But not this time, Mr. Chairman. I think the amendment of the gentleman from Ohio (Mr. HALL) is ill-advised. I think it reflects a lack of appreciation for the hard work, the commitment, the reform needed for the security of this Nation within a more secure and effective United Nations, and that work should be honored.

I would hope this House would honor our committees, honor the effort made by the administration, oppose this amendment, and carry forward those reforms that would reflect the will of the American people to have an American association with the United Nations that is honorable and respectful on both sides.

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are the most powerful Nation on Earth. There has never been a time in the history of man when there has been one country that has singularly had the power to influence the globe that the United States does today. There is no country in second place.

This Congress, if it continues to play these games with a number of international organizations, we may squander this position of power and hurt future generations.

The argument that process is more important than substance today is a little hard to take. I am the ranking Democrat on the Committee on International Relations. With a little luck and hard work and the sense of the American people, hopefully I will be the next chairman of that committee.

But let me tell the Members something, we have to get the work done. It is a little hard to take as sincere the statement that this is on the level, because it sounds a lot like the number one deadbeat dad in the country telling the kids that the check is in the mail. We have been doing this for a decade. We tie it up over abortion and Mexico City, we tie it up with territorial battles in the Congress between authorizers and appropriators.

Some people hate international organizations. I look at the U.N. and understand that it carries out America's interests, fighting disease, fighting poverty, trying to stop wars. I am not afraid of the United Nations, and I think most of the American people in every poll, in every view, understand it is vital to our interests to be engaged.

□ 1515

My colleagues want to set standards for how it behaves, but they do not want to pay the bill. They keep tying it up in knots time and time again. The deadbeat dad that, for a decade, has been behind on payments says, yes, the check will be in the mail, but you have got to take care of Mexico City. The check will be in the mail, but we have got to get it through the right process in the House. We do not want to offend the House Committee on International Relations. The check is in the mail, but we have all these behavioral modifications we want to see.

We are not going to get the reforms that we want if we do not pay our fair share. We are not going to get the reduction in the rate that we are supposed to pay if we do not pay up. The longer we take to complete this process, the more it is going to cost the American taxpayer.

I close with what I started with. Today, unlike any time in the history of the world, this country, the United States of America, is the most powerful Nation on earth in a manner unequal in history, not the Romans, not the Greeks. No Nation on Earth has this kind of power, this kind of wealth, this kind of influence on every corner of the globe.

We in this Congress, if we continue to be irresponsible in how we fulfill our obligations, we will squander that leadership and come back here a decade

from now seeing conflict arise again, losing our voice in the United Nations, losing our ability to influence the future of this planet for better.

Our children are better situated today than any children in the history of the world. Let us not squander that leadership.

Pay the bill, and we will be able to reform the U.N. and achieve the goals we seek in the world.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, just let me make a quick observation on how we got here in terms of the so-called arrearages. If one looks at the aggregate, the $926 million, a portion of that had to do with legislative policy withholdings. For example, no funds for the implementation for the General Assembly resolution which equated racism equals Zionism; the Kassebaum-Solomon amendment, which withheld 20 percent of U.S. assessed dues to the U.N. and specialized agencies unless those agencies granted voting rights on budgetary matters proportionate to budget contributions by each country. These were important policies, there was nothing frivolous about withholding funds to encourage reform.

In 1994, the House & Senate passed, and the President signed, legislation, best described as burden-sharing legislation that said the U.S. is going to reduce its assessed contribution for peacekeeping from 31 percent down to 25. Since 1996, our contribution has dropped from 31 down to 25. That is one reason why we have such an enormous so-called arrearage at the U.N.

We lowered our subsidy in a way reminiscent of our efforts to get other NATO nations to share more of the defense burden in Western Europe. We took the bull by the horns and lowered US contributions to UN peacekeeping—assessed peacekeeping—down to 25 percent. This talk about the U.S. being a deadbeat is absurd. We pay more than our fair share.

So I must register my very strong opposition to this amendment, offered by the gentleman from Ohio (Mr. HALL), my very good friend. Let me note that I would like nothing better but to put this dispute behind us. But passage of this amendment today would likely make it harder, not easier, to resolve the dispute over U.N. arrearages and especially to get real and meaningful U.N. reform. The Amendment also seeks to delink the connection between the Mexico City policy and arrears. That would be wrong.

We have passed reform legislation in the past. With arguable results. Reform has been spotty at best. So to maximize our reform efforts the appropriations bill before us would effectively advance U.N. reform by making any payment of the disputed arrearages expressly conditional on passage of a separate authorization bill.

The Hall amendment would delete this important requirement so that the U.N. would get its money without real reform. Yes, the underlying language in the bill would require reduction of dues, to 22 percent.

But most importantly, it says nothing about reducing our share of peacekeeping assessments from 31 to 25 percent. However, the U.S. government has already enacted this reduction—so arrearages may continue to expand unless the U.N. reduces our 25 percent ceiling.

The Hall amendment says nothing about U.N. inspectors general or about corruption, about nepotism, overspending, U.N. taxation, infringements on United States sovereignty, or other issues addressed by the U.N. reform package.

Mr. Chairman, by providing over $244 million to the U.N. without the careful process of deliberation and negotiation that is necessary for a true dispute resolution, we would seriously undermine and likely defeat the prospects for real reform. We would enable and empower continued bad behavior on the part of the U.N. officials and specialized agencies.

Mr. Chairman, again I want to respond to this spurious accusation that the United States has been a deadbeat in its financial support of the United Nations. Rhetoric like that is particularly embarrassing when it comes from the mouths of the U.S. officials whose job it is to defend our interests, and it does violence to the facts about the relationship between the United States and the U.N.

It would be far more accurate to say that the United States is by far the U.N.'s largest benefactor. Not deadbeat, benefactor—with a capital B.

Consider this in the first 51 years of the U.N.'s existence, the United States paid approximately $35 billion into the U.N. system and somewhere between $6 and $15 billion additional dollars for costs for U.N.-authorized peacekeeping missions. That amount dwarfs the contributions of all other countries in the world.

In fiscal year 1997, for example, the U.S. paid roughly three times more into the U.N. system than Germany. The U.K. donates Five percent, that is all. We are 25 percent dues to 31 percent peacekeeping. We give five times more than France, 35 times more than the People's Republic of China. They are under 1 percent. Time for some burden sharings adjustments it would seem to me.

Last year, Uncle Sam provided $1.5 billion to the U.N., and $300 million of that was voluntary not assessed. And we get no credit for that. In most cases we are glad to give it, to advance humanitarian goals that feed, clothe and vaccinate children.

Still Mr. Chairman, many Americans and their representatives are deeply skeptical of some of the U.N's work. Some, seeing the waste and the fraud and the abuse that is rampant, some feel that drastic cuts in the U.N. funding are in order.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. SMITH) has expired.

(By unanimous consent, Mr. SMITH was allowed to proceed for 3 additional minutes.)

Mr. SMITH of New Jersey. Mr. Chairman, some believe that the U.N. owes the U.S. for billions of dollars we spent in support of U.N. authorized peacekeeping missions that have been paid by our government, an amount many times larger than the amount that the U.N. claims that we owe.

As a matter of fact, a 1996 GAO report looked at just a few peacekeeping missions, Haiti, the former Yugoslavia, Somalia, and Rwanda, and found that, in just 4 years, from 1992 to 1995, the U.S. Government shelled out $6.6 billion. None of that $6.6 billion or any of the other money that has gone for the so-called incremental military costs are reflected anywhere in the computation about what we have donated to the U.N. and has nothing to do with the U.N. arrears debate. We get no credit for it.

If we had all U.S. donations on the table, with absolute transparency, the aggregate of funds that American taxpayers give would make this arrearage fight look frivolous.

Mr. Chairman, let me also point out that some top U.N. officials, got their jobs, not because of their qualifications, but as a form of patronage for member states. That needs reform.

There is no effective inspectors general for the various specialized agencies against waste, fraud, and unethical conduct, no effective protection for whistleblowers, no effective system of personnel evaluation.

The U.N. continues to have major difficulties controlling their own spending. When actual spending exceeds the budget adopted by the General Assembly, nothing happens. It just exceeds the amount.

The U.N. procurement system is almost as scandalous as the personnel and budget systems. There are no requirements of public announcements, and contracts are awarded under dubious and questionable criteria.

All these defects, Mr. Chairman, need to be fixed, and they need to be fixed now. Last year, we made a sincere effort. The foreign relations authorization bill passed by the House and Senate required the U.S. share of dues to be reduced to 20 percent and, importantly, required before we provided this money that it drop from 31 to 25 percent for assessed peacekeeping. Of course this change at the U.N. would comport with U.S. law. Again, remember, we passed the law; it is part of the U.S. Code, that we are not going to pay more than 25.

Among other important reforms, the authorization bill we passed last Congress also contained tough conditions against U.N. attempts to violate U.S. sovereignty, to perhaps raise a standing army, or impose a U.N. tax. All of that is ''waived'' in the language that Mr. HALL offers today.

Vote ''no'' on the Hall amendment.

Mr. ENGEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Hall amendment. I come from the old school. I believe that if one wants to do something, one finds a way to do it. If one really does not want to do it, one makes excuses as to why it cannot be done.

We have in this Congress, for the past several years, nitpicked to death our arrearage question involving the United States' dues that are owed to the United Nations. I am embarrassed and ashamed that the United States has not paid its dues, and I am embarrassed and ashamed that we use every other issue as a rationale as to why somehow or other the United States cannot pay its dues.

Everyone here says, oh, yes, we think that the United States will pay its dues and can pay its dues, and we are still in negotiation and still doing this and we are still doing that. But here we are year after year after year after year, and nothing changes.

We have the United Nations working group here, co-chaired by myself and the gentlewoman from New York (Mrs. LOWEY) and the gentleman from Iowa (Mr. LEACH) and the gentleman from Connecticut (Mr. SHAYS). We did not think that month after month, year after year, we would still be fighting for the same thing. So a time has really come for us to put up or shut up.

The United Nations arrearages should not be mixed in with abortion language or Mexico City or any other issue or any of the reforms or any of the things, the negotiations between the Senate and the House. We owe that money, and that money ought to be paid. It is an embarrassment that it is not paid.

Poll after poll has shown that anywhere from two-thirds to three-quarters of the American people support our paying the dues which we owe. Do my colleagues know that every former Secretary of State that is living, Republican and Democratic serving in Republican and Democratic administrations, supports the paying of the U.N. dues? Every one, Republican and Democratic, supports it.

Now, the U.N. has undergone reforms. It needs more reforms. But let us not pretend they have not tried and made great strides in reforming themselves over the past years.

The U.N. has an inspector general. They have reduced their peacekeeping costs substantially. These are all things that we have demanded they do. They have responded. They have had a zero growth now for 6 years. There are 900 positions cut in the United Nations. So they are responding to what we are saying. They ought to respond more.

But as was pointed out by several of my colleagues, will they respond more if we pay our dues, or will they respond more if we do not pay our dues? If we do not pay our dues and we have this arrogant attitude and we are thumbing our nose at the world body, well, why should they respond to our demands for reform?

But if we are paying what we owe, then we have a right to be influential, and we have a right to say what we feel, and then there will be a response; and there has been a response.

But it seems to me that we cannot talk out of both sides of our mouth. What really upsets me and has not come out in this debate is that there is sort of an underlying feeling amongst many colleagues here, particularly on the other side of the aisle, underlying feelings of hostility towards the United Nations, that somehow the United Nations is there to tell us what to do or to dominate us or not act in the interest of the United States.

□ 1530

I think it is quite the opposite. I think the United Nations does work in the interest of the United States and in the interest of peace throughout the world.

We have seen in crisis after crisis, in incidents such as in Kosovo and in Iraq and all over the world that we can utilize the United Nations to back up United States policy. But are we again in a better position to do that if we do not pay our dues or are we in a better position to have the United Nations back up U.S. foreign policy if we do pay our dues? I think it is quite evident that if we pay our dues we will have more influence in that body.

So I think what the gentleman from Ohio (Mr. HALL) is trying to do, and he is showing the frustration that all of us feel, is that simply the United States ought to pay its dues and this Congress ought to have an up or down vote on the paying of the dues, not mixed into any other issue, not blown away because we are having a fight with the Senate or some people here do not like the administration or some people here feel strongly about other issues. We owe the money, we ought to pay the money.

The United Nations is an important organization, the United States is the leader of the world, and we ought to do what is right. And what is right is to pay our dues, and what is right is for this Congress to unequivocally say let us stop bashing the U.N., let us stop bashing other nations, let us act like leaders for a change. We are the leaders, we ought to be the leaders, and we ought to pay what we owe. Support the Hall amendment.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio. It is pretty straightforward. I think we have heard all sides about the issue. What it simply does is it strikes some language that is in the bill which requires that funds that are appropriated for U.N. arrears must be authorized before they are disbursed.

The bill's funding includes the third and the last installment on our arrears payments to the United Nations. However, the U.N. has been unable to receive any of the money which was previously appropriated because it was conditioned, as is the money in this bill, on the passage of an authorization bill which has not passed.

The other body has crafted an agreement with the administration to deal with the question of U.N. reforms and has approved repayment of our arrears by a large margin. But the House has been unable to follow suit because passage of the U.N. authorization has been tied to unrelated issues. It is time that the question of U.N. funding be considered on its merits and not held hostage by other agendas.

Release of these funds is particularly important because we are facing the possibility of losing our vote in the General Assembly. Every living former Secretary of State, including James Baker, Alexander Hague, George Schultz, Henry Kissinger all support repayment of our U.N. arrears.

They support U.N. funding not only because it is a legal obligation but because it serves our national interest in contributing to global peace, prosperity, and security, and because it serves humanitarian interests in assisting refugees, improving human rights, and establishing the rule of law. Our continued failure to honor our obligation threatens our interests by threatening the U.N.'s financial and political viability.

I have great respect for the chairman of the authorizing committee, very great respect, he is my friend, and I do want him to know that I do think that this amendment is appropriate and I urge support for the Hall amendment.

Mr. BOEHLERT. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I thank the gentlewoman for yielding to me.

The United States needs to pay up. That is very basic. Crippling the U.N. by withholding U.S. economic support will not only hurt the reputation of the United States in the world community, but it will make it even more difficult for the U.N. to push forward with needed reforms.

I say needed reforms because, as this debate has brought to the surface, this Congress, on a bipartisan basis, has said quite emphatically that certain reforms are very much in order, not just in the interest of the United States but in the interest of the long-term effectiveness of the United Nations.

Personally, I do not think we hear enough about the U.N. successes: The feeding of over 50 million people last year, the immunization of hundreds of thousands of needy children, reducing the use of ozone depleting substances, and a whole list of very good deeds. Now, more than any other time in history, countries are connected through problems, since many problems today

are global in scope. The U.N. has been the only body to convene all parties to broker agreements on these global issues.

Now, the U.N. has not always succeeded, but its successes have been many, and it has always tried. Issues such as armed conflict resolution, nuclear site inspections, cross-border pollution, crime, drugs, armed trafficking, money laundering, and epidemics, all of which are beyond the capability of any one country or group of countries have been addressed. So much better to be debating these issues in an international forum rather than fighting about them on some distant battlefield.

Mr. Chairman, a strong majority of Americans favor us paying our U.N. dues. They understand that if we belong to an organization and that organization has dues, the obligation is to pay those dues. That is basic. We should heed their wisdom and pass the Hall amendment. The world counts on the U.N., it is time that the U.N. can count on the U.S.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a representative from California, specifically San Francisco, where the U.N. was born, I rise with particular pride today in support of the Hall amendment. In our community, we have a great appreciation for the United Nations and the work that it does. So I rise today to say let us pay our dues to the U.N.; and, in addition to that, let us give the U.N. its due.

It is a great institution. It is capable of helping to solve many problems in the world on a multilateral basis. We have urged the U.N. to put a new leader in and, with U.S. support, that happened; and we still turn our back.

I am pleased as a representative of San Francisco to join my colleagues from New York, where the U.N. is domiciled, in praise of the United Nations and its work. And I am very, very pleased to salute the gentleman from Ohio (Mr. HALL) for his courage and his leadership in bringing this amendment to the floor.

Everyone is making a little sacrifice on this issue so that we can have a big payoff for poor people in the world, for protecting the environment, for promoting the rule of law and human rights and peace throughout the world.

This debate, to me, seems full of contradictions. On the one hand we are told by our colleagues who oppose the U.N. that their objection to U.N. funding was based on concerns about inefficiencies and bureaucracy at the U.N. Those issues have been addressed. Certainly more needs to be done, but we are in the process of improving that. The U.N. has already implemented significant reforms, and the Hall amendment preserves the package of U.N. reforms in the State Department authorization bill.

Another contradiction we hear here is that we need to have more say at the U.N. But by not paying our dues, we will lose our vote in the General Assembly. I cannot believe that this body, this House of Representatives, would even consider allowing such a step to occur. But, unfortunately, we have done that repeatedly in the past, and there is a real possibility that we will vote that way again this year and lose the vote. Passage of the Hall amendment is a step toward ensuring that Congress takes the right path this year, the path to paying our U.N. arrears.

Now, another contradiction I hear, the distinguished majority leader came to the floor and over and over and over again he said that we must respect the sanctity, or whatever the word he used, of the authorizing committee, or of the committee process. I think that is an excellent idea, and I think that we should start to do it soon, but we must be consistent.

If that was the gentleman's view, I wish he would have stood with us on this floor last week when we did not want the Smith amendment, an authorizing measure, made in order on an appropriations bill to stop the U.N. population funds from going forth without the gag rule. So let us be consistent or else let us not sing as a mantra that we must protect the committee system if we are doing it very selectively.

Another contradiction is that the U.S. must not be the policemen of the world, and we must not bear all the burden of peacekeeping and resolving conflict in the world. And yet we are ready to turn our backs here today, hopefully not, on the institution of multilateralism, the most significant instrument that we have at our disposal to solve the world's problems in a multilateral way, and that means with financial resources, intellectual resources, energy, idealism and the rest.

It was reported that today our ambassador will be sworn in, will be confirmed on the Senate side, Richard Holbrooke. I do not know if I am allowed to say that, Mr. Chairman. When he is confirmed, and our ambassador goes to the U.N., a position of high honor in our country, the ambassador to the U.N., when he goes there, we want him to be able to serve effectively. We want him to be able to hold his head up high, that we have paid our dues and given our due respect to the United Nations for what it does.

So that is why I commend the gentleman from Ohio (Mr. HALL), because I know it is with considerable sacrifice and compromise that he puts this amendment forward. Everyone is making a little sacrifice. I hope we all can so that we can pass the Hall amendment and hold our heads up high at the U.N.

Mrs. KELLY. Mr. Chairman, I rise today in opposition to the amendment offered by the gentleman from Ohio, (Mr. HALL). This amendment would allow the United States to make good on its commitment and pay $244 million in arrearages to the U.N. Unfortunately, it does so while dismissing the work of a bi-partisan, bi-cameral coalition which has worked together with the Administration, as well as the Secretary of State, to achieve broad agreement as to the reforms that need to be made in the U.N. so that the U.S. and its citizens can continue to work with the U.N. in good faith.

The Appropriations Subcommittee on Commerce, Justice and State, under the leadership of Chairman ROGERS, has brought forth a bill that includes two very responsible reforms dealing with the U.N. budget. Additionally, the Subcommittee in their wisdom, also made the payment of the $244 million in arrears, contingent upon authorization language by the House Committee on International Relations. Currently, the House is in Conference with the Other Body to reconcile the differences between the two authorization vehicles. It is important that the Conferees are able to continue their bi-partisan, bi-cameral workings on this legislation. It is expected that this Conference will be addressing the need for U.N. reforms, as well as the need to pay our arrearages.

Mr. Chairman, this amendment prematurely seeks to address the concern that the arrearages will not be authorized. The Other Body has worked with the Administration and the Executive Agencies to ensure that all parties are in agreement about the conditions to which we appropriate these monies for the U.N. I will vote against this amendment to preserve the agreement made by these groups. I firmly believe that we must live up to our obligations and pay our U.N. debts, but I want to be clear. I believe the best way to do this is to allow the Conferees to complete their consideration of these measures and not legislate this matter on an appropriations bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. HALL).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HALL of Ohio. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 206, noes 221, not voting 7, as follows:

[Roll No. 380]

AYES—206

Abercrombie	Blumenauer	Clement
Ackerman	Boehlert	Clyburn
Allen	Bonior	Condit
Andrews	Borski	Conyers
Baird	Boswell	Cooksey
Baldacci	Boucher	Coyne
Baldwin	Boyd	Cramer
Barrett (WI)	Brady (PA)	Crowley
Bass	Brown (FL)	Cummings
Becerra	Brown (OH)	Davis (FL)
Bentsen	Capps	Davis (IL)
Berkley	Capuano	DeFazio
Berman	Cardin	DeGette
Berry	Carson	Delahunt
Bishop	Clay	DeLauro
Blagojevich	Clayton	Deutsch

Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Larson
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Costello
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Bilbray
Lantos
McDermott
Meek (FL)
Mollohan
Peterson (PA)
Reyes

☐ 1603

Messrs. GILCHREST, COBURN, LaTOURETTE, DAVIS of Illinois, and EHRLICH changed their vote from ''aye'' to ''no.''

Mr. SHERMAN changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 23 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, pursuant to the permission previously granted, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. STEARNS:

On page 72, line 5, strike ''$2,482,825,000'' and insert ''$2,482,325,000''.

Mr. STEARNS. Mr. Chairman, there are times when Congress must act to protect the interest of individuals, in particular Federal civil servants, who have been unfairly harmed by the actions of the Federal Government. In this instance, the Federal employee is Linda Shenwick.

I had intended to offer an amendment that would have presented the expenditure of the Secretary of State's entertainment account until Linda Shenwick was reinstated, reimbursed and had her personnel files expunged of negative information and evaluations.

Unfortunately, this was difficult under existing House rules for appropriations bills. Therefore, I have drafted an amendment that will reduce the general administration expenses for the Department of State by an amount equal to $5 million in order to send a message that this body objects to the treatment of an innocent Federal civil servant.

But, Mr. Chairman, I intend to withdraw this amendment after engaging in a colloquy with the gentleman from Kentucky (Mr. ROGERS) and the gentleman from Indiana (Mr. BURTON).

I would like to commend the gentleman from Kentucky for agreeing to work with us to attempt to defend Linda Shenwick and attempt to have her reinstated. In addition, I would like to encourage the gentleman from Indiana, the chairman of the Committee on Government Reform, to conduct a hearing on how this Federal whistleblower, Linda Shenwick, has been illegally removed from her position, and to create a solution to have her reinstated, reimbursed for her personal expenses, and have her personnel records expunged of negative information.

In the performance of her duties, she came across time and time again evidence of deliberate waste, fraud and abuse in the United Nations. When she began reporting such evidence to her superiors at the start of the Clinton administration, her reports were ignored.

So how has the Clinton administration and the State Department rewarded this stellar career employee? They actually began to hurt her career by threatening her directly with removal from her position, with threats to destroy her financially, and by beginning a process of false accusations and unsatisfactory reviews to harm her personnel files.

She has been unfairly and illegally removed from her Federal position in contradiction to Federal laws to protect civil servants and in contradiction to Federal laws to protect whistleblowers.

It behooves us to concern ourselves with this case and Congress to act now to protect the interests of an exemplary public servant.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding to me.

Let me just say that we have had a number of hearings involving those who are whistle-blowers for various agencies of government. The problem that the gentleman from Florida is talking about is not unique. We had three people before our committee just recently who wanted to testify about reprisals against them because they were telling Congress about waste, fraud, abuse or mistakes made in their agencies and they were threatened with their jobs. Many of them were penalized.

Ms. Shenwick is another example of people being taken to the cross, so to speak, and nailed to it because they are telling Congress about waste, fraud and abuse.

One of the biggest debates we have on this floor is the United Nations. We just had one. For us to chastise somebody who is contacting the Congress about waste, fraud and abuse of taxpayers' money over there borders on the criminal as far as I am concerned. Madeleine Albright and the State Department should be made aware that

we are not going to stand still in this Congress and let people be penalized who are telling Congress about this kind of waste, fraud and abuse. Ms. Shenwick should be vindicated. That is why we are both talking to the chairman of the appropriations subcommittee, the gentleman from Kentucky, to see if something cannot be done.

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

Mr. STEARNS. I yield to the gentleman from Kentucky.

Mr. ROGERS. I appreciate the gentleman bringing this case to the attention of the body. I agree with the gentleman that whistle-blowers play a vital role in identifying and eradicating waste, fraud and abuse in government. Also, I agree that such individuals should be protected from reprisals and that we have a responsibility to support them in that respect.

I want to assure the gentleman that we will take a close look at this particular case, and if it is determined that this person has suffered reprisals as a result of making the Congress aware of waste, fraud and abuse at the U.N., we will take appropriate action in conference.

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

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

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

I understand what the three gentlemen who spoke are trying to accomplish, but I just want to say that this is a very serious situation. We spoke about it yesterday. We should speak about it again. First of all, this whole discussion we were having today is really unnecessary because there is at this point the office of special counsel which has been taking evidence from both sides and interviewing witnesses and expects to issue a decision in the near future.

Now, what troubles me about the conversation I just heard and what we heard yesterday, while I am pleased that the gentleman has withdrawn the amendment, I am troubled by the fact that we continue to try to subvert the actions of the special counsel. We should allow those people that we set in law to do the work that they have to do and we should not try to undo that work.

I would hope that the comments that were made yesterday by myself were taken fully for what they meant, and, that is, that I would hope the gentleman would just allow for the process to take its place.

□ 1615

First of all, this young lady has not been determined a whistle-blower yet; that is part of the investigation. So why we are saying what we are saying I do not understand. And lastly, not to take too much time, I will be the first one to join if I know there has been discrimination or unfairness in any way, shape, or form. But we need for this process to take its due course.

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

Mr. SERRANO. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, I know the gentleman means that sincerely, and I respect him, but this woman was removed before the investigation was complete. Generally the woman is kept in office, the whistle-blower, while the investigation proceeds, but the investigation started and then removed her, and they have not even completed the investigation.

So I submit that that is not the kind of behavior that I am sure that the gentleman from New York condones.

Mr. SERRANO. I understand, and it is certainly not the kind of behavior that I would condone; and if that is the case, it is part of what we have to look at. That is why I respect the gentleman and I thank him for withdrawing the amendment, but I just want us to make sure that this is an issue that has other people involved and other situations going on, and we should pay attention to that as we pay attention to our intent here.

Mrs. MINK of Hawaii. Mr. Chairman, I move to strike the last word.

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Chairman, I rise to express my very deep disappointment that there is no funding for the East-West Center in this appropriations bill. As my colleagues know, several days ago the House debated this matter about funding the East-West Center as well as the North-South Center and the Asia Foundation, and by an overwhelming vote the provisions for funding in the authorization bill were retained, and in the case of the East-West Center, it was funded at $17.5 million.

The East-West Center is an internationally respected research and educational institution that was based in Hawaii 39 years ago. It was a bipartisan effort by the Eisenhower administration, the Congress, and the center has worked very successfully to improve relations and understanding between the United States and the peoples of Asia and the Pacific region. Presidents from these nations, prime ministers, ambassadors, scholars, people that are in business, in journalism, have traveled from all over the Pacific region to come to study at the East-West Center.

Mr. Chairman, it is not something which we have any proprietary interest as the State of Hawaii. It is a national institution, and it serves more than half of the world's population and has provided some tremendous input to the scholars that come, to those who study, as well as to the country as a whole.

We have very, very important programs ongoing, and to each year face this situation of no support from the Committee on Appropriations is very, very disturbing.

Mr. Chairman, I yield to the gentleman from Hawaii (Mr. ABERCROMBIE). My colleague and I have worked very hard to try to bring to the awareness of the Members of this House how important this institution is.

Mr. ABERCROMBIE. Mr. Chairman, I see the distinguished members of the Committee on International Relations are here, others who are associated with this bill. Mr. Chairman, I just want to make clear a personal note, if I might, to the other Members.

The East-West Center is a Federally chartered institution. It is not an entity which the gentlewoman from Hawaii (Mrs. MINK) or myself are associated with as Members of Congress per se. It is not an institution of the University of Hawaii or the State of Hawaii.

I was there when it was founded 39 years ago when I was a student at the University of Hawaii. I am well acquainted with many of the alumni, Mr. Chairman, some 40,000 plus.

We just finished today the conference report on the Committee on Armed Services. We have to fund our Armed Services because of our relationships to be prepared to defend the strategic interests of the United States and the Pacific Rim to the tune of billions and billions of dollars. We have 40,000 friends in Asia as a result of their experience at the East-West Center, which happens to be in Hawaii, which is the gateway for the United States of America and to all of Asia and South Asia and the Pacific Rim.

I urge the Chair, and I urge the committee members who will be conference members as they deal with the Senate, to have an open mind based on the facts as I have outlined them and the gentlewoman from Hawaii (Mrs. MINK) has outlined them and based on the fact that the East-West Center is very much in the strategic interests of the United States as a Federally chartered institution and as a catalyst for friendship throughout all of Asia for the United States of America.

Mrs. MINK of Hawaii. Mr. Chairman, the most powerful force of the United States in the Pacific region has always been our ideas, and the East-West Center is a place where these ideas can be shared by the people who will be the future leaders of the Asian Pacific country, and therefore it seems to me that it is so obvious that the national interest is centered in the maintenance and in the increasing of the possibility of the East-West Center to extend its influence over the Asia Pacific area.

So each year when we confront this negative funding from this body, it is very discouraging, and I know that we do rely upon gifts from the Asian Pacific countries and from individual companies, but in every case they set the parameters of how this money is to be spent. We want to give the East-West Center a strong foundation, a

strong basis on which our points of view, our ideas, our philosophy, our political approach, our understanding of democracy can be the center for our existence as an institution; and therefore I would hope that the members of this committee will take that outlook as they meet with the Senate on this matter.

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

Mr. Chairman, as we vote today for or against the appropriation that will pay for the State Department's operating expenses, I would like to draw the attention of my colleagues to an ongoing controversy concerning the State Department's dealings with the Taliban regime that now controls Afghanistan. The Taliban, I remind my colleagues, have been ruling most of Afghanistan with an iron fist. They are competing with the SLORC dictatorship in Burma for the role of the world's largest producer of heroin. They are harboring anti-American terrorists like Osama bin Laden and other murderers who have killed and maimed Americans in attacks like those on American embassies in Africa.

The Taliban fanatical leaders are waging a psychotic war of terror and repression against anything that they deem Western and have singled out women in Afghanistan as the targets of their medieval wrath. In short, they are to women what the Nazis were to Jews in the 1930's. Specifically, they are a monstrous threat to the freedom and well-being of tens of millions of women who live in Muslim countries around the world.

Now here is the kicker. Under the Clinton administration, the Taliban has established control over most of Afghanistan and has wiped out its opposition. Rather than being a force to combat the expansion of the Taliban, it appears that the United States under this administration has acquiesced to Taliban rule and even undermined the resistance to the Taliban. In short, it appears that the United States may have a covert policy of supporting the Taliban.

As a senior member of the Committee on International Relations, I requested documents well over a year ago that would confirm or lay to rest this suspicion about possible U.S. support for the Taliban. I repeatedly requested Assistant Secretary of State Rick Indefurth and other State Department officials formally and informally, officially and unofficially, to provide the documentation.

The chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), joined me in this request. Secretary of State Albright made a commitment to the committee during a hearing that documents would be forthcoming, and that was November of last year. After over a year of stalling and foot dragging, a year of either cover-up or incompetence, the State Department finally turned over a small batch of documents a couple of weeks ago, and only, by the way only then, after the chairman, Chairman GILMAN, threatened to subpoena.

Mr. Chairman, the paltry packet delivered from the State Department contained for the most part photocopies of newspaper articles about Afghanistan. This arrogance should be noted as we vote for the State Department's budget. This thumbing their noses at Congressional oversight cannot and should not be tolerated. This is an issue of utmost importance, and at this point, Mr. Chairman, I insert into the RECORD a letter that I sent yesterday to Assistant Secretary of State Indefurth:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 3, 1999.

Hon. KARL F. INDEFURTH,
Assistant Secretary of State for South Asian Affairs, Department of State, Washington, D.C.

DEAR SECRETARY INDEFURTH: After over a year of requesting documents and information concerning the Administration's policies and activities concerning Afghanistan and the Taliban, your office transmitted an envelope with pitifully few documents. Most of those documents were photocopies of newspaper articles. You may think this is funny, Mr. Indefurth. It is an insult to me as a senior member of the International Relations committee, it is an insult to Chairman Gilman who joined me in this request, and it is an affront to the Congress. Your actions suggest a disdain for Congress' oversight responsibility.

Let me again remind you, I have asked for all documents concerning administration policy toward Afghanistan and the Taliban, including cables and diplomatic correspondence with American diplomats engaged in foreign policy initiatives and analysis. Chairman Gilman joined me in that request over six months ago. In November of last year, Secretary Albright promised the Committee that the requested documents would be forthcoming. As far as I am concerned, you are in contempt of Congress in both a legal and personal sense. There is no excuse for the delays and stonewalling instead of providing information requested by a legitimate Congressional oversight committee.

There are only a few explanations for your continued intransigence in meeting this lawful request for documents and information. All of those explanations reflect poorly on you, Secretary Albright and the Administration as a whole. Incompetence may be a reason, raw arrogance may be a reason. However, it is also possible, considering other actions taken by you and the Administration, that what we see is a reflection of a coverup of a covert policy supporting the Taliban in Afghanistan.

Considering the Taliban's assault on human rights, especially those of Afghan women, the charges of a convert policy of support for the Taliban deserved the utmost clarification by your office through the documents I requested. Instead, we've had delay and obfuscation. Taliban's current offensive aimed at destroying the last remnants of resistance to their tyrannical rule, makes your actions even more questionable. This letter will be sent to every member of the International Relations Committee and will be made part of the Congressional Record. Upon return from the Summer break, I will be asking that subpoenas be issued and that prosecution for contempt of Congress be considered.

Sincerely,

DANA ROHRABACHER,
Member of Congress.

At this moment the Taliban are on an offensive that it is attempting to wipe out its last resistance, and that is about 10 percent of the country that now is in the Panjer Valley and that has resisted the Taliban efforts, and that is under a man named Commander Massoud. This is a life and death struggle. Thousands of people are being killed. Unfortunately, the people of Afghanistan who fought so bravely as friends of the United States and helped us end the Cold War, we now have deserted them; and it is possible that we are actually helping their oppressors.

Unfortunately, it appears that the Saudis and the Pakistanis have sent foreign troops into Afghanistan with the acquiescence of the United States. I hope that the people of Afghanistan understand that as this offensive against Massoud and the Panjer Valley goes forward this is their chance to rise up against the Taliban and to win their own freedom, because I am afraid that as long as this administration is in Washington, D.C., that we will not be taking those efforts to support the freedom-loving people of Afghanistan who stood with us against the Soviet Union; and instead it is possible that we have a covert policy of supporting the Taliban control, which would be a monstrous violation of the principles of freedom and justice for all that our country supposedly stands for.

So I would ask my colleagues to pay attention to this, and I would ask the State Department to please provide the documentation that I have been trying and I am asking for for over a year, when the gentleman from New York (Mr. GILMAN) has been asking for it for over a year and not to arrogantly thumb their noses at us by sending us newspaper clippings in response to our request for official documents.

The CHAIRMAN. If there are no further amendments to this section, the Clerk will read.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the remainder of title IV be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the remainder of title IV is as follows:

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $19,551,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $5,750,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $5,733,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $14,549,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $8,000,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2000, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2000, to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $31,000,000 to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized by the United States Information and Education Exchange Act of 1948, as amended, the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, the United States International Broadcasting Act of 1994, as amended, Reorganization Plan No. 2 of 1977 as amended, and the Foreign Affairs Reform and Restructuring Act of 1998, to carry out international communication activities, including the purchase, installation, rent, construction, and improvement of facilities for radio and television transmission and reception to Cuba, $410,404,000, of which not to exceed $16,000 may be used for official receptions within the United States as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1747(3)), not to exceed $35,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085), and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471), $11,258,000, to remain available until expended, as authorized by section 704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. The Secretary of State is authorized to administer summer travel and work programs without regard to preplacement requirements.

SEC. 404. Beginning in fiscal year 2000 and thereafter, section 410(a) of the Department of State and Related Agencies Appropriations Act, 1999, as included in Public Law 105–277, shall be in effect.

SEC. 405. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

This title may be cited as the ''Department of State and Related Agency Appropriations Act, 2000''.

The CHAIRMAN. Are there any amendments to this title?

If not, the Clerk will read.

The Clerk read as follows:

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $98,700,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $69,303,000.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $5,400,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,725,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

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

Mr. Chairman, I wonder if the gentleman from Kentucky (Mr. ROGERS) would engage me in a brief colloquy?

I thank the gentleman for his indulgence. I want to thank him for his excellent work on the bill. I know he has had a difficult time and made some difficult choices, and I think he has produced a great product.

I would like to ask him about funding for the National Veterans Business Development Corporation. The bill authorized in this program, H.R. 1568, passed the House by a voice vote, has not yet passed the Senate. We certainly expect it to soon. It was originally my intent to offer an amendment providing the $2 million necessary for the program, but that would have been subject to a point of order.

It is my understanding the Senate will pass H.R. 1568 soon, perhaps yet

this week, and that a bill can be sent to the White House.

□ 1630

I would like to ask the chairman if once we have an authorization, he would be willing to work with me and the Senate conferees to see if we can obtain funding for this important program.

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

Mr. TALENT. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I am aware of the corporation and the gentleman's efforts on the committee on small business to aid veterans through this program. However, because we were uncertain of the final form of the authorization, we did refrain from providing funding. It is my understanding that the bill is not being significantly changed. Therefore, I would be happy to work with the chairman of the Subcommittee on Small Business to see what might be accomplished in the conference.

Mr. TALENT. Mr. Chairman, reclaiming my time, I want to thank the chairman for his time. I appreciate his offer to work with me on this, and, more importantly, I thank him on behalf of the veterans and the small business community who will be helped by the bill and the funding.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $265,000, as authorized by section 1303 of Public Law 99–83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,900,000: *Provided*, That not to exceed $50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of 4 full-time individuals under Schedule C of the Excepted Service exclusive of 1 special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,170,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; not to exceed $29,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991; $279,000,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $192,000,000, of which not to exceed $300,000 shall remain available until September 30, 2001, for research and policy studies: *Provided*, That $185,754,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation estimated at $6,246,000: *Provided further*, That any offsetting collections received in excess of $185,754,000 in fiscal year 2000 shall remain available until expended, but shall not be available for obligation until October 1, 2000.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02, $14,150,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $77,207,000: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: *Provided further*, That, notwithstanding any other provision of law, not to exceed $77,207,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 2000, so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at not more than $0, to remain available until expended: *Provided further*, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285).

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $141,000,000, of which $134,575,000 is for basic field programs and required independent audits; $1,125,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and $5,300,000 is for management and administration.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 1999 and 2000, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,240,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $193,200,000 from fees collected in fiscal year 2000 to remain available until expended, and from fees collected in fiscal year 1998, $130,800,000, to remain available until expended; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by

sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 105–135, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $245,500,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $10,800,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $762,000, to be available until expended; and for the cost of guaranteed loans, $128,030,000, as authorized by 15 U.S.C. 631 note, of which $45,000,000 shall remain available until September 30, 2001: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during fiscal year 2000, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(e)(1)(B)(ii) of the Small Business Act, as amended: *Provided further*, That during fiscal year 2000, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed $10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act: *Provided further*, That during fiscal year 2000, commitments to guarantee loans under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of guarantees of debentures authorized under section 20(e)(1)(C)(ii) of the Small Business Act, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $94,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $139,400,000 to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for direct administrative expenses of loan making and servicing to carry out the direct loan program, $116,000,000, of which $500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the remainder of title IV be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to this section?

If not, the Clerk will read.

The Clerk read as follows:

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. 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. 603. 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 under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

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

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for: (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995; unless the President certifies within 60 days the following:

(A) Based upon all information available to the United States Government, the Government of the Socialist Republic of Vietnam is fully cooperating in good faith with the United States in the following:

(i) Resolving discrepancy cases, live sightings, and field activities.

(ii) Recovering and repatriating American remains.

(iii) Accelerating efforts to provide documents that will help lead to fullest possible accounting of prisoners of war and missing in action.

(iv) Providing further assistance in implementing trilateral investigations with Laos.

(B) The remains, artifacts, eyewitness accounts, archival material, and other evidence associated with prisoners of war and missing in action recovered from crash sites, military actions, and other locations in Southeast Asia are being thoroughly analyzed by the appropriate laboratories with the intent of providing surviving relatives with scientifically defensible, legal determinations of death or other accountability that are fully documented and available in unclassified and unredacted form to immediate family members.

SEC. 610. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds: (1) that the United Nations undertaking is a peacekeeping mission; (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 611. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC–17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration (NOAA) under the headings ''Operations, Research, and Facilities'' and ''Procurement, Acquisition and Construction'' may be used to implement sections 603, 604, and 605 of Public Law 102–567: *Provided*, That NOAA may develop a modernization plan for its fisheries research vessels that takes fully into account opportunities for contracting for fisheries surveys.

SEC. 613. Any costs incurred by a Department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such Department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 614. None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

SEC. 615. Of the funds appropriated in this Act under the heading ''Office of Justice Programs—State and Local Law Enforcement Assistance'', not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 616. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 617. None of the funds appropriated pursuant to this Act or any other provision of law may be used for (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 618. Notwithstanding any other provision of law, amounts deposited in the Fund established under 42 U.S.C. 10601 in fiscal year 1999 in excess of $500,000,000 shall not be available for obligation until October 1, 2000.

SEC. 619. None of the funds made available in this Act may be used to publish or issue an assessment required under section 106 of the Global Change Research Act of 1990 unless—

(1) the supporting research has been subjected to peer review and, if not otherwise publicly available, posted electronically for public comment prior to use in the assessment; and

(2) the draft assessment has been published in the Federal Register for a 60 day public comment period.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 108, line 21, be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 620. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

AMENDMENT OFFERED BY MR. INSLEE

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

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

Page 108, strike line 22 and all that follows through page 109, line 8 (section 620).

Mr. INSLEE. Mr. Chairman, we are proposing an amendment which many of us believe will address an issue which we have too long ignored, and that is the issue of global climate change. Unfortunately, the language of the bill at this moment contains language which would prevent us from addressing this important issue on an international basis.

The language specifically we are addressing is in section 620 of the bill, and, unfortunately, the existing language of the bill would prevent any expenditure of funds in preparation for implementation of the Kyoto Protocol regarding global climate change. The problem with this language is that it would prevent our diplomatic efforts to bring forth the developing world into our efforts to get a handle on global climate change.

Many of us know that in the Kyoto Protocol, despite its adoption, we have a desire, and the administration has expressed a desire, to work with developing nations to get the developing nations to agree to limitations, to agree to research in new technology, to try to reduce our emissions globally, the developed world and the developing world, to reduce CO2 emissions and prevent the kind of summers we have had recently.

We need to remove this language, because, unfortunately, the Nation is coming to feel like Time Magazine. If you see this week's Time magazine, there is an article that is entitled ''Capitol Hill Meltdown.'' The subtitle is, ''While the Nation sizzles, Congress fiddles over measures to slow down future climate change.''

Now, there is lots of work to be done between here and now on the solution to this problem, but the one thing we should not do, the one thing we cannot do, is shoot ourselves in the foot in an effort to go forth and try to bring the developing nations into this international agreement, to try to get them to join us in the efforts to reduce climate change emissions.

Many of us believe and all of us should believe that there should be no cardinal sin in going forth and trying to get others to talk with you internationally on how to deal with this problem. I would encourage any Member who has questions about this issue when we finish our mysteries at the beach this August to take a look at the literature on this issue because there is an overwhelming scientific consensus that this phenomena is occurring, number one, and, number two, it is going to continue to occur unless we, on an international basis, do something about it.

So we are offering this amendment, which would allow us, internationally, to go to the developed nations and urge them to join us in efforts to reduce these emissions and to enter into international agreements.

I want to make clear, this amendment does not, repeat, does not attempt to implement the Kyoto Protocol. The Senate has not ratified that, obviously. But it will allow us to continue diplomatic efforts to get the developed nations to help us and join us in this international effort to prevent the kind of summers we have had in the past year, in the past month, becoming unfortunately our predestined future.

Mr. KNOLLENBERG. Mr. Chairman, I rise in very strong objection to the gentleman's amendment.

Mr. Chairman, we have been down this road many, many times, but I would just like to assert a little bit of the history behind why this language is in the bill. Incidentally, it is in a number of bills, and it was signed into law, I would point out, last year by the President.

There is strong bipartisan support in this body and the other body for this language, and all it is designed to do and destined to do is to prevent implementation of the Kyoto treaty before it is ratified by the Senate. As the gentleman well knows, the Senate does have something to say about this.

I could say to you that nowhere in our wording does it say that we are stopping voluntarily any efforts that are being made in the direction of improving conditions, as you seek. But the developing nations of this world, as has been determined by that Senate vote of 95 to 0, must be participants. That does not mean that we have to pay with taxpayer dollars for implementation of the treaty until there is ratification.

Now, I can say further, education and research is something that is very clear. That can be done. But I think the gentleman errs when he says that this language prevents any kind of voluntary effort. What it is designed to do, and it says very clearly, and I can read it, if you would like, ''none of the funds appropriated by this act shall be used to propose, issue rules or regulations or decrees or orders for the purpose of implementation.''

That is the story, plain and simple.

I would tell the gentleman that it was not just a bipartisan effort, because if you look at the vote through the various subcommittees, committees, on the floor, et cetera, in the Senate, I think there is overwhelming respect for the idea that we should not bypass the Constitution, we should not implement before we ratify.

I would just say to the gentleman from Washington (Mr. INSLEE), that is what this language is for. If you strike this language, you have opened up enough room for a truck to drive through to actually implement the treaty. That is what we do not want to do.

I want to get to a point where we have made this world a cleaner place in terms of the air we breathe I think as much as anybody, but we are not going to do it in a constitutional bypass, and that is, frankly, what you do when you strike this language, you leave it open to that.

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

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

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding, and I thank the gentleman for being the author of this language that was inserted into this bill.

Mr. Chairman, this is I think the sixth of these appropriations bills that this exact same language has been included in. The House has passed five previous bills this year, appropriations bills, with this same language, and it is in this bill, and I commend the gentleman for his efforts, because he has been the driving force behind our efforts.

This language was accepted I think unanimously in the full committee. I do not think anyone objected to it. I would certainly oppose the amendment to strike it out, and commend the gentleman for putting the language in. I urge a ''no'' vote on the amendment.

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

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

Mr. INSLEE. Mr. Chairman, it is a question as much as a statement. What many of us are concerned about is the language that says none of the funds can be used in preparation for implementation.

Let me tell you what the concern is, and perhaps we can work together in conference to resolve this. The concern is that that language would prevent the State Department from going to developed nations and trying to get them to prepare for the Kyoto Protocol, to try to get them to agree to improve their participation in this protocol, to try to get them to agree to some of the measures.

We are very concerned this language will prevent us from moving ahead at all on international consideration. I guess I would ask the Chair if you would consider in conference looking at this language.

Mr. KNOLLENBERG. Mr. Chairman, reclaiming my time, let me assure the gentleman that there is nothing in this wording, which was worked out, by the way, in conference last year with the Senate and the House, with Senator BYRD. This language, by the way, was further, I would say, changed from what we had passed on the House floor last year. So this has the approval and the backing of Senator BYRD and the Senate, and it was passed without any kind of interruption in the conference last year.

□ 1645

So the gentleman is suggesting I reopen that. What I would tell the gentleman is that we would continue to say that this language only is intended not to challenge or to stop any kind of research or education, but when we cross the line to advocacy, we have gone too far. When we spend money in the hopes of the developing nations of the world coming on board, we are crossing that line.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I appreciate this discussion.

Let me just ask the chairman, does he believe it would be appropriate in this language for our State Department or other agencies of the government to continue a dialogue with the developing nations to try to get them to come into the umbrella of the Kyoto Protocol, to try to get them to agree to join us in some of the standards which many of us want to be implemented; what the gentleman believes is an appropriate expenditure under this language? Because that is our concern.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, let me just say that I went to both Kyoto and Buenos Aires, and we tried in the hardest way we could to get the developing nations on board in a voluntary fashion. I say again, if we were to expend monies to help the developing nations come into the picture, and I think that may be what they want, we are in violation of the very wording, the very language we have here. We would be in violation, in fact, of the Senate, which voted 95 to zero to say simply, bring the developing nations into the picture, bring them on board. They must be participants. It does not mean we do it for them, they have to be participants.

That is what this language simply says, is do not do anything until they become, on their own, participants in this process. Along the way we do not stop any, any voluntary action on the part of anybody. It is taxpayer dollars that we are talking about here.

Mr. INSLEE. If the gentleman from Massachusetts will continue to yield, Mr. Chairman, let me take one more stab at this to see if we could reach some meeting of the minds in some regard.

What I am searching for is some way for the gentleman to express or this Congress to express the belief that it is appropriate for us to be able to negotiate with some of these developing nations to urge them to agree to some of the limitations we need them to agree to so we can get to a global treaty in this regard.

I am searching for some indication from the Chair that he believes that is appropriate, and if so, some manifestation of that.

Mr. KNOLLENBERG. If the gentleman from Massachusetts will yield further, let me respond by saying that this language has been very, very carefully crafted. It is not to say that I would be a cement wall in terms of resisting conversation. I never have been. I have continued to be open, and on three different occasions last year we changed this language. It has been in a state of evolution.

I think it is at a point where very honestly, even though we would entertain conversations or suggestions from anybody, it would only be to the extent of not spending dollars for implementation.

If we cross that line, and the gentleman from Wisconsin (Mr. OBEY) to his credit, and I respect him and thank him for it, shares that whole position. If Members read the amendment that was passed last year on the House floor, it was his amendment. It clarified where we are on this business of implementation. I think it would be worthwhile rereading that.

Obviously I would be happy to talk to the gentleman in the future. But I would say, do a re-read of that amendment. It is pretty specific about what we can or cannot do. We are not stopping research, we are not stopping development, we are not stopping voluntary movement. What we are saying, however, is do not spend any taxpayer dollars until the Senate ratifies the treaty.

So to that end, I am always willing to talk to anybody about this subject, and I am not stifling debate, but I think for purposes of this bill and at this moment, that I can just say to the gentleman, yes, we will have that conversation in the future. But I think this language should stand, because it is the will of this body. It is a bipartisan will, too. It is both bodies.

Mr. FRANK of Massachusetts. If hope still springs eternal, I yield again to the gentleman from Washington.

Mr. INSLEE. As a new Member, hope still springs eternal. We will consider that a crack in the door, to some degree.

Mr. KNOLLENBERG. If the gentleman will continue to yield, Mr. Chairman, the doors are not necessarily cracked, but we can talk out in front of those doors, if you will.

I do not mean to suggest this language is going down. I am just saying, I would be happy to talk to the gentleman about it.

Mr. INSLEE. Mr. Chairman, if the gentleman will continue to yield, I will say two things. We will withdraw the amendment at this time, but I do think it very important for us in this Chamber to find out how we can get the developing nations to join us to go forward on solving this problem so that our institution is not seen as the institution that puts our head in the sand on this issue.

I will have a dialogue with the Chair and other Members.

Mr. UDALL of Colorado. Mr. Chairman, climate change is a global problem that requires a global solution. The Administration's is engaged in a full court press to ensure that developing countries are part of this global solution and to ensure that international efforts to address climate change are cost effective. The Congress has called on the President to engage developing countries and to protect the economic interests of the United States.

Section 620 of the bill apparently would make it difficult—maybe impossible—for our government to advance these foreign policy objectives and interests of the United States.

Providing technical assistance to developing countries, sharing the U.S.'s successful experiences with market-based mechanisms and vigorously advancing U.S. business interests does NOT constitute a backdoor implementation of the Kyoto Protocol.

We should be encouraging the Administration to continue to advance the interests of the U.S. in the on-going international climate change negotiations. But instead, the language now in the bill directs us to put our heads in the sand. That's the wrong message to send, and we should delete it from the bill.

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

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. TIAHRT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in House Report 106–284 offered by Mr. Tiahrt:

At the end of title VI, insert the following:

SEC. . NONDISCRIMINATION BASED ON RELIGIOUS OR MORAL BELIEFS.

No part of any appropriation contained in this Act may be used, directly or indirectly, to discriminate against, denigrate, or otherwise undermine the religious or moral beliefs of students who participate in programs for which financial assistance is provided from that appropriation or of the parents or legal guardians of such students.

The CHAIRMAN. Pursuant to House Resolution 273, the gentleman from Kansas (Mr. TIAHRT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kansas (Mr. TIAHRT).

AMENDMENT, AS MODIFIED, OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I ask unanimous consent to modify the language in my amendment, and to proceed with the modified amendment.

The CHAIRMAN. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment printed in House Report 106–284, as modified, offered by Mr. TIAHRT:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available to the Department of Justice in this Act may be used to discriminate against, denigrate, or otherwise undermine the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

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

There was no objection.

Mr. TIAHRT. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, this Nation has a tradition of protecting religious liberties. Our forefathers fought for these liberties here and around the globe. Even today, we encourage other nations like Russia and China to respect the religious liberty of their own citizens.

But right here in our own government, under the guise of youth violence protection, we devalue and demean the religious liberty we have worked so hard to protect. Our own Justice Department has sanctioned literature that undermines the values and virtues our parents are trying to pass on to their children.

Specific faiths, such as Baptist and Pentecostal, have been linked to hate groups. Who knows what faith the Justice Department will denigrate next, the Jewish faith? The American Methodist Episcopal? Catholics?

In their curriculum, the Department of Justice ties prejudice directly to religious organizations, violating the long-held belief that our government will protect religious liberty for our citizens. All this amendment does is restrict the Department of Justice from spending our tax dollars to undermine the values that parents are trying to teach their kids.

All I am saying is we should not devalue the religious liberty we fought so hard to protect, both here in our own country and across the globe. This amendment respects parents' faith and supports their efforts to raise children with a set of values in hopes of making a better America than the one we live in today.

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

The CHAIRMAN. Does any Member seek time in opposition?

Mr. SERRANO. I seek the time in opposition, Mr. Chairman, and I yield that time to the gentleman from Massachusetts (Mr. FRANK).

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. FRANK).

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Mr. Chairman, may I split the time and reserve some of it under that yielding?

The CHAIRMAN. Yes, the gentleman may.

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

Mr. Chairman, I understand the thrust of this amendment. Some of it

seems to me unobjectionable, but I think it would be a mistake to adopt it. The gentleman did narrow it substantially. There is a mismatch between the description of the amendment and the text. There is less of a mismatch, but there still is one.

To the amendment as originally made in order by the Committee on Rules we did not object, because I do think it ought to be able to go forward without objection. But had we objected, it would have covered all programs in the Department of Commerce and the Department of State. It now, however, covers all Justice Department programs, so we are not now just dealing with juvenile justice.

To the extent that the Department of Justice funds any law school studies, this would be covered by this amendment.

Here are the problems. Discriminate against? No, we should certainly ban discrimination. I believe we already do by statute. Denigrate directly? I think the government should not denigrate. But undermine? What about those who have a religious belief that evolution is a mistake? That would appear to include the majority whip of this House, from our debate on juvenile justice. If adopted, this amendment would prohibit any program funded by the Justice Department to teach evolution.

Among the religions, by the way, whose beliefs could not be undermined or denigrated would be the Nation of Islam. I mention that because they appear to me to have a creation theory that is very strange, and I would hope if that came up it could be undermined.

This says we cannot fund any program through the Department of Justice, not just in juvenile justice but any program that undermines someone's religious beliefs, no matter how strange their religious beliefs. We cannot, under this bill, undermine beliefs of those in the Church of Scientology.

Now, this is not an opt-out. This is not an amendment that said that if you are personally offensive to Scientologists, Nation of Islam, and a few others, they can leave. No one can teach something which undermines the beliefs of those groups. I think our students are of sterner stuff, and not only should not be, but they cannot be protected in a free society from anything which would undermine their religious beliefs.

Indeed, we have religions which believe directly contrary things on common facts. There are different religions. We do religion no service if we homogenize it. There are sharply different versions of important fact questions and value questions among certain religions.

Do we then say that if we teach monogamy, we are violating the rights of those members of Islam who who believe in polygamy? Polygamy is legal and supported in many Muslim countries. That is the problem. We cannot literally come close to refraining from undermining religious beliefs.

So what we are doing here in the guise of protecting liberty is in fact to undermine it. We dumb down educational programs. Again, we are not just talking about violence protection programs, we are talking about anything that the Department of Justice funds.

If the Department of Justice wants to fund a study on this or that or the other and wants to bring law schools in, it cannot be involved. I do think it is legitimate to say there are religions of which I do not think a great deal. I do not want the government officially to denigrate them, but I do not think we should say it in that way.

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

The CHAIRMAN. The Chair would inquire of the gentleman from New York (Mr. SERRANO), does the gentleman from New York intend to control the time in opposition?

Mr. SERRANO. No, Mr. Chairman, the gentleman from Massachusetts (Mr. FRANK) controls the time.

The CHAIRMAN. The gentleman asks unanimous consent that the gentleman from Massachusetts (Mr. FRANK) control the time?

Mr. SERRANO. Yes, I do.

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

Mr. Chairman, I would say that we are talking about dissenting views on evolution. I just think that we should not be in a position where we are picking one side or another in our tax dollars. We should just recognize both sides, and not demean one side or the other.

Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Chairman, I thank the gentleman for yielding time to me.

Too often when issues like this that have moral or religious overtones are raised here, they are rejected on theories of constitutional purity. The constitutional prohibition, for example, against the establishment of religions, or the companion philosophy of separation of church and State, many times become excuses for avoiding debates that focus on morality and character of citizens.

I believe that the erection of these phrases as roadblocks to such discussions is wrong and does a disservice to the intentions of our Founding Fathers, who never intended that governmental interaction with its people be sanitized of all religious flavors.

In fact, I think they intended exactly the opposite. They understood that it was the multitude of religious beliefs that undergirded the character of the citizenry. This amendment simply makes one small statement of reaffirmation of that concept by prohibiting those who receive funds through the Office of Juvenile Justice and Delinquency Prevention from using those funds to undermine or denigrate the religious beliefs of children or adults who participate in the programs.

I urge support for the amendment.

□ 1700

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I appreciate the intellectual honesty from the gentleman from Kansas. He now makes it clear. The purpose and intent of this amendment would be, for instance, to prevent any program which taught evolution as a fact, because evolution is contested. It would prevent, it would appear to me, any program which taught that monogamy was the preferred form of marital relationship since Islam, a very respectable religion, increasingly represented in America, in some of its forms allows polygamy. It is not allowed by American law; but, theoretically, there is strong support for it. There is also of course the position of the black Muslims.

So I would hope that we would not do this. I understand the intent, but the effect of this would be very severely to circumscribe the intellectual content of any program that can be offered by the Department of Justice. I do not think we should make that assault in the name of something that is quite valuable, religious liberty.

So discriminate against, we should not do that; and denigrate people's religion, we should not do that. But when one prohibits undermining any religious tenant by any program from the Department of Justice, one quite literally would ban the chances of any serious and thoughtful intellectual program and would, in fact, I believe, undercut a number of things.

Let me throw in one other. There are important religions in this country which believe that the death penalty is a mistake. These are people who have firm religious convictions that say ''thou shalt not kill'' is absolute. Pass this amendment, and no Justice Department study could, it seems to me, be funded to show the validity and importance of the death penalty.

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

Mr. Chairman, this legislation is not about the Scopes trial and evolution. It is not about monogamists or polygamy. It is not about the creation theory of Islam. This is about youth violence programs, and we do not think it is proper for the Department of Justice to take one side or the other when it comes to religious liberties.

Mr. Chairman, I yield the balance of the time to the gentleman from Indiana (Mr. SOUDER) to close.

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

Mr. SOUDER. Mr. Chairman, overheated rhetoric aside, and let me make it clear, I do not think the Justice Department should be teaching evolution or creation. It is not the business of the Justice Department. I, furthermore, do not believe the Justice Department should be advocating or not advocating the death penalty.

Studies are not affected here. This is the advocacy. Discriminate against, denigrating. Quite frankly, the word ''otherwise'' here is qualified by discriminating and denigrating. It says otherwise undermine, which is in the English language predicated on the first two definitions. I believe we are chasing a red herring here.

Religious freedom is a basic constitutional right in this country, as is freedom of speech. Obviously there are limitations in any right. No right to yell in a theater. No right to sexually harass. One cannot violate other laws. Christians should not use government funds to discriminate or to denigrate Hindus. Muslims should not use government funds to discriminate against or to denigrate Jews.

If Christians like myself, joined by nearly every other major religion on these particular points, believe that whatever predispositions one may or may want have, that some behaviors are morally wrong, such as child sexual abuse or alcoholism or spouse abuse, the government has no right to denigrate charasmatics, Catholics, Mormons, Lutherans, Hindus or anyone else who would hold such beliefs.

If one practices hate like those evil persons who murdered homosexuals, blacks, Christians, or Jews in our country; like those who have harassed through physical threats or church burnings, one has no protection for illegal and immoral acts here in America or without repentance eternally.

But where moral principles differ, the government has no business whatsoever in discriminating against, denigrating, or otherwise undermining religions and religious belief.

At a time when America is in a moral crisis, the last thing we need is the government attacking religions.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Kansas (Mr. TIAHRT).

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. BASS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in House Report 106–284 offered by Mr. BASS:

At the appropriate place in the title relating to ''GENERAL PROVISIONS'', insert the following new section:

SEC. ___. EFFICIENT ALLOCATION OF TELEPHONE NUMBERS.

(a) PLAN.—Not later than March 31, 2000, the Federal Communications Commission shall develop and implement a plan for the efficient allocation of telephone numbers.

(b) ELEMENTS.—The plan under subsection (a) shall—

(1) include mechanisms to ensure portability of telephone numbers among services and service providers within individual rating areas, if there is a bona fide demand, and establish rules applicable to service providers not subject to or otherwise not in compliance with such number portability requirements;

(2) take into account any telecommunications technology widely available as of March 31, 2000, that requires a telephone number;

(3) consider and take steps to minimize the total societal costs and impacts of the plan for the efficient allocation of telephone numbers and any specific number relief or conservation measures that may arise therefrom; and

(4) provide for allocating unassigned telephone numbers among telecommunications carriers in blocks of 1,000 in order to fairly share such numbers without the waste associated with allocating in blocks of 10,000.

(c) DELEGATION OF NUMBERING JURISDICTION.—During the period beginning 60 days after the date of the enactment of this Act and ending upon the Commission fully implementing the plan required by subsection (a), the Commission shall, upon the request of a State commission whose State has been determined to be within 12 months of telephone number capacity, delegate to the State commission the jurisdiction of the Commission over telecommunications numbering with respect to the State under section 251(e)(1) of the Communications Act of 1934 (47 U.S.C. 251(e)(1)) to the extent that such delegation will permit the State commission to implement measures to conserve telephone numbers, including measures as follows:

(1) To conduct audits of the use of telephone numbers and central office codes.

(2) To require telecommunications carriers to return unused central office codes and to return central office codes that have been obtained in a manner contrary to Federal or State numbering guidelines or protocols.

(3) To develop and establish dialing protocols applicable for calls placed within the same area code or local calling area (or both) of the calling party that will consider, in addition to the potential effect upon competition, matters of public convenience and safety and the public interest generally.

(4) To develop and implement, where the State commission finds it to be in the public interest and supportive of number conservation measures that it may adopt, area code relief measures involving the use of overlay area codes applicable to telecommunications service providers not subject to or otherwise not in compliance with local number portability, including a requirement that existing telephone numbers assigned to or in use (or both) by such service providers be transferred to the overlay area code, and including a requirement that calls placed within a calling party's home area code continue to be dialable on a 7-digit basis.

The CHAIRMAN. Pursuant to House Resolution 273, the gentleman from New Hampshire (Mr. BASS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire.

Mr. BASS. Mr. Chairman, I ask unanimous consent to yield 2½ minutes of my time to the gentleman from Ohio (Mr. KUCINICH) for purposes of control.

The CHAIRMAN. Without objection, the gentleman from New Hampshire (Mr. BASS) and the gentleman from Ohio (Mr. KUCINICH) each will control 2½ minutes.

There was no objection.

The Chair recognizes the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in support of this amendment, and I want to thank the gentleman from Virginia (Mr. BLILEY), chairman of the Committee on Commerce, and the gentleman from Kentucky (Mr. ROGERS), chairman of the Subcommittee on Commerce, Justice, State, and Judiciary, for their good-faith efforts to work on this amendment with me.

Mr. Chairman, this amendment addresses a problem that is needlessly affecting the telephone service of millions of Americans. Year after year, new area codes are created, and they are created unnecessarily. One of the reasons for that is that the FCC has allocated telephone number blocks in blocks of 10,000 rather than 1,000. So the result is, if one has a central exchange in a small town or small area, one uses 9,999 numbers, and one only has a couple of hundred telephones.

What this amendment does is force the FCC to solve this problem by the end of March of next year so that we do not have a situation where, in 22 different States across the country, new area codes are assigned needlessly.

Mr. Chairman, this is not an issue of political philosophy. It is not an issue of partisanship. It is an issue of dealing with the bureaucracy.

I urge all of my colleagues who support this amendment that it will save countless thousands of dollars to small businesses and families who have to adjust to new area codes needlessly because the FCC has not moved rapidly enough on their rulemaking proposal to support this amendment and move forward.

Mr. Chairman, I also want to recognize and thank the chairman of the House Commerce Committee, Mr. BLILEY, and the chairman of the Commerce, Justice, State Appropriations Subcommittee, Mr. ROGERS, for their good faith negotiations on this amendment.

Mr. Chairman, a serious problem is needlessly affecting the telephone service of millions of Americans. Year after year, new area codes are created and imposed on consumers and businesses across the country. We could all understand and accept new area codes if we actually ran out of numbers in the old ones. The truth, however, is that more phone numbers in each area code are stranded by bureaucracy than ever get assigned to a residential or commercial line.

One of the main problems is that phone numbers are distributed in blocks of 10,000—without regard to demand. That means that there are thousands of phone numbers in many area codes that never get used and are wasted. This amendment would require that phone numbers are allocated in blocks of 1,000. Therefore, if a location only needs 2,000 numbers then they can get 2,000 numbers—and not tie up the full 10,000 numbers.

The FCC has been working on the problem now for well over a year. Meanwhile, millions of Americans have had their area code changed.

Sometimes new area codes are added geographically. A state gets split in two—half keeps the old code and half gets a new code. Sometimes new codes are overlaid on top of the existing code, where you would keep the area code you have for existing phone numbers, but would use the new area code for

new numbers. Sometimes you get a combination of these solutions.

Almost one-third of the 215 area codes in the United States are likely to be exhausted within two years. California, Florida, Kentucky, Louisiana, Michigan, New York, and Virginia each have at least two area codes that are in extreme jeopardy and require immediate action. Another 11 states, including my own state of New Hampshire, have at least one area code that will be exhausted within the next 16 months.

This bipartisan amendment would require the FCC to address this problem by March 31, 2000. This amendment also provides states that have been determined to be in jeopardy by the North American Numbering Plan Administrator with limited flexibility to conserve their current area codes. Again, this state jurisdiction would only be provided to states that are in jeopardy.

Because we allocate phone numbers so inefficiently, we will exhaust the remaining pool of area codes by 2008. To fix this could cost up to $150 billion and would have to add at least one additional digit to all phone numbers in America.

We know this problem is coming. Let's act before it becomes another crisis that could have been avoided.

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

The CHAIRMAN. Does any Member seek to claim time in opposition?

Mr. SERRANO. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from New York (Mr. SERRANO) is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Ohio (Mr. KUCINICH) for the purpose of control.

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

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. KUCINICH) is recognized for 7½ minutes.

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

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

Mr. DIXON. Mr. Chairman, I thank the gentleman for yielding to me, and I congratulate the gentleman from New Hampshire (Mr. BASS) and the gentleman from Ohio (Mr. KUCINICH). This is an excellent amendment that allows the PUCs of States to do the right thing.

Mr. Chairman, I rise in support of the amendment offered by Representatives BASS and KUCINICH. Ordinarily, I would oppose the addition of this type of legislation to our appropriations bill. However, from my district in Los Angeles, California to the state of Maine, we face an area code crisis that demands the extraordinary.

The public outcry in my district in California began with the California Public Utilities Commission's (CPUC) imposition of mandatory one plus ten digit dialing in preparation for an area code ''overlay.'' For the uninitiated, instead of splitting the geographic area and adding a new area code, the new area code is simply overlayed to the existing area; all callers in the area are then required to use the area code for all local calls. Consequently, my next door neighbor may have a different area code; two phones in the same household may have a different area code. On the other hand, the consumer is ensured of holding on to his/her current number indefinitely.

The point here is not to debate the merits of the geographic split versus overlay, but to understand that for many consumers, this sudden and increasingly frequent upheaval with respect to that most valued possession—the telephone—is troubling. Moreover, there have been unforeseen costs to consumers and businesses as a result of mandatory ten digit dialing; for example, no one anticipated that existing apartment building entry code systems would be rendered useless with the imposition of ten digit dialing.

Indeed, it is the lack of ''anticipating'' which I find most troubling about this current situation. From the Congress, which failed to anticipate the problems that deregulation of the telecommunications industry would pose for a monopoly driven number allocation system, to the Federal Communications Commission (FCC) and state public utilities commissions that have been slow to respond. There is an urgency to this problem that seems to have escaped government and industry.

Let me share with you what the result in my state has been. From 1947 to the end of 1992, the number of area codes in California grew from three to 13: ten new area codes over a 45 year period. In the three year period from January 1997 to the end of 1999, the state will have doubled that figure for a total of 26 area codes. The CPUC has approved relief plans for another seven new area codes just in the last ten months. Demand in California is such that new area codes are being placed in jeopardy of exhaust as soon as they become operational.

Everyone agrees that the current number allocation system is inefficient. These inefficiencies are directly related to policies of the FCC. I am encouraged that the Notice of Proposed Rulemaking initiated by the FCC on May 27, 1999, reflects some understanding by the agency of its role in the area code exhaust crisis facing many states and localities. FCC Chairman Kennard also recently indicated that the FCC would be granting pending state petitions requesting greater authority to initiate number conservation strategies. However, I regret that the situation was allowed to deteriorate to the degree it has.

We deregulated the telecommunications industry to enhance competition and spur technological innovation to benefit the economy and American consumers. I am increasingly concerned that while technology grows by leaps and bounds, the average American consumer is being asked to carry a disproportionate burden of the costs and—in the case of this area code mess—the inconvenience of progress.

This is an exceedingly complicated matter: as we have found in so many of the matters surrounding telecommunications policy and deregulation. Complexity, however, should no longer be an excuse for us to leave it to the experts to sit down and solve the problem. They need to be pushed.

Much of what the Bass/Kucinich Amendment seeks to accomplish, the FCC is currently engaged in. Other provisions are more controversial and certainly deserve more than the ten minutes of debate allotted here today. Adoption of the amendment signals our willingness to engage more fully in this issue. I offer my strong support for the amendment and commend the gentlemen from New Hampshire and Ohio for bringing the issue to the floor.

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

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

Mr. BERMAN. Mr. Chairman, I thank the gentleman from Ohio very much for yielding to me. Mr. Chairman, I rise in very strong support of the gentleman's amendment.

Mr. Chairman, I rise in support of the Bass-Kucinich amendment which addresses the efficient allocation of telephone numbers. I wholeheartedly agree that the FCC should develop and implement a plan to address the problem of area code proliferation which is plaguing communities across the United States. Moreover, I concur that State Commissions should be given the authority to implement number conservation methods, especially if the state is about to reach its capacity of numbers. States should be given the authority to deal with the hoarding of unused area codes by local carriers.

Throughout California, the proliferation of area codes is a problem. During the last two years, the number of area codes in California has risen from 13 to 28, and as many as 14 additional area codes may be implemented by 2002. By contrast, it took 45 years for California to acquire 13 area codes.

In fact, there is a plan in my district either to split the San Fernando Valley into two area codes or subject us to an ''overlay.'' I have heard from many constituents who feel either option will inconvenience them unnecessarily. Homeowners have told me that they do not want to dial ten numbers to call their next-door neighbors. Business owners are upset because they fear they will lose contact with their customers. Their feelings of frustration and annoyance are totally understandable.

I want to leave you with one statistic: the California Public Utilities Commission estimates that only 35 to 40 million numbers are in use, while 206 million numbers will be available by the end of this year in California. It is clear that the current capacity of numbers has not been exhausted. I believe California is not alone in its predicament and many reports have documented a similar underutilization in other states.

I urge my colleagues to support this much-needed amendment.

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

Mr. Chairman, I thank the gentleman from California (Mr. DIXON) and the gentleman from California (Mr. BERMAN) for their support of this amendment. I thank the gentleman from New Hampshire (Mr. BASS) for his cooperation in working on this and to the senior Members, who are the chairmen of the committees.

Mr. Chairman, there are more than 2 billion potential telephone numbers right now, but only 10 percent of them

are in use. So there are plenty of telephone numbers. But due to the FCC mismanagement, roughly 70 million customers have been told they have to switch area codes due to a scarcity of numbers in their area code.

Now, the U.S. is only a few years away from running out of area codes. This will necessitate adding an extra digit to all telephone numbers. Now think about that for a moment. If one's phone number is 224–3121, and they want to make it 224–31210, just adding that extra digit is going to cost consumers in this country $150 billion. We are talking about the largest telephone rate hike in history here.

The Bass-Kucinich amendment would direct the FCC to make sure that more telephone numbers were assigned efficiently before new area codes are imposed. That would save consumers $150 billion in preventable telephone bill charges.

The State Regulatory Utility Commissioners support the goal of this amendment. Mr. Chairman, I have a letter from the Chairman of the National Association of Regulatory Utility Commissioners as well as the resolution of that body which, in effect, endorses the principles that are in this amendment by myself and the gentleman from New Hampshire (Mr. BASS).

I include the letter and resolution for the RECORD as follows:

THE NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS,
August 5, 1999.

Re: Number conservation

Hon. THOMAS BLILEY,
Chairman, House Commerce Committee, U.S. House of Representatives, Washington DC.

DEAR CHAIRMAN BLILEY: I write to request that you support enabling state commissions to respond effectively to telephone number exhaustion. I am Chairman of the Telecommunications Committee of the National Association of Regulatory Utility Commissioners (NARUC). NARUC represents state and territorial commissions which regulate telecommunications services. We have appreciated Congress's close concern with Telecommunications Act implementation, and its interest in the views of state public utility commissions.

Many state commissioners in affected states support current Congressional proposals to enable state commissions to respond to the numbering crisis. NARUC itself has not endorsed specific Congressional action, as opposed to Federal Communications Action to broaden state commission ability to respond, subject to Congressional oversight. However the problem is addressed, the need for state authority is compelling and is urgent.

Telephone number exhaustion is perhaps the most heated and controversial issue state public utility commissions in large and medium-sized states. Residential and business customers become more upset about area code changes than about most rate increases. Customers associate their area code with their physical location and also resent the expense and confusion caused by area code changes. Customers perceive numbering and area codes as state issues and focus their anger on state public utility commissions. State commissions are blamed for the train wreck but lack adequate tools either to avoid it or to clean up the mess after it occurs.

State public utility commissions have taken a proactive and constructive approach to numbering issues. State commissions have been fully engaged with the Federal Communications Commission, where several petitions are currently pending, and with the North American Numbering Council on all aspects of number planning. State commissions have emphasized conservation measures before exhaustion occurs and have devised appropriate measures for their states when area code relief is required. Unfortunately, state commissions are currently hamstrung in their efforts to conserve numbers and respond to numbering exhaust.

Recently, NARUC adopted a resolution concerning numbering exhaust and conservation, focusing primarily on possible FCC action. Among other things NARUC urges that states be allowed to implement thousand block number pooling and be granted strong enforcement authority over number conservation. I have attached a copy of the resolution.

Expanded state commission ability to mitigate and respond to number exhaustion is consistent with the cooperative federalist design of the Telecommunications Act, is consistent with the development of competition, and is the right thing to do for telecommunications customers.

Sincerely,

BOB ROWE,
Chairman,

Enclosure.

RESOLUTION ON THE FCC'S NUMBER RESOURCE OPTIMIZATION RULEMAKING PROCEEDING

Whereas, The current numbering administration process for the North American Numbering Plan has proven to be inadequate and has led to the inefficient use of numbering resources and the premature assignment of new area codes; and

Whereas, The current numbering crisis demands immediate action by the FCC, and failure to act expeditiously will result in substantial disruption, including the activation of new, unnecessary area codes that will permanently destroy geographic associations with specific area codes, will needlessly subject both residential and business customers to unnecessary costs, confusion and inconvenience, and will wastefully consume the limited resources of both telecommunications providers and State regulators; and

Whereas, Companion number conservation bills, H.R. 2439 and S.B. 765, have been introduced in Congress by Representative Kucinich and Senator Collins, respectively, to reduce the need for new area codes that are being created due to the inefficient practices of the telephone companies; and

Whereas, The FCC's Notice of Proposed Rulemaking in the Number Resource Optimization Docket, CC Docket No. 99–200, FCC 99–122 (June 2, 1999), requests comments on many important issues and proposes several different approaches to resolve the numbering crisis; and

Whereas, The States and territories believe that adherence to the principles and approaches outlined below is essential to the creation of an effective, competitively-neutral, administratively feasible numbering administration system; now therefore be it

Resolved, That the Board of Directors of the National Association of Regulatory Utility Commissioners (NARUC), convened in its 1999 Summer Meeting in San Francisco, California, that NARUC supports the FCCs efforts in its NPRM on numbering resources and encourages State commissions to file comments with the FCC that:

a. Urge the FCC to abandon the voluntary Central Office Code Administration Guidelines and establish more stringent, enforceable number assignment rules and regulations, and

b. Urge the FCC not to give carriers the freedom to ''pick and choose'' the number conservation measures in which they wish to participate and instead grant States and territories, which have an obligation to protect the public interest, flexibility in developing a number conservation plan which is consistent with national standards but which also meets the State's specific needs; and

c. Urge the FCC to establish uniform standards for thousand block pooling and allow States and territories to require the implementation of thousand block pooling as soon as possible; and

d. Urge the FCC to allow States and territories to implement thousand block pooling in all LNP-capable switches in all areas of the country, not just the top 100 MSAs; and

e. Urge the FCC not to condition the implementation of thousand block pooling upon rate center consolidation; and

f. Request that States and territories be given strong enforcement authority over all code holders (including wireless carriers) and access to all information collected by the FCC and NANPA; and be it further,

Resolved, That NARUC counsel is directed to file comments consistent with this resolution with the FCC.

Mr. Chairman, I would quote from the letter which says that ''Expanded state commission ability to mitigate and respond to number exhaustion is consistent with the cooperative Federalist design of the Telecommunications Act, is consistent with the development of competition, and is the right thing to do for telecommunications customers.''

So this is from the chairman of the National Association of Regulatory Utility Commissioners in support of the principles established in the Bass-Kucinich amendment.

So, Mr. Chairman, I am asking for the support of the Members of this House so that those tens of millions in telephone customers who are our constituents across this country will not be burdened with the inconvenience and with the extra expense of having to go through one area code change after another when, in fact, there are plenty of telephone numbers to go around, and there is a way to manage efficiently the use of telephone numbers, and this legislation guarantees that.

Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding to me. I understand under the rules that the opposition was seized by the gentleman from New York (Mr. SERRANO). I just want to say a word that the Committee on Commerce strongly opposes this amendment and asked me to make sure that the House is aware that there is strong opposition to this amendment, particularly because of the fact that number portability and wireless phones is something that creates great confusion and problems. This amendment could lead to those kinds of problems. The Committee on Commerce has examined this amendment in great detail and has urged me and the House to reject it on that basis.

This could, in fact, create enormous expense on some of the local telephone

companies because they would have to service number portability over long areas. Many of us have petitioned the FCC, and the FCC has agreed not to require this kind of portability in mobile phones or to have a different number system for mobile and fixed telephones as this amendment might end up requiring.

So I would urge my colleagues to reject this amendment and to go along with the Committee on Commerce on this amendment.

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

Mr. Chairman, I would like to again assert that I have a letter from the chairman of the Telecommunications Committee of the National Association of Regulatory Utility Commissioners in support of the principles that are in this Bass-Kucinich amendment.

I also have a resolution on the FCC's resource optimization rulemaking proceeding which has been passed by the National Association of Regulatory Utility Commissioners which, in fact, states that they are asking for support of, again, the principles embodied in Bass-Kucinich.

I would further assert that the problem is caused by the FCC preemption of States' abilities to solve this area code situation.

□ 1715

The States have the ability to do that. Our amendment gives the States the power to resolve this issue. And before preemption happened, New York State solved a New York City problem with a 917 area code. Since then, they were preempted by the FCC.

Now, telephone number exhaustion is perceived as a local problem, but the truth is that the States are best able to solve the local problem, and it is self-evident at this point. Just think about it. About 10 percent of the numbers are being used. This is a practical matter which affects millions of Americans. Ten percent of their phone numbers are being used, and yet the FCC permits new area codes to be created until there will be no more area codes left and we will have to add another digit and that will cost consumers $150 billion.

Give this amendment a chance. Give consumers a chance. Do not pave the way for the largest telephone rate hike in history. Let us enforce a discipline upon the FCC for number conservation and for conservation of the fiscal resources of our constituents. We do not need more area codes, we need an FCC which has the direction from this Congress to do its job and to quit wasting the telecommunications resources of this Nation.

Mr. Chairman, Mr. BASS and I offer a commonsense amendment to protect consumers. Our amendment will eliminate the inconvenience and cost experienced by consumers when the telephone company announces that the area code has to change. Our amendment deals with the root cause of area code changes. Our amendment will prevent the exhaustion of telephone numbers and save the economy about $150 billion in preventable emergency measures.

If the rate at which new area codes are being introduced continues, we may run out of area codes by as soon as 2007. If that occurs, we could be forced to add one more digit to all US phone numbers.

The FCC and other reliable sources estimate that the cost to the economy of adding an extra digit to all telephone numbers could be as high as $150-billion. The cost would cover reprogramming all computer networks and data bases to recognize the expanded numbering format.

It is about the same as the cost of fixing the Y2K bug. But unlike the Y2K problem, the coming crisis in telephone number allocation is entirely preventable.

Through years of wastefulness, there is now a crisis in area code exhaustion. Residents all over this nation are familiar with the proliferation of new area codes due to the exhaustion of number supply. Residents in my own district of Parma, Ohio, have first hand knowledge. In Parma, the telephone Company declared that it had to split Parma into two areas codes. The residents decided to fight back and have contested the need for the area code split in the Ohio Supreme Court. In the process of that effort, they learned that over ninety percent of the telephone numbers in the old area code were not even in use, but were wasted because of telephone company allocation practices. Indeed, Lockheed Martin, the private company that now manages the assignment of new area codes in the nation, has said that only five percent of the nearly 6.4-billion potential telephone numbers are actually in use. Lockheed Martin has also said that if an alternative to these wasteful practices is not adopted immediately, the hundred billion dollar solution of adding a new digit to all telephone numbers will have to be employed.

Our amendment directs the FCC to move quickly to prevent the exhaustion of area codes, minimize cost to consumers and, in case of emergency, delegate to state utility commissioners the ability to prevent area code exhaust. Our amendment promotes competition by ensuring that consumers can take their telephone numbers with them if they choose to switch carriers. Our amendment restores the ability of consumers to dial only seven digits and reach anyone in their area code. And, our amendment will save the economy about $150 billion in unproductive, and preventable emergency remedial action.

The Bass-Kucinich amendment is pro-consumer.

Mr. Chairman, I urge a ''yes'' vote on this for all of those people across this country who are fed up with what has happened, with area codes being split, and there not being an exhaustion of telephone numbers.

Mr. BASS. Mr. Chairman, I yield myself the balance of my time, and I want to urge all Members of Congress to support this important amendment.

If the issue is cost, no cost is greater than the unnecessary addition of an area code versus what might have been easily avoided in States all over the country. I know that if there are any concerns that have been voiced on the part of the Committee on Commerce we can work them out in conference.

We need to move now because many States across the country are going to get second or third or fourth or fifth area codes within the next 12 months and it will be totally needless. So I urge support of the pending amendment.

Mr. BALDACCI. Mr. Chairman, I rise today in support of the amendment offered by my friends Congressman BASS and Congressman KUCINICH. Currently, my home State of Maine faces a problem. Due to Federal Communications Commission rules governing the distribution of telephone numbers, Maine is allegedly ''running out'' of phone numbers.

Maine has one area code: 207. Last year, our Public Utilities Commission was informed that the numbers in the 207 area code would be ''depleted'' by July 2000. If nothing changes, Maine will be forced to implement a new area code, dividing the state and forcing individuals and small businesses to make expensive changes.

We have been examining this issue closely. Much to our surprise, we found that Maine isn't really running out of phone numbers. In fact, there are plenty of numbers still available—5.7 million of them, to be exact. However, because of the current administration of numbers, Maine's Public Utilities Commission currently has no way to make use of these surplus numbers. Instead, they will continue to go unused, while my State will be forced to implement a second area code. We could avoid this situation for a long time to come, but only if allowed to carry out a more practical and flexible assignment of numbers.

The current practice of allocating blocks of 10,000 numbers minimum to each carrier is wasteful. Even if a small local carrier only uses 100 lines, they are forced to keep the other 9,900 possible numbers in reserve. This simply makes no sense, Mr. President.

That is why I support the Bass-Kucinich amendment which would allow for smaller, more flexible minimum blocks of numbers to be allocated to each local carrier in a state. This amendment also calls on the Federal Communications Commission to conduct a study of conservation methods that could be implemented so that we can forestall the unnecessary nationwide depletion of phone numbers by 2007 and avoid having to take extraordinary measures such as adding a fourth digit to area codes.

It may surprise my colleagues to learn that there are currently no plans to conserve the available phone numbers we have today. The FCC also has not allowed states such as Maine to implement efforts they have devised in order to conserve numbers. If we simply gave states the flexibility to allocate numbers in smaller blocks, say of 1,000, then my State of Maine would not be facing the need for a new area code. If we implement area code conservation, then we will be able to forestall the depletion of available phone numbers. These are things my State's Public Utilities Commission has petitioned to do. I congratulate my colleagues for offering this common sense approach to the allocation of telephone numbers, and urge my colleagues to support this amendment.

Mr. BLILEY. Mr. Chairman, today I reluctantly rise to express my extreme disappointment that this amendment is being offered today as a part of this appropriations process. I have attempted to work with both the gentleman from New Hampshire, Mr. BASS, and

the gentleman from Ohio, Mr. KUCINICH, in order to help achieve the objective of more efficient allocation of telephone numbers. It is unfortunate that despite efforts to broker a solution, Mr. BASS and Mr. KUCINICH feel the need to proceed with an amendment outside the regular authorizing process. I must strongly oppose this amendment.

It is no secret that many states are facing changes in area codes as a result of an explosion in demand for telephone numbers caused by new services such as fax machines and home computers. We have the Telecommunications Act of 1996 to thank for this explosion of technological services that exist today. But telephone numbering is a Federal issue affecting interstate commerce, and requires one set of cohesive national rules. Congress decided in the Telecommunications Act to place the responsibility for crafting these national rules with our nation's expert agency, the Federal Communications Commission.

It is imperative that we maintain a cohesive and coherent set of national rules for the allocation of telephone numbers, both to preserve this important public resource and to ensure that the Telecommunications Act continues to deliver on its promise of competition and transparency in the telecommunications industry.

I have been working with the FCC to expedite improvements to a process to efficiently assign telephone numbers. I will submit for the RECORD a letter that I recently received from FCC Chairman William Kennard about progress in this area. He states that the FCC plans to adopt a plan for the efficient allocation of telephone numbers by March 31, 2000. Chairman Kennard writes, "With respect to the provision of mandatory delegation of additional authority to the States, the Commission recognizes that many numbering problems are local in nature. The Commission has invited States to seek delegations of authority to implement numbering conservation measures."

I reluctantly oppose this amendment, and urge my colleagues to allow for further deliberation under regular order.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, DC, August 4, 1999.

Hon. THOMAS BLILEY,
Chairman, Committee on Commerce,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing you with respect to Representative Charles F. Bass's Amendment to H.R. 2670 regarding area code allocations. As you know, the Commission is very concerned with the numbering problems faced by many states. The Commission is committed to working closely with the States to resolve these problems. Very recently, the Commission proposed a plan that will both ameliorate these problems and at the same time assure that the numbering program contributes to the establishment of a national pro-competitive telecommunications policy.

On June 2, 1999, the Commission released a unanimously approved Notice of Proposed Rulemaking to put in place a national area code conservation plan. Public comments on these proposed rules are now being collected. I would like to confirm to you that I will urge my fellow colleagues to support release of an order by March 31, 2000 that will authorize implementation of a plan for the efficient allocation of telephone numbers.

The Commission can adopt a plan by March 31, 2000, but it is my understanding that the telecommunications industry estimates that it will take between 10 and 19 months following a regulatory order to implement thousands-block pooling. Other needed or proposed changes may also require additional investments of time and equipment and further technological development.

With respect to the provision of mandatory delegation of additional authority to the States, the Commission recognizes that many numbering problems are local in nature. The Commission, therefore, has invited States to seek delegations of authority to implement numbering conservation measures. Currently the Commission is processing applications received from California, Massachusetts, New York, Maine, Florida, and Texas. We intend to address these petitions expeditiously.

Given the strong working relationship the Commission has developed with the States in addressing numbering problems, I do not believe the mandatory delegation of numbering authority to the States proposed in the Amendment is necessary. I would strongly recommend that the Commission retain the flexibility to assess States' showing of a need for a delegation of authority prior to granting such authority. The FCC could comply with a requirement that it process State requests within a 90-day timeframe. This would allow time for compliance with APA notice requirements.

Sincerely,

WILLIAM E. KENNARD,
Chairman.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New Hampshire (Mr. BASS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BASS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 273, further proceedings on the amendment offered by the gentleman from New Hampshire (Mr. BASS) will be postponed.

The Clerk will read.

The Clerk read as follows:

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

IMMIGRATION EMERGENCY FUND

(RESCISSION)

Of the unobligated balances available under this heading, $1,137,000 are rescinded.

DEPARTMENT OF STATE AND RELATED AGENCIES

UNITED STATES INFORMATION AGENCY

INTERNATIONAL BROADCASTING OPERATIONS

(RESCISSION)

Of the unobligated balances available under this heading, $14,829,000 are rescinded.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the unobligated balances available under this heading, $12,400,000 are rescinded.

AMENDMENT OFFERED BY MR. DEAL OF GEORGIA

Mr. DEAL of Georgia. Mr. Chairman, I offer an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in House Report 106–284 offered by Mr. DEAL of Georgia:

At the end of the bill, insert after the last section (preceding the short title) the following new title:

TITLE VIII—LIMITATION PROVISIONS

SEC. . None of the funds appropriated in this Act shall be available for the purpose of processing or providing immigrant or nonimmigrant visas to citizens, subjects, nationals, or residents of countries that the Attorney General has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under section 243(d) of the Immigration and Nationality Act.

The CHAIRMAN. Pursuant to House Resolution 273, the gentleman from Georgia (Mr. DEAL) and a Member opposed each will control 5 minutes.

The gentleman from Georgia (Mr. DEAL) is recognized for 5 minutes.

Mr. DEAL of Georgia. Mr. Chairman, I wish to express my appreciation to the chairman of the subcommittee and to the ranking member of the subcommittee with regard to this amendment.

The problem this amendment addresses is the fact that there are thousands of individuals who are criminal aliens that are being detained in U.S. detention facilities that are in a limbo status.

Currently, we have over 3,300 individuals in those detention facilities that are deportable criminal aliens. The reason that they are in a deportable status and in limbo is the fact their native countries refuse to accept their return. It is estimated that the cost of these being detained indefinitely is in excess of $80 million a year.

What this amendment does is simply put further teeth in the law that was recognized and passed by this Congress years ago. The current law states that if the Attorney General notifies the Secretary of State that a country refuses to accept a deportable alien back, that the suspension will take place as to the processing of visas for individuals of that country until the deportees are allowed to return.

This amendment simply puts further teeth that the funding for that purpose will be withheld until the country accepts their citizens back.

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

Mr. DEAL of Georgia. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding to me, and I rise in support of this amendment.

I understand that the INS is holding over 3,300 cases of aliens with deportation orders who are awaiting return to their home countries but for whom their home countries will not provide the necessary travel documents to allow their return.

Of the 3,300 cases, most of them are from only four countries. Over half, obviously, are from Cuba, 1,800; Vietnam, 674; Cambodia, 30; and Laos, 35. Of the remaining cases, the majority of them are more than 6 months old and come from 102 different countries. So the four countries are the big numbers here.

In some instances, the home country will not accept the person because they do not want ''only criminals'' back, or they will simply refuse to recognize an individual once they have established residence in the U.S. Others will claim paperwork delays are long because of recordkeeping problems.

In an effort to remedy the problem, the 1996 Immigration Act contained a provision which stated that upon being notified by the Attorney General that the government of a foreign country refuses to take back its nationals, the Secretary of State shall order consular officers in that country to stop issuing immigrant and nonimmigrant visas to nationals of that country until the Attorney General notifies her that the country has accepted their nationals.

Even though the INS has stated that there are problems returning persons to some countries, we are told the Secretary of State has never ordered the suspension of issuance of visas for this purpose. The State Department claims that neither INS or the Attorney General have ever formally notified them of problems, although the State Department admits that they have been contacted by INS about their troubles in returning some persons.

I think it is time, Mr. Chairman, that the Secretary gets serious in assisting the Attorney General in returning these criminal and illegal aliens. We are using valuable and scarce and declining detention spaces, bed spaces, on persons for whom deportation has already been ordered and the country refuses to receive them. So I urge our colleagues to support the gentleman's amendment. It is well thought out, and it constitutes a real problem.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I support the Deal amendment. We have noncitizens committing felonies in America, we are incarcerating them, and we are paying $80 million a year to keep them in prison. The law says that we can deny the issuance of visas to their countries of origin and to their citizens of their countries of origin, but we are not doing it.

The Deal amendment is absolutely needed. I want to commend and compliment the gentleman for his effort.

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

Mr. TRAFICANT. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I would point out to the gentleman from Ohio (Mr. TRAFICANT) that the law says the Secretary of State shall, not may, but shall deny visas to other people from that country until they accept their criminal aliens back.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, the Deal amendment makes sure that the respective officials understand the intent of Congress to enforce this law.

Mr. FOLEY. Mr. Chairman, the United States must maintain a tough and uncompromising policy on deportation of criminal non-citizens.

U.S. prisons and INS detention facilities are bulging to the point that many non-citizen convicts could be released into society in the near future.

This is wrong.

Those who abuse their immigration status by committing crimes in this country must not be allowed to stay.

The INS is already overburdened and underfunded to the extent that it cannot fulfill its enforcement mission.

This situation is only made worse when it is forced to deal with individuals whose home countries refuse to take them back. The Federal Government spends approximately $67 per day and $80 million per year to detain these individuals—sometimes indefinitely.

For this reason, I am in strong support of Congressman DEAL'S amendment. I have been working on similar legislation myself.

It is ridiculous that we continue to grant immigration visas to countries who will not cooperate with our law enforcement efforts.

There must be some recourse.

In fact, we already have the legal authority to do something.

The State Department can sanction these countries by denying them immigrant and non-immigrant visas. However, the agency has never used this authority.

We cannot continue to let U.S. taxpayers bear the burden of other countries' reprehensible behavior and of our own government's unwillingness to take aggressive action to correct this problem.

We must put the Administration and the State Department on notice that weakening our policies toward criminal non-citizens is not acceptable.

If a criminal from Mexico or Israel must be deported, so must a criminal from Vietnam or Russia.

Therefore, I would urge my colleagues to support Congressman DEAL'S amendment.

Mr. DEAL of Georgia. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman's time has expired. All time has expired.

The question is on the amendment offered by the gentleman from Georgia (Mr. DEAL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by BOP as appropriately secure for housing such a prisoner.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. TRAFICANT. Mr. Chairman, the amendment is straightforward. It says none of the funds made available in this bill can be used by the Justice Department to, in fact, transport an individual who is a prisoner pursuant to conviction for crime under State or Federal law, and is classified as a maximum or high-security prisoner, other than to a prison or another facility which is certified by the Bureau of Prisons as appropriately secure for housing such prisoners.

Here is the bottom line of the Traficant amendment. It stops the utilization of any funds by the Department of Justice to transport a dangerous maximum high-security prisoner to a prison or a detention facility that is not secure enough or adequately staffed or rated or certified to house that type of dangerous criminal.

This is absolutely necessary. It will reduce the incidence of crimes against our security guards and other fellow inmates, and it is a commonsense, practical decision that I recommend very strongly the House support.

Mr. ROGERS. Mr. Chairman, I rise in support of the gentleman's amendment. The classifications of inmates should match the classifications of the facilities, especially in the case of maximum security inmates who need the heightened security features to protect the general public, the prison employees, and other inmates.

I believe that this rule is followed in the Federal prison system, but for the last 2 years we have heard testimony that certain D.C. inmates, being transferred to alternative facilities while waiting transfer to more permanent facilities, were incorrectly transferred to facilities with a lower classification. This meant that inmates that the Federal system would classify as maximum or high security were being placed in medium-security facilities. As a result, several incidents occurred, including the death of several inmates and the escape of several others into the community.

Let me make this clear. The director of the Federal Bureau of Prisons has testified that classifications are important and that facilities should provide the necessary level of security for its inmates. So I would urge our colleagues to support the amendment of the gentleman, and I thank him for offering it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. VITTER

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

The Clerk read as follows:

Amendment offered by Mr. VITTER:

Page 110, after line 6, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated or otherwise made available by this Act may be used for participation by United States delegates to the Standing Consultative Commission in any activity of the Commission to

implement the Memorandum of Understanding Relating to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems of May 26, 1972, entered into in New York on September 26, 1997, by the United States, Russia, Kazakhstan, Belarus, and Ukraine.

□ 1730

Mr. VITTER. Mr. Chairman, this amendment is about missile defense. It is very simple. It simply states that no funds in the act shall be used to implement the memorandum of understanding entered into on September 26, 1997, between the United States, Russia, Kazakhstan, Belarus, and the Ukraine.

This is a memorandum of understanding regarding the 1972 ABM Treaty. Precisely the same amendment word for word passed this House last year easily, 240–188. And so this amendment merely continues that status quo in the law and does not change present law in that sense.

The memorandum of understanding of September 26, 1997, and related documentation essentially does two things. First of all, it changes the parties to the 1972 ABM Treaty, updates that treaty if you will, by supplementing instead of the old Soviet Union, the former Soviet Republic that I mentioned.

The second thing the memorandum and related documents does is it really expands that treaty, expands the scope to disallow more theater missile systems.

The Clinton administration has frankly admitted, and this House has voted on many occasions, that this is a new treaty and this must be put before the United States Senate and ratified by the United States Senate. This has never happened. The memorandum has not gone there. It has never been ratified.

Now, I strongly believe we should develop aggressively missile defense systems and not renew and expand the old ABM treaty, particularly to expand its scope and disallow more theater systems. But really, this amendment is far simpler than that and really deals with much more of a threshold question. This is not so much a defense issue but a constitutional issue.

The memorandum of understanding has not been put before the United States Senate. It has not been ratified by the United States Senate.

Everyone, including the Clinton administration, agrees that this must occur because it is essentially a new treaty. That has not happened.

So until and unless that happens, we should not spend money enforcing that new regime, particularly when it is highly controversial and goes to the heart of our missile defense debate, particularly when this House has voted not to spend that money in the past, particularly when this House and this Congress has voted affirmatively to aggressively develop missile defense systems, including theater systems.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. VITTER).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. GEORGE MILLER of California:

At the end of the bill (preceding the short title), add the following:

TITLE—LIMITATION

SEC. . Of the amounts made available by this Act, not more than $2,350,000 may be obligated or expended for the Inter-American Tropical Tuna Commission.

Mr. GEORGE MILLER of California. Mr. Chairman, this amendment that I am offering this evening does nothing more than ensure that the current law regarding the funding of the Inter-American Tropical Tuna Commission is being followed. It does so by limiting the U.S. contribution to no more than 50 percent of the Tropical Tuna Commission, thereby ending the longstanding taxpayer subsidy of foreign nations who are members and benefit from the work of this commission.

There are two principal benefits from this amendment. It ensures countries pay their fair share for the Tropical Tuna Commission of its expenses which they committed to when they signed on to the commission in 1997. The law requires that it frees up money for other international fishing commissions that are already funded below the President's request.

Mr. Chairman, in 1949 the United States signed onto a convention establishing the Inter-American Tropical Tuna Commission. This commission was designed to coordinate international efforts to maintain a healthy population of tuna and other marine species taken from the eastern Tropical Pacific Ocean.

Currently 11 nations are members of this commission: Costa Rica, Panama, Japan, France, Vanuatu, Nicaragua, Venezuela, El Salvador, Equador, Mexico, and the United States.

The Tropical Tuna Commission is involved in many activities that affect all member nations, and there are costs associated with these activities and the convention specifies how the commission should be funded.

It says that those countries that harvest more fish pay more. Specifically the commission states: ''The proportion of joint expenses to be paid by each of the high-contracting parties shall be related to the proportion of total catch of the fisheries covered by the Convention and utilized by the high-contracting party.''

This made sense in 1949, and it makes sense today. We paid our share then and we still do now. In fact, we pay a good deal more than our share. Circumstances have changed and changes must be made in our payments.

The United States is no longer the largest beneficiary of tuna from the eastern Tropical Pacific. In fact, we only catch about 5 percent of the tuna from this area. And our average utilization over the last 10 years has been around 40 percent.

Despite this, the United States continues to pay the lion's share of funding for the Tropical Tuna Commission, as much as 90 percent in recent years.

The taxpayers' subsidy of foreign fishing nations must stop, and it is time for these other countries to carry their own weight.

In fact, in 1997, the International Dolphin Conservation Program Act requires that member countries pay their fair share of the Tropical Tuna Commission. And in fact that same agreement has incentives for them to do so, and it is written into law that clearly states the countries that fail to pay their fair share cannot export their tuna into the United States.

Mr. Chairman, all my amendment does is uphold these requirements of the current law. It does not change the 1997 Dolphin Protection Act or the international agreements in any way. It simply assumes a critical provision of law will be enforced.

In addition, it has no effect on the International Dolphin Conservation Program, funding for observers, or other activities. The funding for those programs come from fees on the tuna vessels, not from the country contributions. So this in no way impacts the International Dolphin Conservation Program.

Regardless of how we feel about modifying the dolphin-safe label, surely we can all agree that our taxpayers should not be underwriting the fishing interest of these other countries. This is a fair position. That is the position that the Senate just over a week ago on a bipartisan vote agreed to 61–35.

The money saved will still be available to the State Department to spend on 12 other international fisheries commissions which we belong to and which are funded at $2 million below the President's request in this legislation. So let us not undercut a dozen other important commissions so that our constituents can continue to subsidize countries that refuse to pay their fair share contrary to U.S. law, contrary to the agreement that they entered into on the International Dolphin Conservation.

If they get the benefits of the act, they are supposed to pay their fair share. These countries have refused to do so.

This amendment would still have the United States picking up 50 percent of the cost of this commission. That will leave the other 10 countries the need to pick up the other 50 percent even though they utilize it far in excess of that amount.

I think this is simply about equity for the taxpayers. It is about upholding

the agreements that people have entered into. And I think it is an amendment that we should adopt as did the Senate by the bipartisan vote of 61–35.

This amendment does nothing more than ensure that current law regarding the funding of the Inter-American Tropical Tuna Commission is being followed.

It does so by limiting the U.S. contribution to no more than 50 percent of the *IATTC budget,* thereby ending the longstanding taxpayer subsidy of foreign nations who are members of, and benefit from the work of the Commission.

There are 2 principal benefits from this amendment:

(1) it ensures countries pay their fair share of IATTC expenses, which they committed to when they signed onto the Commission and as the 1997 law requires;

(2) it frees up money for other international fisheries commissions that are already funded below the President's request.

Mr. Speaker, in 1949, the United States signed a convention establishing the Inter-American Tropical Tuna Commission (IATTC). This Commission was designed to coordinate international efforts to maintain health populations of tuna and other marine species taken in the eastern tropical Pacific Ocean (ETP).

Currently 11 nations are members of the commission—Costa Rica, Panama, Japan, France, Nicaragua, Vanuatu, Venezuela, El Salvador, Ecuador, Mexico and the United States.

The IATTC is involved in many activities that affect all member nations. And there are costs associate with these activities. The convention specifies how the Commission should be founded.

It says that those countries that harvest more fish should pay more. Specially the Convention states: ''The proportion of joint expenses to be paid by each high Contracting Party *shall be related to the proportion of the total catch from the fisheries covered* by this Convention utilized by the High Contracting Party.''

This made sense in 1949, and it makes sense now. We paid our share then, and we still do now. In fact, we now pay a good deal more than our share.

Circumstances have changed and changes must be made to our payments. *The United States is no longer the largest beneficiary of tuna from the ETP.* In fact, *we only catch only five percent of the tuna* from the ETP. And our average utilization over the last 10 years is around 40 percent. Despite this, the United States continues to pay the lion's share of funding for the IATTC—*as much as 90 percent in recent years. This taxpayer subsidy of foreign fishing nations must stop. It is time for those other countries to carry their own weight.*

In fact, the 1997 International Dolphin Conservation Program Act requires that member counties must pay their fair share of the IATTC expenses. *And there is no incentive* for them *to do that written into the law which clearly states that countries that fail to pay their fair share cannot export their tuna to the United States.*

Mr. Speaker, *all my amendment does is uphold the requirements* of *current law.* It does not change the 1997 dolphin protection law or the international agreement in any way. It simply assumes a critical provision of that law will be enforced. *In addition, it has no effect on the International Dolphin Conservation program funding for observers* and other activities. The funding for that program comes from fees on tuna vessels, not from country contributions.

Regardless of how we felt about modifying the ''Dolphin Safe'' label, surely we can all agree that our taxpayers should not be underwriting the fishing interests of other countries. That is a fair position the Senate agreed to by a bipartisan vote of 61–35.

The money saved will still be available to the State Department to spend on more than 12 other international fisheries commissions to which we belong which are funded at $2 million below the President's request in this bill. So let's not undercut a dozen other important commissions so that our constituents can continue to subsidize countries that refuse to pay their fair share, contrary to U.S. law.

Mr. FARR of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of this amendment.

Frankly, this is the situation: in 1997, we passed a law saying that the ability for these countries to fish in the area which is called the eastern Tropical Pacific for tuna and in order for them to market that tuna in the United States as dolphin-free tuna or dolphin-safe tuna that they would all have to participate in the Inter-American Tropical Tuna Commission.

Unfortunately, they are not carrying their fair share. So what happens is the United States, they are using our market. That is the only reason this is all here, they are all shipping their tuna into the United States. What we are saying is that they ought to be paying their fair share.

Countries like Costa Rica catch about 70 percent of it, and they pay nothing. Venezuela catches about 16 percent or uses 16 percent of the market. They pay nothing. Ecuador fishes about 26 percent of the fish. They pay nothing.

So what this amendment does is say that the United States should not have to pay more than its fair share. But even at that, the bottom line is that we would be paying 50 percent of the commission's cost.

So I mean, this is a no-brainer that the United States has got to stop carrying the heavy burden. The advantage for all these fisheries is that they can come and sell their product in the United States to American consumers, and we ought to require them to pay their fair share of the commission expenses.

Mr. Chairman, I insert the following:

GROUPS SUPPORTING THE GEORGE MILLER OF CALIFORNIA AMENDMENT:

The Humane Society of the United States.
Animal Welfare Institute.
Defenders of Wildlife.
Friends of Animals.
Public Citizen.
Whale Rescue Team.
Greenpeace Foundation.
Massachusetts Audubon Society.
ASPCA.
Dolphin Connection.
Society for Animal Protective Legislation.
Earth Trust.
Friends of the Earth.
Brigantine New Jersey Marine Mammal Stranding Center.
American Oceans Campaign.
The Fund for Animals.
Marine Mammal Fund.
South Carolina Association for Marine Mammal Protection.
Earth Island Institute.
Animal Protection Institute.
American Humane Association.

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

Mr. FARR of California. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, the gentleman made mention that Equador pays nothing? Is that the country he said? He said they pay nothing?

$142,000 from Ecuador. Venezuela $67,000. Costa Rica $29,000. Significantly smaller countries. But the United States is telling these other 10 countries how they have to fish to meet our standards. This is an international agreement decided upon by the United States to protect the dolphin and the tuna industry.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, the fact of the matter is they pay very little in terms of their participation.

We are telling them this is what they signed on to, this is an agreement they agreed to. They are signatories to this operation. We changed it to meet their concerns and so that they can import the tuna in this country, and they agreed.

A contract is a contract. They signed a contract saying this is what they agreed they would do. Now they are not doing it. So we end up paying 70 or 80 percent of the cost of this commission. It is not much more complicated than that.

Mr. FARR of California. Mr. Chairman, reclaiming my time, let me just point out that this is really an equity issue. It is all based on the fact that we would not even have a law if it was not for that these other countries want to fish for tuna and have to use an international law which we have led with so that they can sell their tuna in this country. That is where the market is.

The American consumers are making all of this happen. We are just asking that these countries bear their fair share. It is big business. It is a lot of money. And they certainly can afford it.

Mr. GILCHREST. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to make a comment. The gentleman from California (Mr. GEORGE MILLER) said that the fees from the fishermen will pay for the implementation of the dolphin-safe fishing techniques, something to that end, the fees of the fishermen pay for the program. That is how I interpret it.

What I want to make a comment on is the fees from the fishermen do not

cover the funding for the dolphin program. It is only about 50 percent of the total cost of this program.

The biological work from the commission comes from the contributions from the participating countries.

I rise in opposition to the amendment, strong opposition, Mr. Chairman. I do not often oppose the gentleman from California (Mr. GEORGE MILLER) on marine resource issues. But I think the gentleman is wrong on two counts.

Number one, if we cut the funding by the amount the gentleman from California wants to cut the funding, this will completely cripple the program entirely. The participating nations at this point have not negotiated the total amount of money that is necessary. That is going to happen in October.

My colleague has made several points about the role of the United States in the Inter-American Tropical Tuna Commission versus our actual participation in the fishery. I want to make a comment about the utilization. Between 30 and 83 percent of the tuna in the last 10 years, with passage of the International Dolphin Conservation Program, comes to the United States. And that number will go up.

□ 1745

Until the U.S. fleet was effectively driven out by the tuna-dolphin regulations, the United States caught the bulk of the tuna fish in the eastern tropical Pacific. As soon as this negotiation goes through and as soon as the science is done, as long as we do not have a million-dollar cut in the appropriation, we will do two major things: We will save the dolphins, who used to be slaughtered at about 100,000 a year, down to below 2,000 a year; and, number two, we will increase the tuna fishing industry in California. Also, the vast majority of the costs of dolphin protection are borne not by the international agreement but by the fishermen themselves. The fishermen now have to buy extra speed boats, rafts, divers to assist in the dolphin nets, added cost to carry the mandatory observers on board, et cetera, et cetera, et cetera. Contributions to the Inter-American Tropical Tuna Commission effectively fund this management regime.

My colleague has also argued that the International Dolphin Conservation Program Act of 1997 was passed in part to end these heavy subsidies. Well, that is what is in the process of happening right now. The heavy subsidies are being reduced. No one disagrees that it is necessary to eventually bring the U.S. contribution in line with its present share of the fishery. The International Dolphin Conservation Program Act even contains a sense of Congress that the parties should negotiate a more equitable scheme for contributions. However, while almost any program might be able to cut costs incrementally over time, slashing funding by one-third all at once is a crippling blow to the research and conservation efforts of this most important program. Participating nations will meet in October to work out a more equitable schedule for annual contributions. I fully expect the parties to this agreement to meet their responsibilities and bear a more proportionate share of the Inter-American Tropical Tuna Commission's budget. If that does not happen, I would quite happily support a cut to their budget next year, a small cut to their budget, but enough to send a strong signal. In the meantime, we should meet our commitment, allow the negotiations to proceed, and work in good faith to develop a more equitable allocation.

We cannot solve an international problem with a unilateral cut like the gentleman from California is proposing here. A vote against the amendment of the gentleman from California saves dolphins, substantially invigorates the tuna fishing industry in California, goes a long way to saving other marine mammals, and goes a long way to saving the vast fishery and the marine ecosystem in the eastern tropical Pacific.

I strongly urge my colleagues to vote against the amendment proposed by the gentleman from California.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 16 minutes and that the time be equally divided between the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. CUNNINGHAM).

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

There was no objection.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 2 minutes simply to respond to what the gentleman from Maryland says.

This amendment has no impact on his concerns. What this amendment simply says is that these nations who sought to change the law, who sought to change the access to the American market, who signed an agreement to do so, that they keep their word, that the taxpayers of this country get the benefit of that.

We have been funding over 90 percent of this. We have not taken anywhere near that amount of tuna over the last 10 years. All of those things that the fishers have to do now in terms of speed boats and monitors, all the rest of that is what they agreed to do because that is what they said they would do in order to get access to the American market. That is why they signed the agreement. That is why you changed the label. That is why we changed the law, so that they could do this. Clearly that is a very small expenditure compared to finally having, after many years, access to the American consumer market. That is the deal.

Yes, they will start negotiating. We all know how the international bodies negotiate. They will pick out a lovely city somewhere in the world, they will go there month after month after month after month and 3 or 4 years from now, because this is about negotiating the entire treaty, they will come back to us. In that time the American consumers are going to be out 6, 8, $10 million. That could be used to shore up the other international fisheries commissions that are not properly funded under this legislation or in request with what the President has sought for those.

This is not about dolphin safety. All of the things to protect the dolphin are in place under the agreements. This is about the enforcement. One of the conditions to participating in the program is that you meet your commitments under the law in terms of your financial responsibility. These countries have chosen not to do that. Once again, the good old United States comes in and picks up the fall. You have 10 countries that would have to whack up half of the budget, yet they are harvesting 70, 80 percent of all the tuna. This is just a matter about equity for the United States taxpayers. It is that simple.

Mr. CUNNINGHAM. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Chairman, when my legislative staff talked to me about this amendment, they pointed out that my friend the gentleman from California (Mr. GEORGE MILLER) was offering the amendment. They also pointed out that the gentleman from Maryland (Mr. GILCHREST) was opposing the amendment and they said, ''Where do you stand?'' I gave the typical political answer. I said, ''I stand with my friends.'' But you cannot get away with that. You have got to look at this. I have looked at it very carefully. I oppose the amendment.

This, as I see it, is a battle of ''might happens.'' As the State Department points out, this amendment is unnecessary, because they are working on renegotiating a more favorable U.S. allocation. It is also counterproductive. Why is that? Because it might jeopardize the U.S. position on other conservation issues. Since the State Department folks are the ones who are actually sitting at the table for these negotiations, I tend to feel, and I agree with the gentleman from Maryland, that we should take these ''might happens'' a little more seriously.

According to a lot of folks who participate in these discussions, World Wildlife Fund is a good example, the humane groups and the Earth Island Institute, they do not participate in this process. I look at who is supporting it and who is opposing it. When I look at the opposition to the amendment, I see the administration, the Center for Marine Conservation, the World Wildlife Fund, Greenpeace, the

U.S. State Department, the U.S. tuna fishing industry. That is an eclectic and diverse group. I actually think this may cause us to violate treaty obligations. That really concerns me.

I am mindful of the fact that this amendment was considered in the committee and it was rejected. I am mindful of the fact that what we did in the last Congress, the 105th Congress, and I think this would undermine the tuna-dolphin protection legislation which we passed by an overwhelming majority in the last Congress.

For all of those reasons and more that I do not have the time to cover, I stand with my friend against a friend. I oppose the amendment and urge its defeat.

Mr. CUNNINGHAM. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I just have a closing comment. We passed a law directing that the parties negotiate the terms of the agreement so that all nations pay their fair share. All nations will pay their fair share. That process is continuing. There will be a meeting of the Inter-American Tropical Tuna Commission in October. It is the United States that wants to ensure, with its negotiating parties, that this agreement does not fall apart, that more dolphins are not killed. If this agreement falls apart, not only will you have more dolphins killed, but you will be catching immature tuna fish in a manner in which it will play out. You will kill more sea turtles. You will kill more sea lions.

If $1 million is cut from the budget of the Inter-American Tropical Tuna Commission, not enough biological work will be done, not enough money will be out there buying the kinds of equipment that will be necessary to ensure the success of this program. I urge my colleagues to vote against the amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself the balance of my time.

Those are all interesting arguments from my colleague from Maryland. They are just not factual. It is just not the situation as it exists. This is not an agreement to work out payment in the future. This is the treaty. This is what they agreed to:

''The proportion of joint expenses to be paid by each high contracting party shall be related to the proportion of the total catch of the fisheries covered by the covenant.''

That is not what they have agreed to do. They suggest here, well, the dolphin agreement will fall apart. If it falls apart, they lose their access to the American market. They have been trying for a decade to pry that market open. It is now there based upon this agreement. You say they are going to start meeting in October to negotiate these. Every day they do not negotiate them they win because Uncle Sam is picking up the tab. So there is no urgency in this. There is no urgency in this.

Why do you not send them a message that we are more than willing to pay our fair share and even then some, but they have to contribute something to this effort? They ought to participate in this. They are getting the benefit. I mean, we argued here for a couple of hours about our unwillingness to pay a debt owed to the United Nations and here we are willing to pay money we do not even owe, that is not even called for under the treaty. This is turning Uncle Sam into Uncle Sucker. What is going on here? People signed an agreement, they signed a covenant, they signed a treaty, they signed a contract, they say this is what we are willing to do to have access to the American market and then they do not do it.

And so what happens? You go out and you pass the hat among the American taxpayers, we cough up a few million dollars and the bureaucrats and the diplomats just continue on about their way. This has nothing to do with the safety of the dolphin. They have agreed to fish in a dolphin-safe fashion under the guidelines that the gentleman promoted. We had that fight. They also agreed to the terms and conditions of this treaty. If they fish differently, if they start killing dolphins, then they lose the American market, and we know what that means to them. Because that is the biggest financial plum they possibly have.

Why do we keep selling the American market so cheap? This is not a lot of money but it is an important principle, it is a very important principle, that people should pay their fair share. Again, we go back to the debate earlier about who is paying their fair share and who is paying too much at the United Nations. Well, this is just a small commission. But if the other countries do not pay their fair share, we pay more here and then other international fisheries commissions do not get the allotment that is necessary to them to do the kinds of protective programs that you say you want.

That is why this amendment is supported by the Humane Society, by the Defenders of Wildlife, by the Friends of the Earth, the American Humane Association, the Fund for Animals, because they recognize the need to get these countries to pay their share as they agreed to do. That is the nature of contracts, that is the nature of treaties, that is the nature of binding agreements. What do we have? Do we have an invisible clause that is known only to the diplomats, only to the negotiators that says in the event you decide not to pay, the U.S. treasury will pick up the difference? I do not think so. I do not think that is the way it should be, but that is the way it has been on this commission since 1949. We have been shoveling the money to this commission and these countries have been going along for the ride. Now we have provided a very, very substantial benefit and access to the American markets and we are not requiring that they pay their fair share.

Remember, under this amendment, we are picking up 50 percent of the cost. We are harvesting 5 percent of the tuna. So I am giving them the benefit of the doubt that they are small and they are poor and they are a lot of things. But this is 50 percent of the cost.

Do your taxpayer a favor tonight. Support this amendment, support it in the same manner that it was supported in the United States Senate and, that is, on an overwhelming 2-to-1 vote on a bipartisan basis, recognizing the need to enforce the agreement as it is written, as it was agreed to and the need to protect the taxpayer.

We talk a lot in these international agreements about mission creep. Well, this is sort of cost creep. The budget keeps going up, they keep agreeing to it, and we just keep laying off a little bit more on the American taxpayer. Let us stop the cost creep. Let us stop the unfairness creep, if you will, and let us go with the guidelines in the treaty. As I say, we will continue to pick up 50 percent. They can then negotiate and they can negotiate whatever terms they want, but the fact of the matter is, we will not be sitting around waiting for them to do that and continuing to dip into the U.S. Treasury on behalf of these countries that have just decided they are simply not going to pay in spite of the fact that this Congress in a dramatic move opened up the best market there is for this tuna and the least expensive market there is for them to get this tuna to market.

□ 1800

So when we talk about the expenditures that they might have, we have done them a tremendous favor. I hope it will all work out, and they ought not to take advantage. They ought not to take advantage of our goodwill, they ought not to take advantage of our taxpayers, they ought not take advantage of our patience in terms of complying with this agreement that provided them with such incredible, incredible benefits.

The CHAIRMAN. The gentleman from California (Mr. CUNNINGHAM) is recognized for the balance of his time.

Mr. CUNNINGHAM. Mr. Chairman, for 2 years the gentleman from California, tried everything that he could to kill the tuna-dolphin bill along with the gentlewoman in the other body from California. We thought that was wrong, and we still do. For the gentleman to claim that this is a fiscal responsibility issue is laughable. They have done everything that they can to kill this, and it is bipartisan opposition they face.

In the Senate I talked to the Senators. They said the B–2 should have such stealth. They came in, they did not know this killed the tuna-dolphin bill. We had not had a chance to gear up for the letters, and no wonder it passed. They did not know that it was going to hurt the tuna-dolphin bill which they voted for overwhelmingly I

would say, Mr. Chairman, the President, the Vice President, the State Department, bipartisan Congress, Center for Marine Conservation, Green Peace, Scripps Institute of Oceanography and 11 other nations, they said build it and they will come. Eleven other nations, build it and save the dolphins, save all marine mammals, and 11 nations will come. And they did come.

Mr. Chairman, I would say: ''Shoeless GEORGE MILLER, tell me it is not so. Please, Shoeless GEORGE MILLER, tell me it is not so, that you would offer this anti-environment amendment. Tell me, please, GEORGE MILLER, that one of the groups that oppose this was a group that wanted in California to stop trout and bass fishing because it hurt the fish.

Tell me it ain't so, shoeless GEORGE MILLER. Tell me that the other group that opposes this of all the environmental groups is the group that the unibomber supported. They spike trees to kill loggers. Tell me it ain't so, Mr. GEORGE MILLER. Tell me it ain't so.''

For them to say that this is a fiscal issue is just wrong.

Let me give my colleagues some letters. Clinton-Gore administration State Department: ''The amendment would seriously jeopardize important programs being undertaken by the IATCC.'' The President highlighted this. He had a Rose Garden signature, and the gentleman is trying to kill that. He tried to kill it for 2 years. This is his way to do it and claim fiscal responsibility.

The Center for Marine Conservation, Green Peace: ''It will result in the death of dolphins, sea turtles, sharks and other bill fish.''

Here is the Director of World Wildlife Fund: ''IDCP program works. Consequently it should not be the target of Mr. MILLER's, quote, 'anti-environment action.'''

We hear all the time that we support things for special interest groups. Well, the groups we have are about 90 percent of the environmental groups, and we have got two groups, two special interests, that want to kill this bill. Do not let that happen. This is one of our most shining moments working together in a bipartisan way.

Here is the vote: overwhelming here in the House. Here it is right here. Do not throw that away. We always talk about when we can work together as a body, when we can support each other, when we can work on the environment together. This is one of those shining moments that the House did come together, the Senate did come together, the President signed it, the Vice President; he supports our position and against this amendment.

Please come back and help us.

We have our sports fishermen. This is tied to Mexico as well. Our sports fishermen work with Secretary of Mexico Carlos Comacho. Mexico has been part of this for 4 months, and guess what? They are already kicking in a share of the payment.

The act itself says that all the payments will be addressed, and they are under that auspices as we speak.

So this is an amendment with an attempt to kill the tuna-dolphin bill which the gentleman from California tried to kill for 2 years. Now he has that right. He felt it was wrong. But the overwhelming majority of this body, the other body, and all the other environmental organizations disagree with my friend from California.

We do not pay too much. I would ask my colleagues not to turn their backs on a program that has saved over 97,000 dolphins, 97,000, each year. The group that the gentleman from California (Mr. GEORGE MILLER) is espousing controls the tuna-dolphin label. They stand to lose millions of dollars. Do we allow a group, a special interest group, to pocket money at the expense of the environment? And that is why the letter of this anti-environment amendment.

I would ask my colleagues, reject the Miller amendment. Stand for the bipartisan tuna-dolphin bill.

Mr. BILIRAKIS. Mr. Chairman, I rise today in support of the George Miller of California amendment which reduces U.S. taxpayer subsidy for foreign tuna fishermen.

The International Dolphin Conservation Program Act of 1997 allows previously embargoed countries to export their tuna to the United States. In exchange for opening our markets, Congress required countries meet the legal and financial obligations of membership in the Inter-American Tropical Tuna Commission (IATTC), which regulates tuna fishing and the International Dolphin Conservation program. These obligations include funding the IATTC.

The operating expenses of the IATTC are to be divided between member countries based on the proportion of the amount of tuna which each nation harvests from the fisheries.

The key word is ''proportion.'' The numbers speak for themselves. Historically, the United States has paid for 75% of the IATTC's operating expenses, but the U.S. share of the tuna catch is less than 40%. Should American taxpayers subsidize foreign fishing fleets by paying almost double our contribution? The State Department seems to think so.

It has proposed using taxpayer money to pay for ''lapses'' in the contribution for the IATTC. In other words, the State Department wants the American taxpayer to pay almost ''double'' our share rather than impose stipulations on those members who have delinquent financial obligations.

The George Miller of California amendment will reduce the U.S. financial contribution by $1 million, meaning that the U.S. will still be paying for 50% of the IATTC's annual budget. Since contributions by other countries have been based in the large part on the amount paid by the United States, supporting this amendment would force other fishing nations to begin paying their fair share. The Miller amendment does not undermine the International Dolphin Conservation program, particularly the observer program, which is funded by the tuna vessels and not by country contributions.

Mr. Chairman, over the past nine years, American taxpayers have paid almost $15 million above our obligation under the Convention. Isn't it time that those nations benefitting from the International Dolphin Conservation Program Act of 1997 and profiting from our open markets, meet their financial obligations to the IATTC?

I urge my colleagues to support the George Miller of California amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 273, further proceedings on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) will be postponed.

Mr. ROGERS. Mr. Chairman, I move the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes, had come to no resolution.

LIMITING AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2670, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. ROGERS. Mr. Speaker, we are nearing the end of this bill, and we have had good progress so far. We are on the very last title, as my colleagues know, and there are only 9 amendments remaining, and in the interests of attempting to expeditiously move the bill and to finish the bill at an early hour this evening, I wish to propose a unanimous consent request:

That during the further consideration of H.R. 2670 in the Committee of the Whole, no amendment shall be in order except for pro forma amendments offered by the chairman and ranking member and the following amendments which may be offered only by the Member designated, shall be considered as read, if printed, shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole, and shall be debatable for 10 minutes, equally divided and controlled by the proponent and a Member opposed thereto:

An amendment by Mr. KUCINICH numbered 1;.

An amendment by Mr. CAMPBELL numbered 5;

An amendment by Mr. CROWLEY numbered 7;

An amendment by Mr. TAUZIN and Mr. DINGELL regarding FCC regulations;

An amendment by Mr. WYNN increasing EEOC, with a decrease in the State Department funds;

An amendment by Mr. HAYWORTH regarding U.N. World Heritage Sites;

An amendment by Ms. JACKSON-LEE of Texas regarding hate crimes;

An amendment by Mr. DAVIS of Illinois regarding law enforcement grants; and

An amendment by Mr. DINGELL regarding criminal records upgrade.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Kentucky?

Mr. SERRANO. Reserving the right to object, Mr. Speaker, and I will not be objecting, I just wanted to ask two questions, one of whomever. Is it our intent on any votes that may be involved here to roll those votes or cluster those votes?

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

Mr. SERRANO. I yield to the gentleman from Kentucky.

Mr. ROGERS. The intent is that we will roll the votes until concluded and then take all of the votes at the same time.

Mr. SERRANO. And secondly, does the gentleman from Kentucky know if we could save any more time? Are there any of these amendments that the gentleman is willing to accept from our side without any further debate?

Mr. ROGERS. There very well may be.

Mr. SERRANO. But he is not about to tell me right now.

Mr. ROGERS. Time will tell, Mr. Speaker.

Mr. SERRANO. Time is what I had in mind, and saving even more.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore. Pursuant to House Resolution 273 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2670.

□ 1810

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, a request for a recorded vote on the amendment by the gentleman from California (Mr. GEORGE MILLER) had been postponed.

Pursuant to the order of the House today, no amendment shall be in order except pro forma amendments offered by the chairman and ranking member and the following amendments which may be offered only by the Member designated, shall be considered read, if printed, shall not be subject to amendment or to a demand for a division of the question and shall be debatable for 10 minutes equally divided and controlled by a proponent and an opponent:

An amendment by Mr. KUCINICH numbered 1;

An amendment by Mr. CAMPBELL numbered 5;

An amendment by Mr. CROWLEY numbered 7;

An amendment by Mr. TAUZIN and Mr. DINGELL regarding FCC regulations;

An amendment by Mr. WYNN increasing EEOC, with decrease in State Department;

An amendment by Mr. HAYWORTH regarding U.N. World Heritage Sites;

An amendment by Ms. JACKSON-LEE of Texas regarding hate crimes;

An amendment by Mr. DAVIS of Illinois regarding law enforcement grants; and

An amendment by Mr. DINGELL regarding criminal records history upgrade.

AMENDMENT OFFERED BY MR. HAYWORTH

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

The Clerk read as follows:

Amendment offered by Mr. HAYWORTH:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for any activity in support of adding or maintaining any World Heritage Site in the United States on the List of World Heritage in Danger as maintained under the Convention Concerning the Protection of the World Cultural and Natural Heritage.

Mr. HAYWORTH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

Mr. Chairman, this amendment has a simple purpose. It prohibits spending any money on any activity in support of adding or maintaining any World Heritage site in the United States on the list of world heritage in danger. It is based on the provision in the American Land Sovereignty Protection Act, H.R. 883 which passed in this House on May 20 of this year by voice vote.

The World Heritage Committee influences activities that occur around World Heritage Sites by putting such sites on what is entitled the ''List of World Heritage in Danger.'' As many of my colleagues know, Mr. Chairman, the World Heritage Committee has been attempting to extend the reach of the convention concerning the protection of the world's cultural and natural heritage beyond a world heritage site in an effort to influence activities around the site. Unfortunately, the World Heritage Committee has interfered several times in ongoing internal economic development permitting processes of sovereign nations, including a project on private land in the United States.

The World Heritage Committee, with the approval of the executive branch, has ignored Federal law and infringed on constitutionally protected private property rights by disrupting the National Environmental Policy Act process for a project located on private land. Under the World Heritage Convention, the World Heritage Committee monitors activities in and around a site in danger, and the country in which the site in danger is located is obligated to aid the committee in this monitoring.

□ 1815

A site remains on the list of World Heritage sites in danger until the host country agrees to implement the committee's recommendations concerning land use around the site, which generates international pressure on the country to follow the World Heritage committee's recommendations. Policies implemented in accordance with recommendations of the World Heritage committee can limit the use of privately owned property, thereby reducing its value.

This amendment, Mr. Chairman, will help stop international organizations from interfering in United States land use decisions.

Mr. Chairman, if one supports American sovereignty, I urge them to support this amendment. If one supports the constitutionally granted right of Congress to affect Federal land policy, I urge them to support this amendment. If one supports the American Land Sovereignty Act, I urge them to support this amendment.

Mr. Chairman, I ask Members to vote yes on this amendment.

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

The CHAIRMAN. Who seeks time in opposition?

Mr. SERRANO. I claim the time in opposition to the amendment, and I ask unanimous consent to yield that time to the gentleman from Minnesota

(Mr. VENTO) and have him control that time.

The CHAIRMAN. The gentleman from Minnesota (Mr. VENTO) is recognized for 5 minutes.

Mr. VENTO. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in strong opposition to this amendment. One of the historians wrote about our Nation and about some of the American spirit, one of the things that they observed was our parks, and they pointed out that our parks and conservation of our landscape is one of the best ideas that Americans ever had.

Back in the 1960s, then President Nixon was successful in leading globally in terms of establishing the World Heritage Convention Treaty. Since we first signed that treaty, we have 152 different nations that have signed the treaty and have identified over 500 World Heritage sites. These are some parks in our country, only about 20 sites are recognized in our country as being World Heritage sites, but in other countries, almost 500 sites are recognized in those countries, the other 151 countries.

It is a way we can obviously lead in terms of demonstrating voluntary conservation. Every one of these sites, first of all, before it can be included and designated or recognized on this list, must be already protected. The land is already protected before it is included in this treaty provision.

Secondly, the requirement is completely voluntary. If the country does not want it listed, it does not become listed, so we have to nominate these particular sites.

So my point is that this amendment would pull the rug out from under the U.S. leadership on an international basis for voluntary conservation of park-like sites in our country.

One of the recommendations, if in fact the country does not proceed in terms of protecting the sites that they have agreed to protect, that they had protected before they nominated them for listing, is that they can be delisted. In some cases where there is degradation that goes on to a park or cultural site, they will obviously recognize that as a site at risk.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, first of all I want to state that the statement made by the author of this amendment is just not based on fact. There is no problem with the World Heritage Convention. It is essentially an international agreement where the host country, in this case the United States, has to say that we will participate and we will protect those lands before we even bring them to you to be on the list.

I rise as cochair of the Congressional Tourism Caucus. We have places like Yellowstone, places that are already protected under the National Park System. We have to do that as a country. The World Heritage Commission cannot do it. They have no authority over how to regulate land. That is uniquely an American and State and local government process.

But if you are very proud of a piece of land that you protected, as we have been in California in protecting a lot of parks and have nominated our State parks, and even some county water districts have nominated their lands to be part, they want this designation, because it is a prestigious designation. It is like the Good Housekeeping Seal of Approval. It is essentially saying that this area is recognized as a special spot on the Earth for wildlife preservation and for the program to manage the land well.

This is all done by the host country, not by any international organization. It is a convention where all with like kinds of land can come together and say if you do these things in your host country, then you can be on this list.

So the gentleman who has offered this amendment, in saying that this has ability to affect private lands, is totally wrong, unless that landowner, as we have in Big Sur, California, had nominated their private lands to be protected. Then it can be protected, if it meets the criteria. But to come along unilaterally and designate it is totally false.

I ask for a rejection of this amendment in strong terms.

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

Mr. Chairman, I think that this amendment, at best, could be described as a misunderstanding. But the fact is for us, after being emulated by 151 nations, to pull the rug out from under this program which is conserving and preserving many other areas simply on a voluntary basis, I think is a wrong decision to make here tonight. I think that the parks and cultural sites are one of the things that our Nation is most proud about.

I would say that in the future, our Nation needs to lead on an international basis, and if we cannot do it on a voluntary basis, one wonders where we can do it. If there is something wrong with what is happening in the Everglades and that area is at risk or something in the Yellowstone, the fact of the matter is it is up to us to try to correct that. If other nations are calling our attention to it, as we do in their Nation when there are problems, I think it is entirely appropriate.

There is no effect on private lands that comes from the World Heritage Convention. It may come from the generic laws with regard to parks or public lands, but it does not flow from that. I think in that case we do it in a very democratic manner.

I urge Members to reject this bad amendment.

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

Mr. Chairman, I listened with great interest to the comments from my friend from Minnesota and my other friend from California. I heard some sort of analogy that this designation equated with the Good Housekeeping Seal of Approval.

Mr. Chairman, this is not simply some sort of travel guide, something to be desired, for what it does is establish a framework by which, in essence, another body, an international body, exerts control and influence on property decisions of the United States.

Mr. Chairman, the question is not about parks, for we all stand in favor of our National Parks and Heritage Sites that this Congress articulates, that this Congress commemorates, but there should be no misunderstanding that in some way, shape, or fashion we would cede any of that authority, which rests constitutionally, which rests traditionally with this body in this legislative branch, with the Congress of the United States.

To allow the opportunity, as my friend from Minnesota mentioned, economic development outside of Yellowstone National Park and reasonable proximity, to have these types of actions by an international body to, in essence, condemn economic activity, I believe is wrong. The Congress of the United States and landowners who are American citizens should make those decisions.

Accordingly, if you want to stand for sovereignty and the primacy of American law, so there is no misunderstanding, so there is no usurpation of that authority by any international body, I urge my colleagues to support this amendment.

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

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH).

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

Mr. HAYWORTH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 273, further proceedings on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) will be postponed.

The CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. KOLBE) assumed the chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 507) ''An Act to provide for the conservation and development of water and related resources,

to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.''

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, FISCAL YEAR 2000

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Illinois: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of Justice to provide a grant to any law enforcement agency except one identified in an annual summary of data on the use of excessive force published by the Attorney General pursuant to 210402(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14142(c)).

The CHAIRMAN. The gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

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

Mr. Chairman, the amendment that we offer today, the Davis-Meek-Rush amendment, merely requires that the Attorney General put into practice what is already existing law. It does not impose any new requirements or change existing law.

The 1994 Crime Control Act requires the Attorney General to collect data from State and local law enforcement agencies relative to complaints regarding the use of excessive force. We find it necessary to introduce this amendment because efforts to get this data from the more than 17,000 law enforcement agencies, to date, by the Attorney General have been less than satisfactory.

It is my understanding that there have been efforts that could have made this information available, but, instead of requiring that it be provided, it has been asked for on a volunteer basis. We find that totally unacceptable. It does not provide the information that is needed. We want to make sure that local authorities are providing the information relative to the level of complaints about police brutality and misconduct.

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

The CHAIRMAN. Does any Member seek time in opposition?

Mr. ROGERS. Mr. Chairman, I claim the time in opposition and would reserve my time.

Mr. DAVIS of Illinois. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I rise in strong support of this amendment, and the reason is very simple. The only way we can begin to solve the police brutality problem is to hold municipalities accountable for wrongdoings. This amendment would allow the Department of Justice to limit the funding of police departments if they do not give vital statistics on police brutality to the Department of Justice.

Through the current law, the Attorney General collects data and provides a summary. If they have a problem retrieving data from a police department which is cited in the summary, funds should not go to that municipality or that police department.

□ 1830

As the cochairman of the Congressional Black Caucus on police brutality with the gentleman from Illinois (Mr. DAVIS), we have heard hours of testimony on the need to hold law enforcement departments accountable for egregious acts against citizens.

In every city, Chicago, Washington, D.C., and New York, and we will be traveling to Los Angeles, it is the same complaint. If we do not have cooperation from our police departments, we should not give them funding. We need some legislation with teeth to enforce the fact that we will not be blind to police brutality and misconduct.

This amendment is a step in the right direction. We demand and must have integrity of our government and integrity of the police department so that the good police officers are not branded with the bad. By making sure that these municipalities report the figures so that we can truly solve the problem, this is the way that we can combat that and resolve our problems with respect to to the police force.

Mr. DAVIS of Illinois. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Chairman, I rise in support of this amendment. As a Member of this body, I have heard victim after victim, attorney after attorney, family after family, express to me the severity of the problem of police brutality and misconduct in our Nation' cities and our Nation's towns.

In 1994, this Congress passed legislation requiring the Department of Justice to collect data on police use of excessive force. However, we failed to appropriate any funding for the data collection. Furthermore, this year the Department of Justice failed to even request the funding to collect police misconduct data.

Let me be clear, Mr. Chairman, I support law enforcement. People in the First Congressional District support law enforcement. However, I do not and cannot support police use of excessive force. To begin to treat the misconduct, we must, we should, gather the statistics.

This amendment simply requires that State and local law enforcement agencies report data regarding police use of excessive force to the U.S. Attorney General. By collecting this data, by examining this problem, we will be able to determine the severity of the problem, and we will be able to develop solutions to reduce police brutality and misconduct incidents.

I urge my colleagues to vote for this timely amendment.

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

Mr. Chairman, I think it is clear that police brutality and misconduct are serious matters in many communities throughout America. The Congressional Black Caucus is seriously interested in and concerned about this problem. We simply want to have the information available so that the Attorney General can investigate practices and patterns that may involve police brutality and misconduct.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from Kentucky (Mr. ROGERS), if I could.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I appreciate the Chairman's willingness to engage in this colloquy.

As the chairman knows, Section 210402 of the Crime Control Act of 1994 requires the Attorney General to acquire data about the use of excessive force by law enforcement officers, and shall publish an annual summary report.

I am concerned that this requirement is not getting the priority treatment within the Department of Justice that it needs to produce an effective report.

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

Mr. DAVIS of Illinois. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I want to thank the gentleman for raising this important issue. The committee recognizes the importance of collecting this data, and will work with the gentleman to raise this issue in conference.

I will also be happy to join with the gentleman and the ranking member in a letter to the Attorney General on this issue, and I look forward to working with the gentleman on it.

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentleman. We appreciate the gentleman's sensitivity to the issue. I also want to thank the gentleman from New York (Mr. MEEKS) and the gentleman from Illinois (Mr. RUSH) for joining me in this amendment.

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

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

Mr. SERRANO. Mr. Chairman, I want to thank the chairman for his colloquy, and I want to thank the gentleman from Illinois (Mr. DAVIS) for his fine presentation.

This is something that concerns me, and I am glad to hear that the chairman is willing to join the gentleman

from Illinois (Mr. DAVIS) in this effort. I want to be very much a part of this effort and make sure that this is something that we deal with.

Mr. Chairman, I have often said, my greatest concern is, throughout all of my years growing up in the Bronx, I always saw the older folks in my community very supportive of the police. Now I see a lot of those folks upset, terrified, nervous about the police. That in itself is a sign to me that we have to do something to make sure that we regain that confidence that we have lost.

So we are on the side of law enforcement. That is why we are doing what we are doing. I am glad that we can join together.

Mr. DAVIS of Illinois. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT NO. 5 OFFERED BY MR. CAMPBELL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. CAMPBELL:

H.R. 2670

AMENDMENT NO. 5. At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. . None of the funds appropriated under this Act may be used to enforce the provisions of 8 U.S.C. 1534(e)(3)(F)(ii).

The CHAIRMAN. Under a previous order, the gentleman from California (Mr. CAMPBELL) is recognized for 5 minutes.

Mr. CAMPBELL. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, there are 24 persons either in jail or otherwise facing deportation in the United States under a very unusual law. I am quoting from the Washington Post description:

''A little-known provision of immigration law in effect since the 1950s allows secret evidence to be introduced in certain immigration proceedings. The classified information, usually from the FBI, is shared with judges but withheld from the accused and their lawyers.

''Lately, the rarely used provision has fallen most heavily on Arabs, and their advocates say this is no coincidence.''

Mr. Chairman, this use of secret evidence, the evidence that the accused cannot see, has been held unconstitutional every time it has been challenged: the Ninth Circuit, the D.C. Circuit; just in the last year, three immigration judges. But the Department of Justice nevertheless continues to use secret evidence in the other circuits, where they can get away with it. This to me is unconstitutional.

It strikes the editorial boards of the Washington Post, the St. Petersburg Times, and the Miami Herald as unconstitutional, as well. The Washington Post, for example, says, ''The use of secret evidence in pursuing adverse judicial actions against people is a blight on our legal system that ought to be changed.''

The St. Petersburg, Florida, Times points out, in the case of Dr. Mazen Al-Najjar, ''If investigators have incriminating evidence against Al-Najjar, then let him, his family, and the rest of the Nation see it. Either Al-Najjar should be tried with evidence of his activities in plain view, or he should be set free. The U.S. Constitution calls for no less. He deserves no less.''

The Miami Herald concludes ''The INS and Justice Department must cease immediately this condemnation by innuendo, denial of liberty based on secret testimony, and destruction of reputation on the basis of guilt by association.''

Mr. Chairman, my coauthor in this effort is the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip. If he comes to the floor, I wish to reserve time for him. If not, I will have additional comments.

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

The CHAIRMAN. Who seeks time in opposition?

Mr. DIXON. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from California (Mr. DIXON) is recognized for 5 minutes.

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

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

Mr. KUCINICH. Mr. Chairman, I rise in support of the Campbell amendment.

Mr. Chairman, I rise today in support of the amendment to the Commerce-Justice-State Appropriations Bill offered by Mr. CAMPBELL. This amendment stops the funding for the use of secret evidence by the Immigration Naturalization Service.

In 1996 an amendment was added to the Antiterrorism and Effective Death Penalty Act, authorizing the INS to use secret evidence in barring or deporting immigrants as well as denying benefits such as asylum. However, this law restricts two rights Americans hold very dear: (1) the right to due process and (2) the right to free speech. This country has always and must continue to value the right to a fair trial and the freedom to hold and practice personal beliefs.

However, allowing the use of secret evidence undermines the rights and liberty of both citizens and legal aliens alike because it lessens the constraints of both Constitutional considerations and conscience on INS cases. The case of the Iraqi seven clearly illustrates the flawed use of secret evidence.

Seven Iraq individuals were among the many Iraqi Arabs and Kurds who were part of a CIA-backed plot to overthrow Saddam Hussein. While attempting to gain political asylum in the United States after their work in Iraq with 1,200 other Iraqis, these seven individuals were singled out and detained by the United States Immigration and Naturalization Service on the claim that they were a risk to national security. These seven individuals, who had worked with the U.S. in opposition to Saddam Hussein, were now seen as a threat to our national security based on secret evidence. Evidence that no one was allowed to see. Not the 7 Iraqis. And not their attorneys. Evidence that could be used to deny them asylum and deport them back to Iraq where they would surely meet their death.

After much pressure, 500 pages of this so-called secret evidence was released. Closer examination revealed the evidence was tarnished due to its faulty translations, misinformation and use of ethnic and religious stereotyping. There have been about 50 cases where secret evidence was used to detain and deport individuals. This is unAmerican. The cornerstone of our judicial system is that evidence cannot be used against someone unless he or she had the chance to confront it. The INS is relying more and more on the use of secret evidence. If we continue to fund the use of secret evidence against non-citizens, then soon secret evidence will be used against American citizens too. There will be no limit to its use.

So, I encourage my colleagues to support this amendment. I ask you to maintain and defend the civil rights of all citizens living in the United States under the U.S. Constitution. Vote ''yes'' on the Campbell amendment.

Mr. Chairman, I include material relating to this matter for the RECORD.

The material referred to is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
August 2, 1999.

DEAR COLLEAGUE, we invite you to join us in cosponsoring ''The Secret Evidence Repeal Act of 1999,'' a bill to repeal the use of ''secret evidence'' in Immigration and Naturalization Service deportation hearings.

Under the Anti-Terrorism and Effective Death Penalty Act of 1996, the INS is allowed to arrest, detain and deport non-citizens on the basis of ''secret evidence''—evidence whose source and substance is not revealed to those who are targeted or their counsel.

The right to confront your accuser, hear the evidence against you and secure a speedy trial are fundamental tenets of the American justice system. This violates our deepest faith in the right to due process, and violates our democracy's most sacred document, the United States Constitution.

We are very concerned about the arrest, imprisonment and even forced deportation of individuals here in the United States based on evidence that the individual is not afforded an opportunity to review or challenge. The use of such ''secret evidence'' directly contradicts our sense of due process and fairness.

The Bonior-Campbell bill would correct this injustice by ensuring that no one is removed, or otherwise be deprived of liberty based on evidence kept secret from them.

People should know the crimes with which they are being charged and should be given a chance to challenge their accusers in court. I am proud to join my colleague, Congressman David Bonior, in proposing legislation to end this practice.

Most affected by the INS and Justice Department's use of ''secret evidence'' are Muslims and perhaps the most egregious case is that of Dr. Mazen Al-Najjar of Tampa, Florida, arrested two years ago by INS agents.

Virtually all of the ''secret evidence'' cases have been directed at Muslims and people of Arab descent. This law is clearly discriminatory and unconstitutional, and we need to take a strong stand against it.

TOM CAMPBELL.
DAVID BONIOR.

IT'S UNTHINKABLE THAT IN AMERICA AN INDIVIDUAL COULD BE IMPRISONED WITHOUT SHOWING THAT PERSON THE EVIDENCE

OUR AMENDMENT WOULD BLOCK FUNDING ONLY FOR THIS SECTION:

''(ii) Restrictions on disclosure

A special attorney receiving classified information under clause (i)—

(I) shall not disclose the information to the alien or to any other attorney representing the alien, and

(II) who discloses such information in violation of subclause (I) shall be subject to a fine under Title 18, imprisoned for not less than 10 years nor more than 25 years, or both.''

AMENDMENT TO H.R. 2670, AS REPORTED OFFERED BY MR. CAMPBELL OF CALIFORNIA

At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. . None of the funds appropriated under this Act may be used to enforce the provision of 8 U.S.C. 1534(e)(3)(F)(ii).

[From the LA Times, Dec. 15, 1997]

USE OF SECRET EVIDENCE BY INS ASSAILED

(By Jeff Leeds)

While a judge weighs a decision in his case, Ali Mohammed-Karim is still waiting to hear the evidence against him.

Along with hundreds of other Iraqis who worked with the Central Intelligence Agency in a failed effort to oust Saddam Hussein, he fled northern Iraq last year and sought political asylum in this country.

Upon his arrival, he and 12 other refugees were thrown in jail, accused by the Immigration and Naturalization Service of posing a ''danger to the security of the United States,'' an allegation the agency has refused to explain.

The case of the Iraqi refugees is the latest front in the widening legal battle over the INS use of classified evidence.

In the proceedings against the refugees, the INS has argued its case and questioned its witnesses—one of whom is employed by an agency it will not identify—behind closed doors. Lawyers for the refugees were not present. They had to put on a defense based essentially on guesswork.

''It's completely frustrating,'' said Niels Frenzen, an attorney with Public Counsel, who represents the eight Iraqi men who are jailed in San Pedro. ''How are we doing? We don't know. Have we guessed the secret evidence? We don't know.''

Both sides have rested their cases and are awaiting immigration Judge D.D. Sitgraves' decision. She has indicated that she may not rule until early 1998 on whether six of the men jailed in San Pedro are security risks.

Sitgraves already has ruled that two others are not, but they remain incarcerated while they seek political asylum. Another group of Iraqis faces similar proceedings in Northern California.

In a telephone interviews from the INS detention facility in San Pedro, Mohammed-Karim, 35, said he is a doctor who was excited about starting a new life with his family in the United States. He said he once treated an American CIA operative in Iraq for a migraine headache, and denied that he was an agent for Hussein.

''I was never a single agent,'' he said. ''How could I be a doubt agent?'' He added that the allegations against them are ''just illusions.''

Although the use of secret evidence is prohibited in criminal courts, the INS says its use of such information to deny political asylum is permitted under Supreme Court decisions dating from the 1950s. And under new legislation, the immigration service is allowed to use secret evidence to deport residents suspected of associating with terrorists.

David Cole, a Georgetown University law professor who is suing the federal government over its use of secret evidence in a New York immigration case, says the Iraqi men were evacuated and transported to this country by the government and are entitled to due process.

''Even the most minimal due process protection would invalidate the use of secret evidence,'' Cole said.

But the INS has refused to reveal the nature of its suspicions about the Iraqis. INS officials noted that national security is typically used as a basis for keeping out spies or potential terrorists, and has been used to block members of the Irish Republican Army from staying in the country.

Before being flown to the United States, the jailed Iraqi men worked for their country's two main resistance groups: the Iraqi National Congress and the Iraqi National Accord. Those groups produced newspaper articles and radio broadcasts critical of Hussein, and mobilized soldiers to battle his forces.

Many experts believe that despite the CIA's support, the resistance was never strong enough to pose a serious threat to the Iraqi leadership, in part because the groups were riven by internal political disputes. And even the resistance leaders concede that Hussein's spies may have infiltrated the groups.

In August, Iraqi military forces rolled into northern Iraq and crushed the resistance effort. U.S. forces evacuated more than 6,000 Iraqis and Kurds to a NATO air base in Turkey before flying them to Guam.

During their five-month stay in Guam, the refugees were taught American civics—including, Frenzen notes with irony, the right to face one's accuser in court. They also submitted to FBI interviews.

Frenzen contends that disgruntled resistance workers, motivated in some cases by petty personal disputes with his clients, intentionally misled the FBI about their backgrounds.

But because the FBI's reports of those interviews are classified, federal authorities will not disclose why the refugees are considered potential threats to national security. The INS has granted asylum to their wives and children.

The proceedings—at least the portion that was open to the public—have shed little light on the evidence. Sitgraves has repeatedly stopped the Iraqis' lawyers from probing too deeply into classified evidence, forcing them to essentially guess what in their clients' background raised red flags for the FBI.

In a typical exchange recently, FBI Agent Mark Merfalen testified that he interviewed one of the refugees about his experience with chemical weapons, his service in the Iraqi military before he deserted to join the resistance and his earlier request for political asylum filed in Saudi Arabia.

But Merfalen, a counterintelligence specialist assigned to the FBI's Oakland office, did not indicate what information led him to conclude that the man, Mohammed Al-Ammary, posed a security threat.

''I don't have enough facts'' to form an opinion about whether Al-Ammary represented a threat, Merfalen said at one point.

A key witness for the accused was Ahmad Chalabi, president of the Iraqi National Congress, who testified by telephone from an INS office in Arlington, Va.

''I do not believe that any of them is an agent for the Iraqi government,'' Chalabi said. He said the congress conducted background checks on its members, and that he was also assured that the men were not spies for Iran, Syria or Turkey.

''It is inconceivable to the Iraqi people why these people are jailed,'' he said.

[From the LA Times, Aug. 15, 1997]

SECRET EVIDENCE—A LOCAL PROFESSOR LANGUISHES IN JAIL, EVEN THOUGH HE HAS BEEN CHARGED WITH NO CRIME, THANKS TO A TROUBLING PROVISION OF A NEW ANTI-TERRORISM LAW.

In their zeal to protect U.S. citizens against acts of domestic terrorism, such as the World Trade Center and Oklahoma City bombings, President Clinton and Congress passed the Anti-terrorism and Effective Death Penalty Act of 1996. Unfortunately, the legislation undermines some of the constitutional rights that make America the free nation it is.

Nothing illustrates this dilemma better than the case involving Palestinian refugee Mazen Al-Najjar, a 40-year-old, American-educated engineer who taught Arabic part time at the University of South Florida in Tampa. He was not rehired after his visa was not renewed.

Al-Najjar has been in an Immigration and Naturalization Service holding facility at the Manatee County Jail since four agents grabbed him from his northeast Tampa home the morning of May 19. He has been denied bail based on ''secret evidence'' said to connect him with the Islamic Jihad, a notorious terrorist organization in the Middle East.

INS officials allege that the World and Islam Studies Enterprise, the USF think tank that Al-Najjar managed, is a fund-raising front for terrorists and that Al-Najjar is an Islamic Jihad shill. Troubles started for Al-Najjar and others connected to WISE on Oct. 26, 1995, when the head of Palestine Islamic Jihad was shot to death on the Mediterranean island of Malta. Days later, Ramadan Shallah, who had been an instructor at USF and a member of WISE, became the new leader of Islamic Jihad.

Authorities assumed they would find a terrorist cell at USF. But no convincing evidence to support that suspicion has been made public. After an internal investigation. USF President Betty Castor said: ''Was there illegal activity, subversive activity, terrorist activity? We don't have any evidence of that.''

Was USF's investigation incomplete? Were Castor's conclusions self-serving? If the government possesses evidence that the USF investigation missed, it isn't revealing it.

Yet Al-Najjar remains in jail. No formal charges have been brought against him. He is being held under an unconstitutional provision of the Anti-terrorism Act. The merit of the case notwithstanding, the anti-terrorism legislation allows the government to use informant testimony or other forms of secret evidence to imprison and deport legal immigrants suspected of terrorism without letting the suspects cross-examine their accusers.

Remember, the U.S. supreme Court has ruled that aliens have the same rights of due process that U.S. citizens enjoy. U.S. citizens should expect their government to take all reasonable steps to protect them from terrorism, both foreign and domestic. But officials have a responsibility to balance the need for security with the obligation to protect the constitutional rights of everyone.

If investigators have incriminating evidence against Al-Najjar, then let him, his family and the rest of the nation see it. Either Al-Najjar should be tried—with evidence of his activities in plain view—or he should be set free. The U.S. Constitution calls for no less. He deserves no less.

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

Mr. Chairman, there is certainly no one more distinguished here in the Chamber on constitutional law than the gentleman from California (Mr. CAMPBELL).

Mr. Chairman, I will be brief. In Jay versus Boyd, a U.S. Supreme Court decision, the court ruled that classified information could be used in an in camera or ex parte proceeding.

Now, there are clearly are constitutional grounds that do not exist for this. However, it is a policy issue. What this amendment says is that if an alien is being held for deportation and is going through a hearing process, one, that if the Justice Department does not disclose to him all of the facts in the case, or evidentiary material that they held against him, then he should be released from custody and obviously not deported.

I would point out first that these are not criminal proceedings. Therefore, the alien is not subject to the protection of the Sixth Amendment. These are administrative proceedings, and as I have indicated, under certain circumstances where the national security of our country is at risk, where disclosing the entire information to the alien would risk either sources and methods or individuals, as to how they obtained the information, I think it is appropriate for the court to allow ex parte hearing.

The gentleman from California (Mr. CAMPBELL) recognizes that this is very rarely used. In over hundreds of thousands of cases in the past 2 years dealing with deportation, there have been only 30.

But most importantly, this is a very complicated issue, and there are merits on both sides of the issue. It should not be decided on the State-Commerce-Justice bill. It should be, rather, examined quite thoroughly in the appropriate committees of the House and we then should make some recommendation.

Mr. Chairman, on those grounds I would oppose the amendment.

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

Mr. CAMPBELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. BONIOR), the Democratic whip.

Mr. BONIOR. Mr. Chairman, I want to thank my colleague for this amendment. This is a serious issue that needs to be addressed.

Our country was founded on the principles of individual liberty, and our Constitution deliberately and specifically protects the rights of individuals against the abuses of government. But unfortunately, we in this country have not always fulfilled this essential promise. It started out with Native Americans, affected African-Americans, it affected Japanese Americans, it affected German Americans during World War II, and now it is affecting Arab Americans and Muslim Americans in this country.

The anti-terrorism law that was passed in 1996 allows the Immigration and Naturalization Service to arrest, to detain, and to deport legal immigrants on the basis of secret evidence, evidence which is not revealed to the detainee. These legal immigrants are not charged with a crime, they are not allowed to see the evidence against them. Some of them are not even allowed to post bail.

In this country, if we can imagine, some of the detainees have not been charged with any crime, have been in jail for over 2 years, not knowing why, their attorneys not knowing why, languishing there, and their families not having any recourse to get them out or have them have a hearing.

The right to confront one's accuser, to hear the evidence against you, and to secure a speedy trial are fundamental tenets of the American justice system, and secret evidence violates our deepest faith in the right of due process, and violates our democracy's most sacred document, which is the Constitution.

The Washington Post said, ''Nothing is more inimical to the American system of justice than the use of secret evidence to deprive someone of his liberty.'' This practice is clearly discriminatory, it is unconstitutional, and we need to stand up here in this body and take a strong stand against it; if not tonight, certainly in the future.

Virtually all the secret evidence, as I said, in these cases are against Arabs and Muslims in this country, some of whom have lived here for years with their families and with their children. I would just ask my friends to pay attention to this issue.

I want to commend my colleague, the gentleman from California, for raising this tonight. I hope that we can address this issue tonight and in the months to come.

Mr. DIXON. Mr. Chairman, I yield one minute to the gentleman from Kentucky (Mr. ROGERS), the distinguished chairman of the subcommittee.

Mr. ROGERS. Mr. Chairman, I am opposed to this amendment. The Justice Department has supported this proceeding as a necessary tool to fight terrorism. They oppose the amendment, as does the gentleman from Texas (Chairman SMITH) of the Subcommittee on Immigration and Claims, as does the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, the gentleman from Florida (Mr. GOSS), the chairman of the Permanent Select Committee on Intelligence, and the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime.

We all urge a no vote on the amendment.

□ 1845

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from San Diego, California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. CAMPBELL) and thank him for his recognition that legal residents in our country have human and constitutional rights.

As his amendment shows, many changes to our Nation's immigration laws in 1996 have proven to be anti-American, denying those living in the United States the right to due process and judicial review of their cases. Remember, we are talking about legal immigrants, many who have been in the United States for most of their lives and are the primary bread winners for their families.

They are denied due process, denied bail, and cannot even see the evidence in many cases with which they are accused. We are deporting as criminals thousands of legal residents who committed minor crimes 20 or 30 years ago, served their sentences or probations and have become hard-working taxpayers, men and women with families. They are being ripped from those families, their children, their jobs, their businesses, and held without bail. This is not what America should be, Mr. Chairman.

I support this amendment to reinstate a little bit of sunshine into our deportation process. This House needs to go further and reverse many of the unintended consequences of so-called immigration reform bills of 1996.

Mr. CAMPBELL. Mr. Chairman, parliamentary inquiry. Do I have the right to close?

The CHAIRMAN. The gentleman from California (Mr. DIXON) has the right to close.

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

Mr. DIXON. Mr. Chairman, I do have the right to close. I am allowing anyone who wanted to speak on this issue, not necessarily for or against; and I have two speakers. I am wondering if the gentleman from California (Mr. CAMPBELL) will yield to one of those speakers.

Mr. CAMPBELL. Mr. Chairman, I have a minute left. I would like a half a minute to close.

Mr. DIXON. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. MEEKS).

Mr. CAMPBELL. Mr. Chairman, I yield 30 additional seconds to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I want to thank the gentlemen for giving me this time.

I rise to support the amendment of the gentleman from California (Mr. CAMPBELL) because this amendment will withhold funds when enforcing provisions that deny legal immigrants evidence on why they were arrested, detained, or deported.

This secret evidence provision is unfair. As a former prosecutor, I am a firm believer of the discovery period and due process. When all the facts are presented, only then will the court of law be able to adequately decide if a person is innocent or guilty.

The American justice system is built on the fundamental tenets of a fair

trial and innocent until proven guilty. The current provisions under the Antiterrorism and Effective Death Penalty Act of 1996 violates an individual's constitutional right to know why they are being charged. Noncitizens who are legal immigrants who are detained by the INS are individuals who have the same rights as U.S. citizens. Why are they punishing legal immigrants?

What if the U.S. citizens visiting a foreign country were unjustly charged and detained without any evidence provided? As Members of Congress, we would be outraged and demand intervention by the State Department. In fact, we would probably reevaluate our relationship with that nation, whether that nation be friend or foe.

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

Mr. Chairman, it is unthinkable that in our country people are in jail tonight based on evidence that they could not see. That is not my country. I would hazard to guess that most of us are shocked that that is the law. But it is the law, and it should be changed.

I want to thank the gentleman from Texas (Mr. SMITH), the chairman of the subcommittee, who has agreed to hold a one-panel hearing on this subject.

Mr. RODRIGUEZ. Mr. Chairman, I rise in support of the Campbell amendment. I think in this day and age it is unfair to hold anyone with secret evidence.

I have met with families of some non-citizens who have been held.

It is very frustrating when you have people held in such a manner.

These are people with families and ties to the community here. Some have fled and sought asylum. None have been shown to be a threat to society.

But, neither the individual nor the lawyer can see the evidence. So they wait in jail, with no country to go to.

I urge adoption of this amendment so the INS would be forced to disclose evidence on these people it continues to detain.

I thank the gentleman for his work on this issue.

Mr. CAMPBELL. Mr. Chairman, in recognition of the kindness of the gentleman from Texas (Mr. SMITH) I ask unanimous consent to withdraw the amendment.

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

There was no objection.

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

Mr. Chairman, I yield to the gentleman from Illinois (Mr. PORTER) for a colloquy.

Mr. PORTER. Mr. Chairman, I thank the distinguished gentleman from Kentucky (Mr. ROGERS), the chairman of the subcommittee, for the opportunity to very briefly discuss the funding level for Radio Free Asia.

I realize the tight budget constraints the subcommittee is under, but I am concerned that if RFA receives only $22 million, last year's funding level, it may have to reduce its broadcast hours to China from 24 hours a day to 18 hours a day. A funding level of $23.1 million, by contrast, would fund inflationary costs, and allow Radio Free Asia to retain its current programming and continue to provide timely and accurate news to those who would not otherwise receive it.

As the bill goes forward to conference, I ask that the gentleman from Kentucky (Mr. ROGERS) work with me to ensure that Radio Free Asia is funded at a level sufficient to maintain its current programming.

Mr. ROGERS. Mr. Chairman, I thank the gentleman from Illinois for expressing that concern. The funding level of Radio Free Asia is, indeed, a reflection of the tight budgetary circumstances facing my subcommittee, and we will endeavor to fund RFA at a level sufficient to maintain current programming.

AMENDMENT OFFERED BY MR. WYNN

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

The Clerk read as follows:

Amendment offered by Mr. WYNN:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. The amounts otherwise provided by this Act are revised by increasing the amount made available for ''Equal Employment Opportunity Commission—Salaries and Expenses'', and reducing each amount appropriated for ''DEPARTMENT OF STATE—Administration of Foreign Affairs'' that is not required to be appropriated by a provision of law, by $33,000,000 or 0.8462 percent.

The CHAIRMAN. Under the previous order, the gentleman from Maryland (Mr. WYNN) is recognized for 5 minutes.

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

Mr. Chairman, this amendment is designed to restore $33 million to the Equal Employment Opportunity Commission budget as originally requested by the President.

Although we do not like to talk about it in this body, we do have a problem with race and ethnic diversity in America. Unfortunately, in addition, we found that we have a problem of racial discrimination in our own backyard, that being the Federal workplace.

This amendment is designed to restore funds so that EEOC can more effectively and more efficiently process those complaints.

My colleagues may ask, well, how bad is it? Consider the following fact: at EEOC from 1991 to 1997, the backlog from hearing requests from complainants increased 218 percent, from 3,100 to over 10,000. The backlog of appeals increased during this same period 581 percent, from 1,400 to over 9,000 appeal requests. In addition, requests for new hearings at EEOC increased 94 percent from 5,000 to over 11,000.

My point is this: we have a problem in this country with discrimination. People who suffer discrimination attempt to have their complaints in the employment arena resolved through EEOC. But the underfunding, the chronic underfunding of EEOC has resulted in these horrendous backlogs.

Now, whenever people talk about discrimination, the first thing we will hear is, well, we have sufficient laws already on the books to handle discrimination. The problem is, with this underfunding and these backlogs, justice delayed is justice denied.

Who is hurt because we underfund EEOC? Well, clearly employees are hurt. Their careers are hurt. They are hurt by discrimination, the lack of promotion, the lack of advancement. Their health is sometimes injured as a result of the frustration, anger, and anxiety they have to suffer. Their finances are hurt as they give up on the EEOC process and go hire lawyers.

The taxpayer loses. The employer loses the loss of good employees whose productivity declines, the loss of good employees who leave government as a result of discrimination, and finally the loss of productivity and lower moral as people become frustrated because they are discriminated against.

We can resolve this problem. We should fully fund EEOC so we can address the concerns of African-Americans, Hispanics, gays, women, and other minorities who suffer discrimination here in America.

For these reasons, I urge the passage of this amendment.

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

The CHAIRMAN. Does the gentleman from Kentucky seek to claim the time in opposition?

Mr. ROGERS. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Kentucky (Mr. ROGERS) is recognized for 5 minutes.

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

Mr. Chairman, I rise in opposition. The amendment would give a 12 percent increase to EEOC. That would be on top of a whopping 15 percent increase for the current year. An increase of this magnitude would be totally out of place in this bill where the budgets of every single other related agency is frozen at best. Some are cut even beyond. Federal Communications Commission, frozen. Securities and Exchange Commission, frozen. Federal Trade Commission, frozen.

The President's budget request for EEOC for 1999 promised that, if we provided $279 million, the backlog of private sector discrimination charges would be reduced to around 28,000 by the end of fiscal 2000.

Well, we gave them $279 million, every penny. Guess what? The 2000 budget request said they really need $33 million more and 150 more staff to meet those very same targets they had earlier missed.

This indicates that it is time to take a step back and see how the commission is able to absorb and put to good use the big increase we provided for this current year. I wish them well. We

have confidence in the new chairwoman. But this is not the time for another huge funding increase.

The offsets the gentleman proposes are totally unacceptable to this Member. The amendment would cut $4.6 million from one of the top priorities of this country, and that is providing security for our personnel in the embassies overseas. This would require cutbacks in security measures undertaken in the wake of the East Africa bombings, I will not tolerate that, Mr. Chairman.

We pressed the administration to come forward with a request in their budget to address the security in the embassies. They have done so. We have made sacrifices in other parts of the bill to provide that money, the full amount requested to ensure that our personnel overseas are protected to the best we can from terrorist attacks.

This is a critical requirement with life and death consequences as we saw so tragically last fall. In addition, the amendment takes an additional $21 million from the base operating costs of the State Department that are already funded at a level that is minimally adequate to allow the Department to continue to function near current levels. This cut would effectively freeze the Department at current levels and raise the possibility of post closings and reduction in personnel at the State Department.

The amendment would take an additional $1.5 million from the educational and cultural exchange programs at a cap that is already reduced 14 percent from current levels.

For these reasons, I urge a rejection of the gentleman's amendment. I wish we had more funding to provide increases in a number of agencies in the bill. But I believe it would be a serious mistake to cut State Department security funds and operating funds to provide a huge increase for the EEOC.

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

Mr. Chairman, I would like to respond to the comments that were just made on several fronts.

First, with respect to the funding that was provided last year, I would thank the gentleman. But my colleagues will note in his comments, the chairman said this funding will allow us to have a backlog of only 28,000 cases, only 28,000 cases.

My point is this: those are the cases of American citizens who believe they have been denied fundamental opportunities and are trying to pursue their appropriate redress through the vehicle, the EEOC, which we provided to solve these problems. The fact that this backlog continues even with the funding which was provided last year suggests, as I indicated, that justice is being denied.

We believe that additional funding will help alleviate this problem, not just in the private sector, but in the public sector where we have even more complaints of discrimination among our own Federal workers.

So I think this is a question of priorities. Should we not take the time and should we not expend the funds to provide the true rights of all American citizens to those who are being discriminated against? I think we should.

But I am not unmindful of the gentleman's comments, and I certainly respect his efforts in this regard. The State Department cut would be serious with respect to embassy security. I think that is certainly a consideration that we cannot overlook.

In light of that fact and in consideration of conversations I have had with our own ranking member, it would be my desire and intention to withdraw the amendment at this time with the hope that, during the conference committee process, we can work to provide additional funds for EEOC.

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

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

There was no objection.

AMENDMENT OFFERED BY MR. TAUZIN

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

The Clerk read as follows:

Amendment offered by Mr. TAUZIN:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to administer or enforce the Uniform System of Accounts for Telecommunications Companies of the Federal Communications Commission (47 C.F.R. part 32) with respect to any common carrier that—

(1) was determined to be subject to price cap regulation by the Commission's order in CC Docket No. 87–313, In the Matter of Policy and Rules Concerning Rates for Dominant Carriers (9–19–90), at paragraph 262; or

(2) has elected to be subject to price cap regulation pursuant to section 61.41(a)(3) of the Commission's regulations (47 C.F.R. 61.41(a)(3)).

The CHAIRMAN. Under the previous order, the gentleman from Louisiana (Mr. TAUZIN) is recognized for 5 minutes.

Mr. TAUZIN. Mr. Chairman, I ask unanimous consent to yield half of my time to the gentleman from Michigan (Mr. DINGELL), the cosponsor of the amendment.

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

There was no objection.

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

Incredibly, all of the businesses in this great country who file accounting papers, documents with the SEC, the IRS, all our Federal agencies file under one set of accounting, the generally accepted principles adopted by the Federal Accounting Standards Board.

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One set of companies only, one set of telephone companies only, your local telephone companies, have to file two sets of books. They have to do it because in 1935 our FCC adopted its own system of accounting and has required the local telephone companies to file under that system ever since.

Now, they have tried, to some degree, to adopt the general accounting standards, but they have not yet gotten there. The Senate just recently adopted a similar amendment saying to the FCC one set of books, one set of accounting for all the companies who file.

Incredibly, the local telephone companies' competitors file under the general accounting standards. All of the other companies in America do, but the local phone companies have to file two books. Arthur Andersen says it costs the government, the phone companies and American consumers $270 million, wasted dollars, to have this double book accounting.

Now, maybe we could make an argument for it when we used to regulate telephone companies on cost-base rates. Today, since 1991, we regulate telephone companies entirely differently, on price caps. With the new changes and modernization, it is time to deregulate this terribly regulatory burdensome double-book accounting system of the Federal Communications Commission. I urge my colleagues to adopt this amendment.

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

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to this amendment.

Mr. Chairman, we are in a telecommunications crisis out here on the floor. We are legislating on an appropriations bill. An emergency. A telecommunications emergency. And who is declaring the emergency? The chairman of the authorizing subcommittee. It is an emergency.

We do not have time to introduce a bill, we do not have time to have any hearings, we do not have time to give any consumer groups an audience so they can complain about this bill. By the way, the Consumer Federation of America opposes the bill, as does the Consumer Union, as does the National Retail Federation. Every business in America opposes it, as do the States, by the way, my colleagues. This is quite a coalition.

But we do not have time because we are in a telecommunications emergency. And I can tell my colleagues why. Because Senator ENZI from Wyoming attached this amendment over on the floor of the Senate. He is not a member of the Committee on Appropriations over there, he is not a member of the telecommunications committee over there. He attached this to a Senate appropriations bill, so we have to debate it with no time and no hearings. Thank God Senator ENZI has not gotten his own tax proposal. He would wrap this chamber in knots for weeks. We would have to consider what

Senator ENZI did on the Senate floor as an emergency.

I can tell my colleagues what the emergency is. Under the existing accounting standards the FCC found that the telephone companies, the monopolies in America, were hiding $5 billion worth of assets that they could not find, that they had on their books and were telling regulators were there for purposes of billing consumers across the country. That is their emergency. And this accounting standard that we are going to take off the books found that $5 billion.

We are concerned about tax breaks out here? Multiply that out by 10 years, my colleagues. We are talking chump change compared to most of the things we are talking about here. So that is the emergency, my colleagues. I look forward to the rest of the debate.

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

Mr. TAUZIN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, we did hold hearings. Every time the FCC has come up for authorization, we have discussed with them this topic. In 1985, the FCC agreed to go to the general accounting standards so that everybody had the same reporting requirements. The FCC agreed to do this in 1985 and still has not done it today. Instead, one set of telephone companies have to spend $270 million extra a year.

And what does that mean for the competitors? It means they can charge higher rates. The competitors do not want this to happen, because if it does, they suddenly have to charge lower rates for their services in competition with those local companies.

Mr. DINGELL. Mr. Chairman, I yield myself 45 seconds.

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

Mr. DINGELL. Mr. Chairman, the gentleman has demonstrated extraordinary outrage, but it does not have anything to do with the facts before us. Today, the local government requires local telephone service companies to keep two sets of books. The requirement no longer serves to protect consumers because the companies have been subject to price caps since 1991.

This amendment will leave the telephone companies responsible for general accounting principles and they will be required to function under that way. The law as it now is is simply obsolete, burdensome, and discriminatory, and costs consumers $270 million a year. None of the competitors to local phone companies, including industry giants such as AT&T, TCI and MCI WorldCom is required to keep two sets of books, nor should they have to.

What we are talking about here is a fair and even situation, one in which universal service and the benefits thereof could be made available more easily to American consumers by the $270 million that this will make available to them.

By this amendment, we will do away with so-called Uniform System of Accounts for companies that are not subject to traditional rate of return regulation. This system of accounting no longer serve to protect consumers. It is antiquated, obsolete, yet it costs over $300 million per year to maintain. Unfortunately, these unnecessary costs are borne by the public and they must be eliminated.

The Uniform System of Accounts date back to 1935. They certainly made sense when Ma Bell was subject to a different regulatory scheme—that is, traditional rate of return regulation. But rate of return regulation was done away with in 1991 for the Nation's largest telephone companies who serve over 90% of the public. This amendment simply repeals these highly burdensome accounting rules for companies that are no longer subject to this regulatory regime.

The amendment makes consummate sense. It will save Government, industry, and, most importantly, the American public, a tremendous amount of money. It will enable companies to use just one set of books—those which follow Generally Accepted Accounting Principles, or GAAP. After all, GAAP accounting systems are what Certified Public Accountants are trained to audit, and are required of all companies by the Internal Revenue Service and the Securities and Exchanges Commission. If it's good enough for the IRS, the SEC, Wall Street and the public at large, it certainly should be good enough for the FCC.

In fact, it is good enough for the FCC The FCC moved toward adopting GAAP in 1988. At that time, the FCC conformed about 90% of the Uniform System of Accounts to GAAP standards. The reason the FCC didn't go all the way in 1988 is because local telephone companies were still subject to rate of return regulation. But that is no longer the case. In 1991, the FCC permitted these companies to migrate from traditional rate of return to price cap regulation. Unfortunately, the FCC never finished the job of completely adopting GAAP accounting, even though they've had 8 years to do it.

There is no mystery about this amendment and its effect on consumers. Since these companies are now subject to price cap regulation, consumers are protected by a ceiling on what telephone companies can charge. Costs are no longer relevant, and so the minute cost detail that is maintained in a second set of books is no longer necessary. It's that simple. This amendment simply finishes the job the FCC set out to do in the first place.

Who opposes this amendment? Companies that for competitive reasons want to keep incumbent local telephone companies tied up in red tape. The companies who oppose are not required to keep two sets of books. But they certainly want the competition to suffer that burden. They resort to rhetoric about the need to keep these obsolete rules in place, such as "local telephone rates will go up," or "universal service will be jeopardized.

None of this is true. Local rates are set by the States and will not be affected by this amendment at all. The FCC can continue to collect all the data it needs for universal service calculations. However, the truth is the FCC doesn't even use actual costs, GAAP or otherwise, for calculating universal service requirements. It uses a theoretical costing model that has been the subject of much dispute for four years now, and should be the subject of another debate on another day.

Who benefits from the amendment? The Government, industry, and consumers alike. All will share in costs savings that result. The goal of the Telecommunications Act of 1996 was to create more competition and consumer choice. We must unburden the players in the market and create a level playing field if that is to occur. I cannot think of a more irrelevant, burdensome, and discriminatory regulation than the Uniform System of Accounts.

When we passed the Telecommunications Act of 1996, the vast majority of us, on both sides of the aisle, praised it as being "deregulatory." As many of you know, I don't believe it has worked out quite that way, largely due to misplaced priorities at the FCC. But this amendment is in keeping with the spirit of the act, and it is a small, but important, step in the right direction. I urge my colleagues to join me in voting yes on the Tauzin-Dingell amendment.

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

Mr. MARKEY. Mr. Chairman, can you tell me how much time is remaining?

The CHAIRMAN. The gentleman from Massachusetts (Mr. MARKEY) has 2½ minutes remaining, the gentleman from Louisiana (Mr. TAUZIN) has 30 seconds remaining, and the gentleman from Michigan (Mr. DINGELL) has 1¾ minutes remaining, and the gentleman from Louisiana (Mr. TAUZIN) has the right to close.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume, and hope they are consumed at the same rate of duration as the gentleman from Michigan's minutes.

Mr. Chairman, let me say that there has been no process here. There has been no opportunity to be heard. If I could, I would like to request from the subcommittee chairman that he engage in a colloquy with me, and I would request that the gentleman from Louisiana, the chairman of the subcommittee, over the next 6 weeks, call a subcommittee hearing on this issue so that witnesses of all sides could be heard on this subject.

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

Mr. MARKEY. I yield to the gentleman from Louisiana for a response to that request.

Mr. TAUZIN. Well, Mr. Chairman, let me say to my friend that this issue has already been engaged in. We have had discussions at authorization hearings with the FCC.

Mr. MARKEY. Reclaiming my time, Mr. Chairman, I would like to pose the question again. We have never had a hearing where consumer groups and the States have been able to testify on this issue. So I ask for a hearing not where the telephone monopolies are allowed to testify with their unhappiness with this accounting system that caught them bilking the public but rather with the consumer groups and the others who are also allowed to testify.

Mr. TAUZIN. If the gentleman will continue to yield, Mr. Chairman, I can answer with a statement. This amendment does not change the auditing by

the FCC. They can still catch any company, AT&T, MCI, any Bell company, doing anything wrong. This amendment does not change that.

Mr. MARKEY. Well, Mr. Chairman, I asked the gentleman if he would grant a hearing before the conference is completed.

Mr. TAUZIN. The gentleman prefaced his request with statements I disagree with. I would like to correct the record, if I could, if the gentleman will allow me.

Mr. MARKEY. I will reclaim my time requesting one more time if the gentleman would grant us a hearing.

Mr. TAUZIN. The answer is that the hearings, as the gentleman knows, are set by the chairman of the Committee on Commerce. I cannot commit to any dates nor time for that hearing. The gentleman knows that at this time.

More importantly, this issue is now enjoined. This will be in the conference committee and this is our chance to strike a single blow at deregulation at a commission with a 1930s attitude.

Mr. MARKEY. Reclaiming my time, Mr. Chairman, I will make this point. The United States Telephone Association has never contacted me, the ranking Democrat on the Subcommittee on Telecommunications, Trade, and Consumer Protection on this issue. There has never been a hearing where consumers or the States or the National Retail Association have been allowed to testify, and I think all Members should know that.

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

The CHAIRMAN. The time of the gentleman has expired.

Mr. DINGELL. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise to support this amendment.

In New York, our State's public service commissioner is on the verge of granting the local telephone company, Bell Atlantic, permission to enter the long distance market. If this happens, Bell Atlantic will probably be the first regional Bell operating company to enter into the long-distance market under the historic Telecommunications Act of 1996.

The reason they will be able to provide long-distance service is because competition is very much alive in New York, to the benefit of all consumers. This amendment continues that progress, protects the interests of all consumers and ensures the intent of the Telecommunications Act, which is to provide true competition.

With none of the competitors to the local phone companies required to conform to these accounting rules, if we do not adopt this amendment, consumers will suffer greatly.

Mr. TAUZIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. BLUNT).

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

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

Mr. Chairman, I rise in support of the amendment offered by the Chairman of the Subcommittee on Telecommunications, Trade and Consumer Protection, Mr. TAUZIN, and the Subcommittee's ranking member, Mr. DINGELL. This amendment would eliminate yet another needless, costly and burdensome regulatory requirement that has outlived whatever merits it may have once had. Local telephone companies, both large and small, must submit highly detailed financial accounting records on a continuing basis to both the IRS and the Securities and Exchange Commission. These records use an accounting method approved by the Financial Accounting Services Board. One could reasonably ask the question, ''If it's good enough for the IRS and the SEC, shouldn't it be good enough for the FCC?''

Mr. Chairman, this is not a complex issue. It is a simple case of unnecessary, archaic federal regulation that requires companies to spend millions of dollars to prepare two separate sets of regulatory accounting records for use by one agency of the government. This defies logic and common sense. I urge my colleagues to join me in supporting the Tauzin amendment.

Mr. TAUZIN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. FOSSELLA).

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

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

Mr. Chairman, I rise in favor of the amendment introduced by Mr. TAUZIN to start the process of getting rid of the FCC's so-called ''Uniform System of Accounts.''

It's become clear to me that what we have on our hands here is a 64-year-old dinosaur, a creature of the FCC, designed for an arcane accounting purpose, which has been rendered totally useless by time and progress but the price tag on American consumers continues. This has to end.

It has been estimated that allowing this accounting dinosaur to exist, and allowing the FCC to require telephone companies to follow it, is now costing American consumers and our economy as much as $300 million every year, that's more than a million dollars every working day. The good news, Mr. Chairman, is this is a situation we can banish to the business trivia history books today by supporting Mr. TAUZIN's amendment.

The truth is, Mr. Chairman, the FCC does not need to use this second, artificial system of accounting and it already uses the business world's so-called ''GAAP'' method of accounting, Generally Accepted Accounting Principles, throughout its operations.

And Mr. TAUZIN's amendment will in no way endanger the availability of low-cost ''universal'' telephone service. It also will not change the FCC's oversight role, it will only make FCC operations more cost effective.

Mr. Chairman, the only purpose the Uniform System of Accounts serves today is to uniformly penalize the American consumer and the rest of us all. Let's put this dinosaur out of it's misery, right now.

Mr. Chairman, in closing, I urge my colleagues to vote ''yes'' in support of the Tauzin amendment.

Mr. TAUZIN. Mr. Chairman, I yield 15 seconds to the gentleman from Texas (Mr. BONILLA).

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

Mr. BONILLA. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Louisiana. It is a big step toward cutting red tape for good, solid, reputable telephone companies. It is long overdue.

This is not 1934, it is 1999, and it is long overdue that we take action now.

Mr. DINGELL. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. FROST), the chairman of our caucus.

Mr. FROST. Mr. Chairman, I rise in support of the amendment by my good friend, the gentleman from Michigan (Mr. DINGELL).

I think the point has been adequately made that local telephone companies, like every other U.S. business, keep their books according to generally accepted accounting principles, yet they must also keep a second set of books developed by the FCC in 1935. It is time to change this process, this procedure.

Mr. DINGELL. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. GONZALEZ), whose father was my good friend.

Mr. GONZALEZ. Mr. Chairman, I will keep it brief, I do not want to consume the whole argument here with facts, but let us see what has happened in the recent past.

The FCC has basically changed its own rules, which it can, to presently conform to 90 to 95 percent of what is now the generally accepted accounting principles. They are almost there, but they are not quite there, and as a result it does result in the keeping of two sets of books.

The second set of facts is that this amendment leaves in place the FCC's ability to require information on costs from the local telephone companies. This is not an end run, this is simply regulatory reform, and we need it now. Please support the amendment.

Mr. DINGELL. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. RUSH).

Mr. MARKEY. Mr. Chairman, may I inquire as to how much time is remaining in the debate?

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) has 15 seconds remaining, and the gentleman from Louisiana (Mr. TAUZIN) has 15 seconds remaining.

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

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

I rise today in support of the Tauzin-Dingell amendment. Today local telephone companies have to follow GAAP procedures for the IRS and the SEC, and the Uniform System of Accounts for the FCC. This unnecessary duplication costs the industry and its consumers $270 million each year, and serves no purpose.

The Tauzin-Dingell amendment eliminates unnecessary regulation and levels the playing

field for all telecommunications companies. I urge my colleagues on both sides of the aisle to support this amendment.

Mr. DINGELL. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. BOUCHER).

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

Mr. BOUCHER. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the Tauzin amendment.

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Mr. DINGELL. Mr. Chairman, I yield such time as she may consume to the distinguished gentlewoman from California (Ms. MILLENDER-MCDONALD).

(Ms. MILLENDER-MCDONALD asked and was given permission to revise and extend her remarks.)

Ms. MILLENDER-MCDONALD. Mr. Chairman, I stand in support of this amendment.

Mr. Chairman, I rise today in support of the Tauzin/Dingell amendment to the Commerce, Justice, State Appropriations bill. The Gentleman from Louisiana, Mr. TAUZIN and the Gentleman from Michigan, Mr. DINGELL have crafted an amendment that would prohibit the Federal Communications Commission from requiring persons to use accounting methods that do not conform to Generally Accepted Accounting Principles (GAAP).

Today, the Federal Communications Commission requires local telephone companies to keep two sets of books.

No other industry is required to do this and it is unfair for the government to treat one segment of the telecommunications industry differently than we do others. This current requirement serves no purpose and should be eliminated.

Local telephone companies keep their financial records according to generally accepted accounting principles (GAAP), the standard required by the IRS, SEC, and the investment community. In addition, they must also keep another set of records that follows the Uniform Systems of Accounts, developed by the FCC in 1935 to facilitate the Commission's oversight of the ''old'' AT&T. This costs customers $270 million.

The Tauzin/Dingell amendment would simply prohibit the FCC from requiring companies to provide financial records in a format other than what is generally accepted. The amendment also leaves in place the FCC's ability to require information on costs and to set depreciation schedules necessary for universal service calculations.

The use of GAAP will not jeopardize universal service. In today's market, rapid advances in technology drive the introduction of new products at an incredible pace. Costly and unnecessary regulations slow the pace and place certain companies on an unlevel playing field. The Tauzin/Dingell amendment *helps promote competition and levels the playing field among telecommunications companies.* Support the Tauzin/Dingell amendment and I yield back the balance of my time.

Mr. DINGELL. Mr. Chairman, I yield 15 seconds to my dear friend, the gentleman from Virginia (Mr. GOODLATTE).

Mr. TAUZIN. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. GOODLATTE. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Louisiana (Mr. TAUZIN) and urge my colleagues to do likewise. By adopting this provision, we will be able to achieve several objectives.

First, we can save the American consumer and telephone industry a significant amount of money. Second, we can take a step towards further reducing government regulation. And third, we will be achieving competitive balance in the industry. We should support this amendment.

It has been estimated that this double-accounting regime costs the industry and consumers $270 million. That is money that could be reinvested in telephone infrastructure, and used to introduce new products and services so essential in today's rapidly changing telecommunications market.

The phone companies already keep one set of books for the IRS and SEC. Yet, the FCC makes them keep a whole other set of books for its accounting purposes. If the GAAP system is good enough for the IRS, it is good enough for the SEC, in fact is good enough for most of the American business world, it ought to be good enough for the FCC.

No other segment of the telecommunications industry is required to keep these books, and it is unfair for one sector to be singled out for different treatment. These costly and unnecessary regulations skew the balance among the companies, and slow the ability of the companies subject to the regulation to introduce new products and services.

Commissioner Harold Furchgott-Roth of the FCC has indicated that, and I quote, ''In today's increasing competitive telecommunications marketplace, the Commission should be focusing its efforts on transitioning to a more competitive environment. The amount of detailed information and regulatory scrutiny required under our accounting and ARMIS rules is inordinate and should be reduced.'' Mr. Speaker, that comes from one of the sitting Commissioners.

I urge my colleagues to vote in favor of Mr. TAUZIN's amendment, and eliminate unnecessary regulation, save resources, and level the playing field for all telephone companies. I thank the gentleman and yield back the balance of my time.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair must remind all Members to refrain from characterizing actions of or in the Senate.

Mr. BARTON of Texas. Mr. Chairman, I would like to commend my fellow Commerce Committee colleagues on the amendment they are offering today. This should be an easy vote which will achieve real regulatory reform by requiring the FCC to take an action it should have taken years ago.

I doubt that many of our constituents would be shocked to know that the federal government has made certain industries duplicative, unnecessary, work since 1935. For the last 64 years, the federal government has required local telephone companies to keep two different sets of accounting books.

The Internal Revenue Service and the Securities and Exchange Commission both require a standard for all businesses to follow when keeping their books, which is according to the ''Generally Accepted Accounting Principles'' (GAAP). However, the Federal Communications Commission (FCC) makes local telephone companies keep a separate set of books in order to comply with the ''Uniform System of Accounts,'' which was put in place in 1935 in order to facilitate the Commission's oversight of AT&T.

Like many other aspects of the federal government that have remained in place for decades, the Uniform System of Accounts is unnecessary and needs to be changed. This needless system costs the industry and its consumers an estimated $300 million dollars every year. In addition, the FCC requires longer depreciation lives for high tech equipment that telephone companies need to provide advanced services to consumers. Slower depreciation may mean slower recovery of costs, which would reduce the incentives these companies have to deploy new technology.

I urge all Members to support this amendment. By following GAAP, the FCC will not be jeopardizing universal service, local competition or any other congressional policy. I urge a ''yes'' vote.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Louisiana (Mr. TAUZIN).

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

Mr. RYAN of Wisconsin. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 273, further proceedings on the amendment offered by the gentleman from Louisiana (Mr. TAUZIN) will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. CROWLEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. CROWLEY:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for joint training programs between the Royal Ulster Constabulary and any Federal law enforcement agency.

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

Mr. Chairman, my amendment would limit the funding from being expended for any joint training programs between the Royal Ulster Constabulary and any Federal law enforcement agencies here in the United States.

This year the FBI began joint training between the FBI and the Royal Ulster Constabulary, the RUC, the police force of Northern Ireland.

The purpose of this program is to address ''the new challenges that societal changes are having on law enforcement in the region.''

In a press release, the FBI said topics discussed between the FBI and the RUC included interaction between the police and the public in a new environment, human rights, recognition of the diversity and anti-terrorism strategies.

The FBI National Academy has long been a vital element in continuing the improvement of law enforcement standards around the world through knowledge, training, and cooperation.

Unfortunately, the RUC, in my opinion and in the opinion of many others, is not worthy of training with our best and brightest in the Federal enforcement field.

Mr. Chairman, I have the pleasure of serving on the Committee on International Relations and on this committee. Through the efforts of our fine chairman and my good friend, the gentleman from New York (Mr. GILMAN), we recently held a hearing on new and acceptable policing in Northern Ireland.

One of those witnesses who testified before us was one Diane Hamill. Diane is the sister of Robert Hamill, a Nationalist who was killed by a Loyalist mob in downtown Portadown in Northern Ireland in 1997 while the RUC stood by and watched.

Last year before the Subcommittee on Human Rights of my colleague the gentleman from New Jersey (Mr. SMITH), Northern Ireland defense attorney Rosemary Nelson testified that what she feared most from her work defending the Nationalist community in the north of Ireland was the RUC. She feared for her life because of the RUC's collusion with Loyalist militias and the history of lack of protection of the Nationalist minority in the six counties of Northern Ireland.

Sadly, Rosemary Nelson is not here with us today. She was killed by a Loyalist militia car bomb. Her death silenced the voice for human rights and justice for all people in the north of Ireland.

Mr. Chairman, these are just two examples of human rights violations and the RUC's history of collusion with Loyalist forces and lack of protection for the Nationalist community.

Mr. Chairman, let us also talk about diversity. The north of Ireland is roughly 55 percent Protestant, mostly Unionist, and 45 percent Catholic and mostly Nationalists. The makeup of the men and women in the RUC is 93 percent Protestant, presumably Unionist, not what I would call reflective of the population of Northern Ireland.

Mr. Chairman, we all know that the peace process has come to a virtual standstill in the north of Ireland. I and many of my colleagues and constituents are not happy about that.

One of the processes put into place by the peace process was the reformation of the RUC. This commission, called the Northern Ireland Independent Commission on Policing, is chaired by the Honorable Christopher Patten, the former British commissioner of Hong Kong. The commission is due to publish their report this fall.

Mr. Chairman, here are just a few of the suggestions to the commission that have already been reported to the press: the RUC must recruit more Catholics. The RUC must become a more representative police force of its community. And the RUC must protect all residents of Northern Ireland, both Nationalist and Unionists.

Mr. Chairman, I am not saying that we do not have problems with our own police forces here in the U.S. In fact, I encourage every police department, including those in my own city, New York, to take advantage of the FBI's resources and skills this fine law enforcement agency has to offer.

Mr. Chairman, what my amendment does say is that training programs with the FBI should be for legitimate police forces. The RUC is certainly, in my opinion, not a legitimate police force for Northern Ireland.

Mr. Chairman, I am looking forward to the publishing of the report from the Patten commission and ways to bring about a new police force in Northern Ireland, a force that represents the whole population and reflects the makeup of a diverse society.

Until that time, I do not believe that the RUC should be allowed to train with America's best and brightest in blue.

Let us move the peace process forward. Let us support fair representation of policing in the north of Ireland. Support an amendment endorsed by the Irish National Caucus and Irish-Americans from all around.

Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment even though I support the amendment.

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

There was no objection.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say, first of all, I want to commend the gentleman from New York (Mr. CROWLEY) and thank my good friend for offering this amendment. It is modeled after section 408 of my bill, which passed the House two weeks ago, the American Embassy Security Act and State Department bill, H.R. 2415.

Section 408 of my bill, which the gentleman from New York (Mr. KING) and I proposed as an amendment during the markup, seeks ''to end the intimidation of defense attorneys in Northern Ireland and to secure impartial investigations of the murders of two heroic defense attorneys, Rosemary Nelson and Patrick Finnucane.''

To accomplish this, we proposed cutting off U.S.-sponsored exchange and training programs between the FBI and the RUC until the President certifies that the Northern Irish police force, known as the Royal Ulster Constabulary (RUC), has cleaned up its act.

The gentleman from New York (Mr. CROWLEY) deserves credit for his efforts to raise this issue today in a way that hopefully will push the ball forward.

Let me just point out to my colleagues, Rosemary Nelson appeared before the Committee on International Operations and Human Resources on September 29, 1998 and gave riveting and chilling testimony as to how the RUC had intimidated her, had roughed her up, and then made death threats against her. She said that in open hearing. All those at the hearing listened to her with rapt attention—both the Members that were there and those interested citizens in attendance. She pointed out that while she feared for her life at the hands of the RUC, she was, nevertheless, totally committed to pursuing her human rights work in the north of Ireland. She was inspiring, courageous and smart.

Then, in an act of cowardly terrorism, she was assassinated by a car bomb. Astonishingly, the British Government had the audacity and insensitivity, to put the very people, the RUC, in charge of the investigation. And then they proceeded to use a minimal FBI presence as cover.

So we checked into it. It turned out the FBI had a very superficial role—a role used by the RUC for public relations purposes and, thankfully, none of us on either side of the aisle were deceived by it.

Secretary Mo Moland met with members of our Committee and immediately launched into how the FBI was on the job. I, for one was underwhelmed and unimpressed. So our amendment seeks to suspend a collaboration used to cover up possible complicity and collusion. And to get serious about honest policies. So until we get a transparent, honest investigation into both Pat Finnucane and Rosemary Nelson and real tangible protections for defense attorneys, it would be unseemingly and unethical for us to continue that collaboration between the RUC and the FBI.

I yield back the balance of my time

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

Mr. SMITH of New Jersey. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I just want to associate myself with the proposal of the gentleman from New York (Mr. CROWLEY) and the gentleman from New Jersey (Mr. SMITH).

Our committee conducted extensive hearings on the RUC problems. We have submitted that report to the British Government. We are hoping that they are going to reform the RUC. But until such time as they do, I would join with the gentleman from New York (Mr. CROWLEY) in asking that we stop assisting the RUC and training them by the FBI.

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

Mr. SMITH of New Jersey. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I appreciate the interest of the gentleman in this issue, obviously.

It is my understanding that the matter is being addressed in the State Department authorization bill, which recently passed the House. I hope that we can continue to allow the authorizers to address this issue and would hope that the gentleman, in that light, could withdraw his amendment at this time.

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

Mr. SMITH of New Jersey. I yield to the gentleman from New York.

Mr. CROWLEY. Mr. Chairman, I appreciate the comments of the chairman. And I recognize the considerable gains made in the State Department authorization bill.

Mr. CROWLEY. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from New York (Mr. CROWLEY) is withdrawn.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. HANSEN) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The Committee resumed its sitting.

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

Mr. Chairman, I yield to the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Chairman, I want to thank the distinguished gentleman for yielding.

Mr. Chairman, I want to address to the chairman, as a father of two young daughters, on June 7 of this year, Mr. Chairman, the House overwhelmingly passed my bill, H.R. 1915, known as Jennifer's Law.

The bill was inspired by the disappearance in 1993 of a young Long Island woman named Jennifer Wilmer, who is still missing.

The bill would provide $2 million for grants to States to collect and input information on unidentified victims in a national database to assist in the location of missing persons, providing law enforcement officials with the tools to identify missing persons reported as unidentified and so as to close many unsolved cases.

I am wondering if I could ask the distinguished chairman of the committee if he would provide assistance in ensuring that we can fund this important program.

Mr. ROGERS. Mr. Chairman, reclaiming my time, I thank the gentleman from New York (Mr. LAZIO) on his leadership on this issue.

I understand that the bill has a very good chance of being signed into law this year. My bill provides $60 million for grants authorized by the Crime Identification Technology Act of 1998 for grants to upgrade information and ID technologies.

I believe that the authorizing legislation would include information systems like Jennifer's Law when enacted that would be covered by this grant program.

I would be happy to continue to work with the gentleman from New York (Mr. LAZIO) on this issue.

Mr. LAZIO. Mr. Chairman, if the gentleman would continue to yield, I just want to thank the chairman for his pledge to collaborate. Based on his legislative skills and his reputation, I think we can take that to the bank.

AMENDMENT OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Amendment offered by Mr. DINGELL:

At the end of the bill, insert after the last section (preceding the short title) the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. (a)(1) None of the funds provided under this Act for grants authorized by section 102(e) of the Crime Identification Technology Act of 1998 in the item relating to ''DEPARTMENT OF JUSTICE—Community Oriented Policing Services'' may be used to provide funds to a State that has not certified on a quarterly basis to the Attorney General that 95 percent or more of the records of the State evidencing a State judicial or executive determination by reason of which a person is described in paragraph (2) are sent to the Federal Bureau of Investigation to support implementation of the National Instant Criminal Background Check System established under section 103 of the Brady Handgun Violence Protection Act.

(2) A person is described in this paragraph if the person is described in paragraph (1), (2), (3), (4), (8), or (9) of subsection (g) or subsection (n) of section 922 of title 18, United States Code.

(b) The Attorney General may prescribe guidelines and issue regulations necessary to carry out this section.

(c) This section shall take effect on the date that is 180 days after the date of the enactment of this Act.

Mr. DINGELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

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

Mr. DINGELL. Mr. Chairman, the amendment is simple. It will ensure that the National Instant Criminal Background Check System, NICS, will catch more criminals and it will ensure that the system works properly as the Congress intended.

The Instant Check System took 5 years to build and cost roughly a quarter of a billion dollars of the taxpayers' money. However, despite the time and money expended, the system is not working.

The FBI has stated that 1,700 prohibited purchasers have received firearms because the Federal system does not have all the records it needs.

□ 1930

The New York Times reports that Colorado has stopped using the Federal system because it is incomplete. States are not carrying out their responsibilities under this. The amendment would fix these problems. Quite simply, it would require States to certify quarterly that 95 percent of all available records are in the national criminal database. By demanding accountability from the States, the Congress will ensure that FBI background checks will be complete, accurate and thorough. If that can be accomplished, fewer criminals will slip through the cracks and the national system of instant checks will work.

I would like to think of my amendment as putting ''instant'' back into instant check. There will be more records, better records and citizens will not face unnecessary delays. This is how the Congress intended it to work.

Mr. Chairman, I yield to the distinguished gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. I would simply say that I very much agree with the intent of the gentleman's amendment and I hope that it can be accomplished.

Mr. DINGELL. I thank my good friend for his comments.

Mr. Chairman, I am happy to yield to my distinguished friend from New York.

Mrs. MCCARTHY of New York. Mr. Chairman, I rise to stand with the gentleman from Michigan and to express my support for improving the National Instant Check System.

Just this week the State of Colorado announced its intention to return to a State-based instant check system because of a deadly mistake that occurred under the Federal instant check system. In June, Simon Gonzalez, who should have been prevented from buying a firearm, was able to buy a gun. After buying the gun, he used it to kill his three sleeping children. It is clear that we need a better instant check system.

Do not get me wrong. The National Instant Check System has been an important tool in keeping guns out of the hands of felons. Since November last year, when the system was started, 50,000 prohibited persons have been stopped from purchasing firearms. But we can do better.

I look forward to working with the gentleman from Michigan to ensure that our instant check system is improved. In particular, we will be watching to ensure that States and the FBI increase their cooperation and bring the National Instant Check System up to speed.

Mr. DINGELL. I thank the gentlewoman for her comments.

Mr. Chairman, I yield to my good friend from Kentucky, the distinguished chairman of the subcommittee, for any comments he wants to make. I think desperately we need to make this system work and I would ask his comments.

Mr. ROGERS. Mr. Chairman, I would hope that the gentleman would be withdrawing the amendment.

Mr. DINGELL. I do intend to withdraw the amendment, but I would like to hear the thoughts of the gentleman first.

Mr. ROGERS. I commend the gentleman for taking this active interest in the matter. I will continue to work with the gentleman to ensure that the system works as Congress intended.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent to withdraw the amendment and hope that we can do something to make this system work, to make the States participate, and to see to it that the Federal Government does what it is supposed to do to make the system work to catch criminals and to abate the pressure on honest, law-abiding citizens.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 1 OFFERED BY MR. KUCINICH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. KUCINICH:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for the filing of a complaint, or any motion seeking declaratory or injunctive relief pursuant thereto, in any legal action brought under section 102(b)(2) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3312(b)(2)) or section 102(b)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3512(b)(2)).

The CHAIRMAN. Under the previous order of the House, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. KUCINICH).

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

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

Mr. TIERNEY. Mr. Chairman, I rise in strong support of the Kucinich/Ros-Lehtinen amendment.

We have a strong and proud tradition in this country of respecting local decisionmaking, particularly when it furthers broad public interests. And those public interests include clean air and water, consumer protections and workers' rights.

A good number of us in this chamber have expressed our concerns about NAFTA because of provisions in that treaty that pose a threat to our national interests in safeguarding our environment and upholding workers' rights. In one instance, a Canadian chemical firm is challenging a California law crafted to protect that state's drinking water. If the company prevails, an important environmental protection would be overturned and U.S. taxpayers would have to foot the bill for any damages awarded.

A similar scenario could also unfold through the World Trade Organization, where a foreign corporation or government can take issue with a local or state law in the United States. A favorable ruling from the WTO would compel the U.S. government to use its resources to overturn the offending local statute. The Kucinich/Ros-Lehtinen amendment would stop the federal government from taking such action, and protect the rights of state and local governments.

As the pace of economic globalization heightens, we should be very wary of sacrificing state and local laws at the altar of ill-defined international investor rights. Free trade should mean fair trade, and fair trade should not trammel the power of state and local governments to act in the public interest.

I urge adoption of the Kucinich/Ros-Lehtinen amendment.

Mr. KUCINICH. Mr. Chairman, I ask unanimous consent to divide the time, 2½ minutes for myself and 2½ minutes that would be managed by the gentlewoman from Florida (Ms. ROS-LEHTINEN).

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

There was no objection.

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

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

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

Mr. Chairman, I rise in support of the amendment offered by Representatives KUCINICH and ROS-LEHTINEN, which protects American laws from being overridden by the NAFTA tribunal.

Here's the story:

A Canadian funeral conglomerate, the Loewen Group, was the defendant in a Mississippi lawsuit alleging fraudulent and malicious practices to ruin a local small funeral home operator. The jury found Loewen liable for huge damages.

Now, Loewen is claiming that the Mississippi Court ruling violated protections granted by NAFTA, and is seeking hundreds of millions of dollars in compensation. If the NAFTA tribunal finds in favor of Loewen, then the Justice Department would be obliged to sue the State of Mississippi.

This is nuts!

The Kucinich/Ros-Lehtinen amendment will deny taxpayer funds to the Justice Department for that legal challenge, thereby protecting Mississippi's laws.

We must stand together to protect the sovereignty of American laws. We should not allow American taxpayer dollars pay American lawyers to help a foreign corporation fight American state laws in court.

Support this important amendment!

Mr. KUCINICH. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Chairman, I thank my colleague for yielding time and I support his amendment.

Earlier in the year, California issued a ban on the gasoline additive MTBE which is known to cause cancer. A Canadian company that makes the additive is now attempting to use NAFTA in order to claim $1 billion in losses, saying their right to make a profit has been diminished, which may force California to consider rolling back the ban.

The question this amendment addresses is the question that this issue addresses, as it is very clear: Should the rights of an investor come before the rights to enact a chemical ban to prevent cancer? What is happening in these trade laws is that they are rolling back State and local laws all across the country, designed to help the environment, designed to promote human rights, designed to move this country forward on issues that consumers care deeply about.

This is a good amendment. I urge my colleagues to support the Kucinich amendment.

The CHAIRMAN. Who seeks time in opposition to the amendment?

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment and seek the time in opposition.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) is recognized for 5 minutes.

Mr. KOLBE. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I do rise in opposition to the Kucinich amendment. The U.S. Trade Representative, Ambassador Charlene Barshefsky, recently wrote a letter expressing her very strong opposition to this amendment. In that letter she said, and I quote, ''This is unnecessary and ill-advised.''

Mr. Chairman, I could not agree more with what Ambassador Barshefsky said. This amendment is unnecessary. Never in the history of either the GATT, its 50 years, or NAFTA, its 5 years, has the Federal Government brought suit against a State, municipal or local government to enforce a NAFTA or GATT panel decision. Never.

Now, opponents will say, well, if it is unnecessary, why not just go ahead and vote for it? Because, to use the other half of Ambassador Barshefsky's phrase, it is ill-advised. This amendment revisits a question that was resolved by the American people over 200 years ago, the relationship between the regulation of international commerce and the rights of States and local governments to enact their own laws, and we did decide that. In 1789, our Founding Fathers put this argument to rest. We had had the fiasco of the Articles of Confederation where each State could impose its own tariff and tax structure and that was put aside and replaced with, as we know, ''a more perfect union.''

Article 1, section 8 of the Constitution says, ''The Congress shall have the power to regulate commerce with foreign nations and among the several States.'' Article 6 of the Constitution says the laws and the treaties of the U.S. are the ''supreme law of the land.'' The fact is international agreements are entered into on behalf of the American people, all the American people, not just a single town or State, and they are for the benefit of all Americans, and necessarily they sometimes do preempt State, local and municipal laws.

Our Founding Fathers made that decision a long time ago. We ought not to pass this. I urge my colleagues to defeat this.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE,
Washington, DC, August 3, 1999.

Hon. JIM KOLBE,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE KOLBE: I am writing to express my strong opposition to the Kucinich/Ros-Lehtinen amendment to the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act for fiscal year 2000. That amendment would prevent the Administration from taking legal action to enforce U.S. international trade and investment obligations at the State and local level. The amendment is unnecessary and ill-advised.

The amendment appears to be founded on a faulty premise. The premise is that dispute settlement panels convened under the World Trade Organization (WTO) and under our other trade and investment agreements have the authority to compel the United States to follow their recommendations and thus will inevitably lead the federal government to sue our State and local governments into compliance. That is simply wrong.

In fact, neither WTO dispute settlement panels, nor the WTO itself, has any power to compel the United States to change its laws and regulations. More specifically, the federal government is under no obligation to sue a State or municipality on the basis of any WTO or other trade panel report. Only the United States can decide how it will respond, if at all, to panel reports.

In fact, trade panel reports are not binding as a matter of U.S. law and cannot form the basis for bringing suit in U.S. Courts. Indeed, federal law (section 102(a)(2)(B)(i) of the Uruguay Round Agreements Act) specifically precludes the federal courts from giving WTO panel reports any special deference.

Global trade rules have been in effect now for over 50 years. Despite scores of panel reports over the past decades, the federal government has never brought suit, or even threatened suit, to enforce a panel report against a state or local government.

Congress has carefully considered the question of federal-state relations under both the WTO and the NAFTA. Federal law today contains elaborate consultation and cooperation requirements to ensure that the Executive Branch will work with, not against, our state and local governments both in dispute settlement proceedings and in carrying out U.S. obligations under our trade agreements. Those arrangements are working well, as our experience with the Commonwealth of Massachusetts demonstrates, where USTR worked closely and cooperatively with Commonwealth of Massachusetts officials in consultations convened by the European Union and Japan last year.

Over the past five years, fully one-third of U.S. economic growth has been tied to our dynamic export sector. American workers and companies depend on open markets around the world. Congress and the Administration have worked very hard, over many decades, to put trade rules in place that open those markets—and to keep them open through effective dispute settlement procedures. The United States is by far the most frequent user of international trade dispute settlement mechanisms. They have benefitted U.S. workers and industries across a wide range of sectors, and were put in place at U.S. insistence with our sovereignty concerns fully in mind. No change in U.S. law is needed to ensure that this remains the case.

Sincerely,

CHARLENE BARSHEFSKY.

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

Ms. ROS-LEHTINEN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, in support of the Kucinich/Ros-Lehtinen amendment.

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

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman for yielding me this time. I rise in support of the Kucinich/Ros-Lehtinen amendment.

The States have police power rights under the Constitution that the executive branch of our Nation ought to respect.

If the States are taking action contrary to a U.S. treaty obligation, it is the Congress that should resolve the problem. On the other hand, the parties that are being hurt can sue and get relief. This is not a place for unelected Federal bureaucrats to involve themselves by attacking these laws in the courts.

The Simon Wiesenthal Center backs this amendment. That is because some States have, quite rightly, pressured foreign companies who have unreturned Holocaust-era assets to make restitution to the victims a condition of the granting of the right to do business. These policies may be subject to attack by the executive branch unless this amendment passes.

Accordingly, I fully support the amendment.

Mr. KUCINICH. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in strong support of the Kucinich/Ros-Lehtinen amendment so that NAFTA will not force California to have to live with MTBE gasoline additives.

I rise in support of the Kucinich/Ros-Lehtinen amendment because I believe that state and local governments should be able to act to protect the public interest without being unnecessarily restrained by trade agreements.

Increasingly we have seen that international trade agreements like NAFTA and the World Trade Organization, instead of promoting high international standards, can undermine the most basic protections for workers and the environment.

Federal laws to protect clean air and endangered turtles have been weakened to comply with WTO rulings, and numerous state and local laws are currently threatened. In California alone, 95 laws have been identified as potentially ''WTO illegal'' by the Georgetown University Law Center.

Just last month, a Canadian company initiated a NAFTA suit against the state of California's phase out of MTBE, a gasoline additive that has polluted water supplies nationwide. If the Canadian company succeeds, the federal government could sue California to change its law. This amendment would deny funding for that type of lawsuit and thereby protect state and local laws.

I think that California, like other states, has a legitimate right to protect the health of its citizens and should not be subject to a lawsuit for this action.

Unfortunately, this lawsuit against California's action is just the tip of the iceberg. The laws of many other states and local governments could be challenged next. Potentially trade-illegal are laws to promote recycled materials, encourage the purchase, of local or American goods, and protect human rights.

I urge my colleagues to support the Kucinich/Ros-Lehtinen amendment to ensure that all levels of government are able to act in the public interest without the threat of trade lawsuits.

Mr. KUCINICH. Mr. Chairman, I yield myself 1 minute.

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

Mr. KUCINICH. Mr. Chairman, the Kucinich Ros/Lehtinen amendment protects State and local laws and sovereignty.

The past year has proven that State and local laws are under assault by means of NAFTA and the World Trade Organization. In the past year, foreign corporations have challenged laws in Mississippi and California, claiming that the States violated NAFTA's chapter 11 foreign investor rights.

In Mississippi, a Canadian-based funeral conglomerate is seeking hundreds of millions of U.S. taxpayer dollars in compensation. In California, a Canadian chemical company is challenging a State ban prohibiting the use of a harmful gasoline additive on the grounds that the Canadian company will lose future profits as a result of the ban. The State of New Jersey has enacted ''buy local'' materials requirements for the construction of public works projects that the European Union says is WTO illegal.

California, Connecticut, Illinois, Indiana, Iowa, Massachusetts, New Hampshire, New York, Ohio and West Virginia have adopted tax regulations so that foreign-owned corporations would pay their fair share of taxes. The European Union says this is WTO illegal.

Is Congress prepared to allow the States to be the subject of an assault by foreign corporations and nations? This amendment says ''no.''

Mr. KOLBE. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. CRANE), the distinguished chairman of the Subcommittee on Trade of the Committee on Ways and Means.

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

Mr. CRANE. I thank the distinguished gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio (Mr. KUCINICH). As chairman of the Committee on Ways and Means Subcommittee on Trade, I oppose this amendment because of the damaging effect it would have on U.S.

firms and workers whose success in export markets depends on a system of fair and transparent international trade rules.

The WTO has no power to compel a change in United States Federal law or regulation or a State law or regulation. Any decision to comply with a WTO panel report is solely an internal decision of the United States. As a practical matter, this means Congress and the administration can choose to act, but only in close consultation with the States, as is required under legislation Congress passed enacting the Uruguay Round Trade Agreements and NAFTA. My colleagues should recall that Congress gave careful consideration to the interests of the States when it implemented these trade agreements.

As the world's largest exporter and the greatest beneficiary of a fair and transparent set of trade rules, the U.S. cannot afford to allow a conflicting web of international trade rules at the local level. Unless trade sanctions are well-conceived and imposed in a uniform manner, consistent with our international trade obligations, the result will be a hodgepodge of trade sanctions that tells our trading partners that the U.S. does not intend to respect the international trade agreements it signs.

I urge a ''no'' vote on the amendment.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio, Mr. KUCINICH.

This amendment would prohibit the use of funds appropriated by this bill to challenge a State law on the grounds that it is inconsistent with the Uruguay Round Trade Agreement or NAFTA. This is an antitrade, anti-export amendment that would encourage States and localities to enact legislation imposing trade sanctions on trading partners, in violation of our international obligations.

The House defeated this amendment soundly when it was offered last Congress to H.R. 4276 and I urge strong defeat tonight.

As chairman of the Ways and Means Trade Subcommittee, I oppose this amendment because of the damaging effect it would have on United States firms and workers whose success in export markets depends on a system of fair and transparent international trade rules. By denying the authority of the Federal Government to take legal action to enforce international trade obligations of the United States, the amendment gives free reign to those supporting the proliferation of ad hoc trade sanctions at the State and local level.

The Founding Fathers were clear in their view that local communities are not in a good position to legislate on international trade and foreign policy matters. The need for uniformity among the States in the conduct of international trade is enshrined in Article I, section 8 of the Constitution, which grants Congress the authority ''to regulate commerce with foreign nations.'' As Daniel Webster described, ''the prevailing motive (of Article I, section 8) was to regulate commerce; to rescue it from the embarrassing and destructive consequences resulting from legislation of so many States, and to place it under the protection of a uniform law.'' In cases where there is a conflict between an act of Congress that regulates commerce, and state or local legislation, Federal law enjoys supremacy.

The proponents of this amendment seek to establish the ability of States and localities to pass legislation prohibiting their agencies from procuring goods and services from foreign companies that do business with target countries. The case they often site is a Massachusetts law sanctioning companies that do business with Burma. It should be mentioned that the Federal District Court has ruled that the Massachusetts Burma law is an impermissible intrusion into areas reserved for the federal government. The First Circuit Court of Appeals upheld this decision.

Mr. Chairman, I would like to include in the RECORD a letter we received from Ambassador Charlene Barshefsky opposing this amendment. She points out that the Kucinich amendment is founded on a faulty premise. This faulty premise is that dispute settlement panels convened under the WTO have the authority to compel the Federal Government to sue State and local governments into compliance with the WTO. This is simply incorrect.

The WTO has no power to compel a change in United States federal law or regulation or a state law or regulation. Any decision to comply with a WTO panel report is solely an internal decision of the United States. As a practical matter, this means Congress and the Administration can choose to act, but only in close consultation with the States, as is required under legislation Congress passed enacting the Uruguay Round Trade Agreements and NAFTA. My colleagues should recall that Congress gave careful consideration to the interests of the States when it implemented these trade agreements. The fact of the matter is that during the 50 years of operation of the GATT/WTO trading system, the federal government has never brought suit against a state or locality, or even threatened a suit, to enforce a panel report.

As the world's largest exporter and the greatest beneficiary of a fair and transparent set of trade rules, the United States cannot afford to allow a conflicting web of international trade rules at the local level. Unless trade sanctions are well-conceived and imposed in a uniform manner, consistent with our international trade obligations, the result will be a hodgepodge of trade sanctions that tells our trading partners that the United States does not intend to respect the international trade agreements it signs.

I urge a ''no'' vote on the amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, this amendment seeks to prevent the use of taxpayer funds to defend the interests of foreign companies and governments against our own States and municipalities and laws that are aimed at protecting the American people.

This amendment is in keeping with the commerce clause in the Constitution and with the Uruguay Round Agreements Act of 1994. Through the WTO, several doctrines which the U.S. Supreme Court has recognized govern the stewardship of property and natural resources are directly threatened. Even free speech in the form of consumer choice campaigns is being threatened. At immediate risk are laws that various State legislatures have passed or are considering against Swiss banks that have held assets stolen from Holocaust victims. NAFTA has also become a tool of choice by corporations such as the Canadian firm Methanex which is petitioning for a NAFTA tribunal to overturn a California law which bans certain gasoline additives because it poisons the drinking water. My own State of Florida, which has enacted inspection requirements, is facing possible NAFTA and WTO challenges.

Are my colleagues to allow families' health and that of our children, our friends and neighbors to be threatened because of foreign bureaucrats? I ask my colleagues to support our amendment.

Mr. KOLBE. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Ohio (Mr. OXLEY).

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

Mr. OXLEY. Mr. Chairman, I rise in opposition to the Kucinich amendment.

The Kucinich-Ros-Lehtinen amendment would prohibit the federal government from challenging state or local laws that are inconsistent with U.S. treaty obligations. The purpose of the amendment is to protect unconstitutional trade sanctions levied by localities and states against foreign nations.

In recent years, there has been a proliferation of economic sanctions enacted by municipalities and states against foreign countries. These laws are in direct conflict with the U.S. Constitution, in that they interfere with the federal government's exclusive authority to conduct foreign policy and regulate foreign commerce.

A key element of U.S. foreign policy is the ability of the federal government to influence the actions of foreign governments through the use of very powerful tool: the withholding of United States economic engagement. The federal government must have a cohesive and coherent policy in order to bring this power to bear.

The future of our economic prosperity in the global market depends on the United States having balanced trade relations with foreign nations. We must confront rogue nations, not as fifty states or countless municipalities, but as a strong, unified nation with a clear foreign policy agenda. The Kucinich/Ros-Lehtinen amendment would undercut these goals by promoting state and local infringements on federal foreign policy making.

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

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

Mr. PORTMAN. Mr. Chairman, I strongly oppose the Kucinich amendment.

Make no mistake about it, Mr. Chairman, this is nothing but a back-door attempt at protectionism.

Think about what would happen if we pass this amendment. We would let our cities and states and counties decide what our trade policy is. We would be setting up the same kind

of protectionism and breaking down the kind of standards that we have fought so hard to protect under the World Trade Organization and under the GATT.

We're having enough trouble getting other countries to keep their markets open. Think about their response if we were to enact this amendment.

Those other countries whose products are being discriminated against will retaliate against the United States, and they would have every right to do it under the trade agreements we have signed. They would not have the right to do it so long as the U.S. follows the rules. But if we allow our cities and states and counties to break the trade rules we've agreed to, then we give them free license to discriminate against American products and hurt American workers.

I realize there are many in this body who do not like the NAFTA agreement who would like to take some feel-good unilateral actions without suffering any consequences.

I would say to those people—if you don't like NAFTA, let's talk about NAFTA. If you don't like WTO, which was also passed by a Democrat Congress and signed by a Democrat President, then let's talk about it. One-third of the growth of this wonderful economic situation we find ourselves in today is due to exports. If you want to pretend that American workers don't benefit from trade, we can (and will) debate that.

But it's wrong to go around and suggest that—instead of having a national trade policy—we are going to let Cleveland or Cincinnati or San Francisco or Des Moines or any other city determine our nation's trade policy. I'm as pro-federalism as any Member of this body, but I don't believe that city councils, county commissions and state legislatures should dictate our trade policy with other countries. And make no mistake about it, that's what this bill would do.

Let's fight for a fair and free trading system. Let's protect and improve the trading system we have. Reject this senseless amendment.

Mr. KOLBE. Mr. Chairman, I yield 45 seconds to the gentleman from Michigan (Mr. KNOLLENBERG).

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

Mr. KNOLLENBERG. I thank the gentleman for yielding me this time.

Mr. Chairman, I respectfully rise in strong opposition to the Kucinich amendment. This is clearly an anti-trade, anti-export amendment that would have the effect of encouraging a breakdown in our system of international commerce. The Constitution specifically grants Congress and only Congress the authority to regulate commerce with foreign nations. The authors of the Constitution intended for this section to protect international commerce from the destructive consequences of varying trade legislation across hundreds and hundreds of local and State governments.

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This amendment goes in the other direction. It would effectively take away the ability to conduct foreign policy away from Congress and away from the President.

I would ask everyone in the body, strongly support a no vote on this amendment.

Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I respectfully rise in strong opposition to the amendment offered by my friend from Ohio, Mr. KUCINICH. This is clearly an anti-trade, anti-export amendment that would have the effect of encouraging a breakdown in our system of international commerce.

Article I, Section 8 of the United States Constitution specifically grants Congress, and only Congress, the authority ''to regulate commerce with foreign nations.''

The authors of the Constitution intended for this section to protect international commerce from the destructive consequences of varying trade legislation across hundreds of state and local governments. As a result of this foresight, in cases where there are conflicts between an act of Congress that regulates international commerce and a state or local law, the federal law prevails.

In order to maintain our international agreements and expand trade opportunities for American workers and businesses, it is essential to uphold this constitutional authority of the federal government.

This amendment, however, proposes to take our country in another direction. This amendment would effectively take the ability to conduct foreign policy away from Congress and the President and place it in the hands of hundreds of state and local governments. Obviously, this would remove the stability of U.S. foreign relations and damage the credibility of the United States in negotiating international treaties. In addition, the stability and predictability of international business relations in the United States would be threatened, angering our allies and forcing them to consider retaliatory actions.

Numerous Congresses and presidents have worked extremely hard to establish trade agreements that open markets around the world and keep them open through effective dispute settlement procedures. These procedures have benefited American workers and companies across many sectors and were put in place at U.S. insistence with our sovereignty concerns fully in mind. This amendment would undermine this system and risk breakdowns in international agreements we have made with our allies.

One third of this country's economic growth is tied to our dynamic export sector and American companies and workers depend on open markets throughout the world. We have made great progress by encouraging the exchange of American values, goods, and services with our trading partners. Now is not the time to reverse this progress by building protectionist walls around the U.S.

I urge my colleagues to support free trade and U.S. engagement throughout the world and oppose this protectionist amendment.

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

Mr. KOLBE. Mr. Chairman, I yield 45 seconds to the gentleman from Nebraska (Mr. BEREUTER).

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

Mr. BEREUTER. Mr. Chairman, I rise in strong objection to the amendment. I regret having to do that, but we tried the other approach; it was called the Articles of Confederation. We gave it up in 1789. My colleagues have heard reference to that. This amendment would jeopardize U.S. trade and international relations around the globe. No longer would our trading partners have any assurance that the agreements they entered into with the United States are safe from being arbitrarily changed or even nullified by any one of our 50 States.

Without the ability to speak as one voice, the United States would lose the leverage it needs in both bilateral negotiations and multilateral rules-based organizations like the WTO to break down foreign barriers to American exports. The resulting impact on American exports and American jobs on these exports would really be severely harmed.

This is a very serious amendment; it is very seriously wrong. I urge my colleagues to reject it.

Mr. Chairman, as the Vice-Chairman of the Committee on International Relations, this Member rises in strong opposition to the Kucinich-Ros-Lehtinen amendment which would prohibit the Federal Government from challenging State and local laws that conflict with valid obligations the United States has made under international agreements including the World Trade Organization (WTO) and the North American Free Trade Agreement (NAFTA). This amendment strikes at the very ability of the United States Government to negotiate and implement international agreements by allowing individual States to enact their own discriminatory trade and foreign policy laws.

It appears to this Member that the underlying motivation for this amendment is that its principal proponents do not like the WTO and NAFTA and are seeking a back-door way to repeal these beneficial trade agreements behind the guise of protecting State and local laws. This amendment is nothing more than another attempt at protectionism and it comes with very serious and negative constitutional and international relations ramifications.

Article I, Section 8 of the United States Constitution grants Congress, not the individual States, the authority to ''regulate commerce with foreign nations.'' Recognizing the inherent weaknesses of the Articles of Confederation in this regard, the drafters of the Constitution understood the need for uniformity among the States in the conduct of international trade. We tried this approach and abandoned it in 1789. In cases where there is a conflict between an act of Congress that regulates commerce and State or local legislation, Federal law enjoys supremacy. The Kucinich amendment would undermine the Federal Government's ability to challenge State and local laws in court when they conflict with Federal commitments and, therefore, upsets this important constitutional balance.

As fully debated in the House during the consideration of both the WTO and NAFTA, American sovereignty is in no way diminished by these trade agreements. The implementing statutes of both agreements clearly state that panel reports under the World Trade Organization dispute settlement mechanism or under NAFTA are not binding as a matter of U.S. law. Federal law remains supreme and neither

the WTO nor the NAFTA dispute settlement panels have any power to compel any change in U.S. law or regulation. The U.S. Government decides how it will respond, if it responds at all, to WTO and NAFTA panel reports. Indeed, no foreign entity can nullify State or local laws.

Furthermore, in consideration of both the WTO and NAFTA, the Congress established elaborate consultation procedures to protect the interests of the States and to ensure that the States do have a formal role in any international dispute settlement proceeding that affects State laws or policies. Therefore, the Kucinich-Ros-Lehtinen amendment is unnecessary.

The pending amendment could also harm American exports and the jobs these exports support in other ways. For example, with this amendment, Ohio could put in place a self-serving policy that discriminates against Japanese exports in violation of U.S.-Japan trade agreements or the WTO agreement. In response, Japan would likely retaliate against American—not just Ohio—exports. Japan, for example, could target American agricultural products, hurting farmers and agribusiness everywhere from Maine to California. Indeed, the self-serving actions of just one State to make some symbolic political statement or protect a handful of local jobs could jeopardize billions of dollars in key American exports that support tens of thousands of American jobs across the United States.

Mr. Chairman, this amendment radically changes American trade laws. Given the adverse and serious constitutional and international relations implications of this amendment, this Member strongly urges its rejection.

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

The CHAIRMAN. The gentleman from Ohio is recognized for 30 seconds.

Mr. KUCINICH. Mr. Chairman, neither NAFTA nor the Uruguay round of GATT is a treaty. Neither received a two-thirds vote of the other body as the Constitution requires for treaties. Congress can support my amendment, and the U.S. will still be in full compliance with all treaties. We must protect the States from challenges from foreign corporations and countries. Let us stand by our States and stand by our local communities. Vote for the Kucinich-Ros-Lehtinen amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself the remaining time.

The CHAIRMAN. The gentlewoman from Florida is recognized for 30 seconds.

Ms. ROS-LEHTINEN. This amendment is not anti-trade. It allows for the negotiation and implementation of trade agreements, and it even allows for constitutional challenges, but it brings that decision within our congressional jurisdiction. We are proud of the support that we have received from many different groups. Public Citizen supports the amendment, Citizen Trade Campaign, United States Business and Industry Council, and the Simon Wiesenthal Center which says that this amendment will have the effect of forcing foreign companies seeking to do business in the United States to comply with the historic responsibility to the victims of the holocaust.

I urge my colleagues to do the right thing and support our amendment.

Mr. KOLBE. Mr. Chairman to close our debate, I yield the balance of my time to the very distinguished gentleman from California (Mr. DREIER), the chairman of the Committee on Rules and champion of free trade under NAFTA.

The CHAIRMAN. The gentleman from California is recognized for 1¼ minutes.

Mr. DREIER. Mr. Chairman, at the dawn of the second millennium it was clear that under the system of feudalism that existed in Europe virtually every single township, community, hamlet was able to embark upon negotiations for trade outside of its area. The tragic thing is that the vision that my friend from Ohio (Mr. KUCINICH) has as we are poised for the third millennium is to continue that kind of preposterous policy. This is anti-trade, anti-export at a time when our economy is thriving, because of the fact that we are gaining opportunities in new markets around the world, and the world has access to us. Let us not turn backwards. Vote no on the Kucinich amendment.

Mr. WAXMAN. Mr. Chairman, I rise in strong support of Congressman KUCINICH's amendment to the Commerce-Justice-State Appropriations Bill, which would require the Federal Communications Commission (FCC) to fix the inefficiences in the way area codes are distributed. It would also allow states to implement their own number conservation plans if the FCC does not act in a timely manner.

The current system for managing numbers is wasteful and illogical, and it has caused a completely unnecessary proliferation of new area codes in California. From 1947 to 1992, California increased the number of area codes to thirteen. It opened a fourteenth area code in 1997 and will almost double that number to twenty-six by the end of this year. If the system is left in place, forty-one area codes will be in existence in the State by 2002. The federal government must exercise leadership and relieve this tremendous burden on consumers.

On May 27, 1999, the FCC adopted a notice of proposed rulemaking to consider ways to improve the efficiency of telephone numbers. Congressman KUCINICH's amendment would simply ensure that the FCC make this rulemaking a priority so that meaningful reforms can be adopted as quickly as possible. I urge my colleagues to vote for this important consumer amendment.

Mr. BROWN of Ohio. Mr. Chairman, I rise in strong support of this amendment.

International trade pacts like NAFTA must not be used as an excuse to put profits over public health and the environment. But that's what NAFTA's Chapter 11 does. It gives corporations the right to challenge our public health laws, environmental laws, even civil jury verdicts as ''barriers to trade.''

Just ask the residents of California, who don't want the gasoline additive MTBE in their wells, groundwater, and lakes.

MTBE smells and tastes like turpentine and may cause cancer, yet the Canadian corporation Methenex is suing U.S. taxpayers for nearly a billion dollars because under NAFTA California's ban of MTBE is classified as a barrier to trade.

Mr. Speaker, we were elected to protect the health and well-being of our constituents, not corporations. We need to give our communities the right to enact legislation that protects their well-being, not Wall Street's profits. I urge my colleagues to support the amendment.

Mr. LEVIN. Mr. Chairman, I rise in reluctant opposition to this amendment.

Reluctant because I believe the underlying aim of its sponsors is a positive one.

States and local communities have played an active role in efforts to express and implement their citizens' conscience on a number of vital social, moral and economic issues.

I have been working actively for us to broaden our perspective on trade. As the nature of trade has changed, so has our need to broaden our view beyond the conventional, too-narrow focus.

Trade is about more than just opening foreign countries to our goods and services. It is also about the ways in which countries regulate their labor markets as well as their capital markets, and the discussion of trade policy must take that fact into account. That debate also must include issues of human and environmental resources, as well as intellectual property.

The trouble with the approach in this amendment is that it overreaches, as previous trade policy has underreached.

The struggle to develop a new consensus on trade policies revolves around hammering out national trade policy.

This does not mean there is no role for the States and local institutions. It does mean that it won't work if we end up with 50 or 150 different international trade policies.

In the 50 year history of the GATT, including the more recent era of the WTO, the U.S. Government has never challenged or threatened to challenge a State or local law as violative of world trade agreements.

In fact, on the rare occasions when this issue has arisen in the past, the administration has worked with State, local and foreign governments to reach out-of-court solutions.

Indeed, in enacting the laws that implement the Uruguay Round agreements, we were very careful to establish mechanisms that would ensure a cooperative relationship between the Federal administration and State and local governments on international trade matters. For example, measures in the Uruguay Round agreements act include:

A requirement that the U.S. Trade Representative establish a Federal State consultation process, including procedures for taking into account information and advice from States in formulating positions on matters that directly affect them;

A requirement that USTR notify a State and consult with its legal officers when a foreign government complains about a law of the State;

When a WTO dispute settlement panel holds a State law to be violative of WTO agreements, the USTR must ''consult with the State concerned in an effort to develop a mutually agreeable response . . . and shall make every effort to ensure that the State concerned is involved in the development of the United States position regarding the response.''

In short, existing law is designed to bring State and local governments into the process

of formulating trade policies that directly affect them, while preserving the Federal Government as the central decisionmaking hub. This division of labor facilitates our ability to deal with our foreign trading partners and encourages that trade policy makers take into consideration the interests of all Americans.

I understand the desire to send a message on the shortcomings of American trade policy. We also need to consider the form of our message since we are legislators and the consequences of a particular proposal if it were to become law must be taken into account.

The exact language of this amendment says, in sum, that never, under any circumstances, could funds under the act be used by the Government to participate in any legal action, brought by itself or by any other party, where it was argued that a State or local action contravened obligations of the national Government under specified comprehensive international agreements.

This kind of an absolute handcuff on Federal power has been urged in earlier decades on other vital matters. As we fight for a stronger, broader, more relevant American national trade policy, we need to remember the role of State and local initiatives. But we cannot retrogress to an article of confederation in the vital field of national and international economic/trade issues.

Accordingly, I will vote ''no'' on this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I strongly oppose the amendment offered by Mr. KUCINICH of Ohio, which states that none of the funds made available in this Act may be used by the Overseas Private Investment Corporation to provide any administrative or other support or assistance for any environmentally sensitive Investment Fund Project. This amendment is bad for the American people who will lose the benefits of new exports, jobs and expanding global markets. It is bad for developing countries in need of investment. And finally, environmental concerns are protected by the requirement that OPIC complete assessments and reports in accordance with stringent standards.

Private Sector investment overseas contributes substantially to both the national and foreign policy interests of U.S. citizens. It strengthens and expands the U.S. economy by improving U.S. competitiveness in the international marketplace. It also helps less developed nations expand their economies and become valuable markets for U.S. goods and services, thereby increasing U.S. exports and creating U.S. jobs.

OPIC has a broad base of clients from virtually every state and industrial sector. In Texas, there has been $5 billion in OPIC financing and insurance commitments for projects sponsored by Texas companies, $5 billion in U.S. exports generated by Texas Projects and 18,757 American jobs created by Texas projects. In the last five years, OPIC committed projects identified $1 billion in goods and services that they will buy from Texas suppliers, 60% of which are small Texas businesses. These exports will create 4,515 local jobs in Texas.

This amendment is bad for developing countries. The Overseas Private Investment Corporation is an independent U.S. government agency that sells investment services to assist U.S. companies investing in some 140 emerging economies around the world. Emerging economies need assistance in strengthening and in many cases building proper infrastructure for successful trade. These projects may involve waterways, land, trees, mountains and the atmosphere. Development of roads, railways, power sources, telecommunications and other necessary projects are all potentially environmental sensitive. We can not stop our efforts to assist developing economies as they become competitive and enter the global marketplace. We must support these developing economies.

The House of Representatives recently passed the African Growth and Opportunity Act supporting an expanded global marketplace. We agreed that sub-Saharan Africa with its emerging economies offer a potential 700 million new consumers for our goods and products. The inclusion of developing countries into the broader market has been proven as an effective development tool. Viable infrastructures are mandatory. OPIC funding should not be hampered.

This amendment is bad for the environment. OPIC's fund investments must meet stringent environmental standards which are higher than any other bilateral export credit, investment or insurance agency in the world. Environmentally sensitive fund investments undergo a complete environmental impact assessment. Environmental sensitive fund projects meet OPIC obligations to mitigate potential environmental harm.

I do not support any action that will reverse U.S. commitment to the expansion of the global marketplace and the continuation of our economic prosperity. I urge my colleagues to oppose this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KUCINICH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 273, further proceedings on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) will be postponed.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Add at the end of the bill, the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. SHORT TITLE.

This title may be cited as the ''Hate Crimes Prevention Act of 1999''.

SEC. 802. FINDINGS.

Congress finds that—

(1) the incidence of violence motivated by the actual or perceived race, color, national origin, religion, sexual orientation, gender, or disability of the victim poses a serious national problem;

(2) such violence disrupts the tranquility and safety of communities and is deeply divisive;

(3) existing Federal law is inadequate to address this problem;

(4) such violence affects interstate commerce in many ways, including—

(A) by impeding the movement of members of targeted groups and forcing such members to move across State lines to escape the incidence or risk of such violence; and

(B) by preventing members of targeted groups from purchasing goods and services, obtaining or sustaining employment or participating in other commercial activity;

(5) perpetrators cross State lines to commit such violence;

(6) instrumentalities of interstate commerce are used to facilitate the commission of such violence;

(7) such violence is committed using articles that have traveled in interstate commerce;

(8) violence motivated by bias that is a relic of slavery can constitute badges and incidents of slavery;

(9) although many State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias, Federal jurisdiction over certain violent crimes motivated by bias is necessary to supplement State and local jurisdiction and ensure that justice is achieved in each case;

(10) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes; and

(11) the problem of hate crime is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States and local jurisdictions.

SEC. 803. DEFINITION OF HATE CRIME.

In this title, the term ''hate crime'' has the same meaning as in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

SEC. 804. PROHIBITION OF CERTAIN ACTS OF VIOLENCE.

Section 245 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

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

''(c)(1) Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

''(A) shall be imprisoned not more than 10 years, or fined in accordance with this title, or both; and

''(B) shall be imprisoned for any term of years or for life, or fined in accordance with this title, or both if—

''(i) death results from the acts committed in violation of this paragraph; or

''(ii) the acts omitted in violation of this paragraph include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(2)(A) Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive device, attempts to cause bodily injury to any person, because of the actual or perceived religion, gender, sexual orientation, or disability of any person—

''(i) shall be imprisoned not more than 10 years, or fined in accordance with this title, or both; and

''(ii) shall be imprisoned for any term of years or for life, or fined in accordance with this title, or both, if—

''(I) death results from the acts committed in violation of this paragraph; or

''(II) the acts committed in violation of this paragraph include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(B) For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

''(i) in connection with the offense, the defendant or the victim travels in interstate or foreign commerce, uses a facility or instrumentality of interstate or foreign commerce, or engages in any activity affecting interstate or foreign commerce; or

''(ii) the offense is in or affects interstate or foreign commerce.''.

SEC. 805. DUTIES OF FEDERAL SENTENCING COMMISSION.

(a) AMENDMENT OF FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall study the issue of adult recruitment of juveniles to commit hate crimes and shall, if appropriate, amend the Federal sentencing guidelines to provide sentencing enhancements (in addition to the sentencing enhancement provided for the use of a minor during the commission of an offense) for adult defendants who recruit juveniles to assist in the commission of hate crimes.

(b) CONSISTENCY WITH OTHER GUIDELINES.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that there is reasonable consistency with other Federal sentencing guidelines; and

(2) avoid duplicative punishments for substantially the same offense.

SEC. 806. GRANT PROGRAM.

(a) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall make grants, in accordance with such regulations as the Attorney General may prescribe, to State and local programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 807. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 1998, 1999, and 2000 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 245 of title 18, United States Code (as amended by this Act).

SEC. 808. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. ROGERS. Mr. Chairman, on this amendment I reserve a point of order.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, I heard earlier this evening one of the amendments that was discussed on this floor. The reason given to its discussion is that we have a crisis and an emergency. I believe that we have a crisis.

We have a crisis right now as it relates to the standards of violence and hatred in America. We had a hearing yesterday on the Hate Crimes Prevention Act, or 2 days ago in the Committee on the Judiciary, a bill authored by the gentleman from Michigan (Mr. CONYERS) with now 180 sponsors. And in that hearing I offered as an example of the ugly hatred in America the description of the dismembered body of James Byrd out of Jasper, Texas. Although that community rose to the occasion, it was a horrific crime that saw his head severed from his body, being dragged along a road, his arm severed, his torso one other place. And I cited as well the horrible death of Matthew Shepherd, where his attackers beat him repeatedly, a gay person in Wyoming, and left him for dead. Tragically just a few weeks ago evidence of hatred in Illinois. We find out that racial violence in 1997, 58 percent against African Americans and 17 percent religious-biased, anti-semitic, sexual orientation 13 percent.

This bill answers the question of our concern. In particular it adds protection to religion and gender and sexual orientation, and it also provides a nexus to interstate commerce. It was tragic yesterday, Mr. Chairman, to hear the grandmother of the woman killed in California with her daughter and two daughters, the mother of this woman and the grandmother of these two daughters killed, and that grandmother repeated to us tragically that the only reason that man beat those women to death, the mother and her two daughters, was because I wanted to kill women.

Mr. Chairman, I can tell my colleagues that now is the time for us to act. The Senate passed the Hate Crimes Prevention Act more than 2 months ago. I believe we have a crisis, and I believe the American people want us to set high community standards, and those community standards, Mr. Chairman, are in fact to pass a Hate Crimes Prevention act.

I would say we have a crisis, we have an emergency, and I would seek a waiver, as has been on other amendments, to allow this amendment to be passed.

Mr. Chairman, I yield 30 seconds to the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip.

Mr. BONIOR. I would like to, Mr. Chairman, commend the gentlewoman from Texas for her amendment.

The Senate, as she has pointed out, has acted 2 months ago. We need to address the questions that she raises which are before this country in so very ugly ways, the James Byrd, the Matthew Shepherd, the Illinois situation and the hatred against women that happens in this country on a regular basis needs to be addressed. This legislation has many cosponsors, it needs to come to the floor, and I commend her for her activity on this issue; and I would hope my colleagues would find it in their hearts and minds to support this amendment tonight.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentlewoman for yielding, and once again she has brought to our attention a real emergency.

I heard my colleagues debating on the floor, double booking at telephone companies as some kind of an emergency. It does not rise to the same level that the nexus affords here that the gentlewoman from Texas (Ms. Jackson-Lee) has brought to our attention with reference to hate crimes. Churches and synagogues have been bombed and desecrated often in this country. Gays have been crucified, lesbians run out of towns, Jews, blacks, Hispanics and Asians are often set upon just because of their race, their national origin or their religion. This country fully expects all of us to do all we can to assist in alleviating these terrible crimes in our society, and this is a methodology that we might employ in order to be able to do that.

A blues singer once wrote that unless man puts an end to this damnable sin, hate will put the world in a flame. If there was ever an emergency that needed a waiver, this is the one.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. SERRANO), the distinguished ranking member.

Mr. SERRANO. Mr. Chairman, I thank the gentlewoman for the work she has done on this issue and to tell her that I agree with her, as I do with other Members, that this is a serious issue. If we really want to talk about emergency in this country, we have come a long way in race relations and in understanding each other, but we have a long way to go; and it seems that now, when we are having the better economic times, this whole issue seems to come back to haunt us, and it is time we did something about it, and I commend her on this work. That legislation with all those cosponsors should come to the floor. We should address this issue and not run away from it any longer.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentlewoman from Texas is recognized for 30 seconds.

Ms. JACKSON-LEE of Texas. Let me say, Mr. Chairman, in closing, and I would like to be able to yield to the

distinguished chairman, this is not a bill that is going to be rampant across the Nation, ensnaring any criminal that would act upon a violent act. This is specific. It deals with multiple weapons and multiple perpetrators as defined by the FBI, mutilation overkill. We will know when it is a hate crime. We will not have to convince prosecutors whether to proceed under a simple assault or murder as opposed to a hate crimes offense.

This is a crisis in our Nation. We must stand up and be heard that we do not adhere to hate crimes.

Mr. Chairman, I want to take this time to express my gratitude to Chairman HYDE and Ranking Member CONYERS for recently convening an oversight hearing on hate crimes violence in the House Judiciary. I listened with keen interest to the testimony of the panelists who were invited by the majority. They were overwhelmingly opposed to enacting H.R. 1082, the Hate Crimes Prevention Act of 1999. I was moved by the testimony of the victims and family of victims and I am convinced more now than ever before that Congress must move with all deliberate speed to enact H.R. 1082 this session.

Mr. Chairman, this nation just celebrated Independence day. We reaffirmed the truths that are self-evident, that all men [and women] are created equal, that they are endowed by their Creator with certain unalienable rights, that among these rights, are life, liberty and the pursuit of happiness. And yet there are individuals out there who believe that if you are not of their race, nationality, gender, religion or sexual orientation you do not deserve these rights.

Opponents of hate crimes legislation claim that prosecution of hate crimes would be indistinguishable from offenses that are presently on the books on the state and local level. I respect the sophistry and sophistication of the arguments that the witnesses posted. However, I must state in the most emphatic manner that I can that I disagree with their reasoning. I am sure that by now all of you are familiar with brutal murder of James Byrd. Can anyone honestly state that it is difficult to determine that his killers were motivated by racial animus as they dragged his struggling body behind their pickup truck until his head and right arm were sheared off upon striking a culvert in the road?

Is it that hard to perceive, after viewing Matthew Shepard's badly fractured skull and nearly frozen body left for dead that he was beaten by his savage attackers because he was gay? It is this kind of excessive brutality that readily indicates that a crime is intended to put a whole group in their place. The wounding of community spirit caused by these crimes is not addressed anywhere in our laws—hence the need for the Hate Crimes Prevention Act of 1999.

Benjamin Nathaniel Smith's intent was certainly clear, as he went on murderous, hate-filled rampage during the Fourth of July weekend in Illinois and Indiana. Smith, a follower of the white supremacist group, the World Church of the Creator, wounded six Orthodox Jews leaving their synagogue in Chicago on Friday, July 2, 1999. Later that day, former Northwestern University basketball coach Ricky Byrdsong died after being shot in the back by Smith while walking with two of his four young children near his suburban Chicago home. Smith then proceeded to fire at an Asian couple in the suburb of Northbrook, Illinois.

Mr. Smith's diabolical work did not end there. Saturday, July 3, 1999 Smith continued his assault by firing at two black men in Springfield, Illinois. Twelve hours later, near the University of Illinois, Smith shot at six Asian men. One of the men, a graduate student, was seriously wounded.

In the July 4th attack, Smith lay in wait outside of the Korean United Methodist Church in Bloomington, Indiana before fatally shooting 26-year-old Won-Joon Yoon in the back twice. Smith then ended his own life after being cornered by the police in a high speed chase. In the aftermath of this killing spree, people are asking why this 21-year-old college student and son of affluent parents committed such atrocities. Chicago Police Department spokesman Patrick Camden may have summed it up best when he said that ". . . beyond just pure hate, we may never know what set him off."

According to a Sunday, July 11, 1999 Washington Post article, hate is what led two brothers, Benjamin Matthew Williams and James Tyler Williams to have allegedly shot and killed a gay couple sleeping in their home north of San Francisco. These same brothers are suspects in the arsons at three Sacramento area synagogues where the damage is estimated to be more than $1 million. Police authorities discovered an arsenal in the Williams' car which included two assault rifles, two handguns, a shotgun and a substantial amount of ammunition. Authorities have also found in the brothers' home materials from the World Church of the Creator.

World Church of the Creator members have been connected to numerous hate crimes in recent years, including the 1993 bombing of an NAACP office in Tacoma, Washington, the 1997 beating of a black man and his teenage son outside a theater in Sunrise, Florida, and last year's beating of a Jewish video store owner in Hollywood, Florida.

The World Church of the Creator and its members are not the only individuals responsible for hate crimes. Indeed, the number of hate crimes may be vastly underreported. Silent victims afraid of reporting crimes to the police, bureaucratic snags and confusion over what constitutes a hate crime are some of the reasons such crimes are underreported and undercounted nationwide, experts say.

The Hate Crimes Statistics Act, passed in 1990, required the FBI to report annually on the number of bias crimes committed. The problem, according to Donald Green, a Yale University Professor of Political Science and an expert on hate crimes is that the reporting of hate crimes is voluntary. In the study that Professor Green conducted in the State of New York, for example, only 32 of the 502 law enforcement agencies submitted reports to the FBI in 1997. Nationwide, of the 100 most populous cities in the U.S., 10 did not participate in the reporting of hate crime data at all. Professor Green sums it up, thusly, "The places where hate crimes are taken seriously and reported get singled out as bastions of hate, [b]ut jurisdictions that don't give a hoot seem like happy bastions of tolerance."

What more has to happen before we move to pass H.R. 1082, the Hate Crimes Prevention Act of 1999? Existing federal laws are inadequate to assist the States and local authorities in prosecuting those who commit violent acts against others based upon race, color, national origin, religion, sexual orientation, gender or disability. H.R. 1082 would rectify this by making it a federal crime to commit a hate crime. I am a staunch supporter of the First Amendment right to freedom of speech. I defend an individual's right to believe in whatever his or her mind can so conceive, however morally repugnant. When these beliefs spawn hate-related violence, we need to have a mechanism to bring perpetrators like Benjamin Smith and Williams brothers to justice.

Currently, only 22 States and the District of Columbia have adopted hate crimes laws that extend protection to individuals targeted based on their sexual orientation. Only 22 States cover gender, and 21 cover disability. These critical gaps in State laws underscore the need for stronger hate crimes protection on the national level.

Out of the 8,049 hate crimes reported in the most recent FBI statistics, 58.5% were racially based; 17.2% were religious based; 10.4% were based on ethnicity; and 13.7% were based on sexual orientation.

This bill is bipartisan with more than 180 cosponsors, I am confident that H.R. 1082 will pass on the House floor, if partisan polarization does not kill the bill in committee. We in the Congress have a higher moral authority to address crimes that are an affront to human dignity; H.R. 1082 is the appropriate measure to address these particularly heinous crimes.

I ask the Chairman to accept this amendment.

Mr. Chairman, with the point of order now being expressed against this, let me ask that we can work on this together, and with great sadness I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas.

There was no objection.

Mr. ROGERS. Mr. Chairman I move to strike the last word.

I yield to the gentleman from Illinois (Mr. BLAGOJEVICH) to engage in a colloquy.

Mr. BLAGOJEVICH. Mr. Chairman, I have recently introduced legislation with the gentleman from Florida (Mr. STEARNS) regarding a national instant background check system. The NIC system has been, as my colleagues know, very successful. Since 1998 over 50,000 prescribed people have been restricted persons, that is, criminals and others are restricted from getting guns. We are learning that this is a tool that law enforcement can even do better with; and therefore this legislation would require the immediate notification of local law enforcement authorities when an individual fails an NICS background check. Even though criminals and other restricted persons who attempt to purchase firearms are in violation of Federal, State and local laws, rarely are such violations reported in a timely manner to proper law enforcement authorities.

Mr. Chairman, establishing a timely notification system would allow law enforcement to determine when they

believe that there is a threat to public safety in their communities. The Illinois State Police has recently established a voluntary program modeled on my legislation to notify local law enforcement of such checks. I hope to work with the gentleman from Kentucky (Mr. ROGERS) and the Justice Department to implement this system at a national level.

Mr. ROGERS. Mr. Chairman, I appreciate the gentleman bringing his proposal to our attention. We have not really had a full amount of time to study the proposal, but I would be happy to work with him to enhance our enforcement efforts.

Mr. BLAGOJEVICH. Mr. Chairman, if the gentleman would continue to yield, I would again like to thank him and the ranking member for their support and willingness to work with me on this very important matter. As my colleagues know, this is a concept that has the support of both Handgun Control and the NRA, and when we think of Charlton Heston, I have heard him several times talk about the necessity to enforce existing laws so that criminals do not get guns. It is as if he were playing Moses again, and he came down from the mountain top, and this was his eleventh commandment. I think we are working in that direction to do that, and I again would applaud the gentleman from Kentucky (Mr. ROGERS) for allowing us to work together on this.

□ 2000

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

Mr. Chairman, we are at the conclusion of this bill. We have several amendments ready for the Members to cast their votes on very shortly. Before we do that, I wanted to take a moment to thank some people for their help on this bill. This has been a tough bill to draft and to mark up and to process through this great body. We have had the cooperation of so many people.

I want to first mention my compadre, my friend, our coworker, the gentleman from New York (Mr. SERRANO), the ranking member of this subcommittee, who has been a real gentleman in his first year on the subcommittee, and that year as the ranking member. This is a tough bill to understand and to comprehend, it covers a lot of ground, and the gentleman did so with great grace and humor and expertise.

I want to thank him personally, as well as the chairman of the full committee, the gentleman from Florida (Mr. YOUNG) and the ranking member of the full committee, the gentleman from Wisconsin (Mr. OBEY), and all the members of the subcommittee who put so many hours into the hearings, a total of 23 hearings on this bill.

I want to thank the members of the full Committee, and, of course, the Members of this body who have paid attention to this debate, who participated, who had a lot of amendments and had their full say. So we appreciate that very much.

We would not be here without our staff on both sides of the aisle and of the Committee staff, who have done such a wonderful job in trying to keep track of all the amendments and all the major portions of this bill. The staff that is with us on the floor on both sides of the aisle, the staff in our offices, who participated in this as well. We could not be here without their great work in making this happen.

I want to say also, and I think my colleagues would join me, in saying what a great job the Chairman of this Committee of the Whole has done in governing the debate of this bill. The gentleman from Washington (Mr. HASTINGS) has done a wonderful job, and we all appreciate the great fairmindedness and fair-handedness with which he has handled this debate. We appreciate it.

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

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

Mr. SERRANO. Mr. Chairman, I also want to join the gentleman in thanking and congratulating the Chair. I have done that in the past, and hope to do it in the future, by the way, but I sat there in the past and know how it is. I also want to thank him for a very liberal stop watch. I think the word ''liberal'' is fitting at this point.

To you, Mr. Chairman, I want to thank you for setting the tone for the debate the last 2 days. They have been long hours, a lot of amendments, a lot of discussion, but I think your opening remarks kind of set the tone for the behavior.

I want to join the gentleman in thanking the staff on both sides and thanking the staffs in our offices, who only got to see us on TV and have not seen us for the last 2 days.

Once again, I want to thank you, sir, for the respect you show me and the courtesy you show me. No matter what the end vote is tonight, as we move on to conference and to the work we have to do, I look forward to working with you in the same friendship and amity that we have shared for all this time.

Mr. ROGERS. Mr. Chairman, reclaiming my time, I thank the gentleman.

The CHAIRMAN. The Clerk will read the last 3 lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000''.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 273, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

First amendment in House Report 106–284 by Mr. BASS of New Hampshire;

Amendment No. 13 by Mr. GEORGE MILLER of California;

Amendment by Mr. HAYWORTH of Arizona;

Amendment by Mr. TAUZIN of Louisiana;

Amendment No. 1 by Mr. KUCINICH of Ohio.

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

AMENDMENT OFFERED BY MR. BASS

The CHAIRMAN. The pending business is the demand for a recorded vote on the first amendment printed in House Report 106–284 offered by the gentleman from New Hampshire (Mr. BASS), on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 169, noes 256, not voting 8, as follows:

[Roll No. 381]

AYES—169

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barr
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berman
Biggert
Bishop
Blagojevich
Blunt
Boehlert
Bono
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Chabot
Clay
Clyburn
Conyers
Cook
Costello
Coyne
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dixon
Dreier
Duncan
Edwards
Ehlers
Engel
English
Eshoo
Evans
Farr
Filner
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Gejdenson
Gilchrest
Gilman
Goode
Goodling
Green (TX)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (WA)
Herger
Hinchey
Holden
Holt
Horn
Hostettler
Hulshof
Hunter
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Jones (NC)
Jones (OH)
Kaptur
Kasich
Kelly
Kennedy
Kingston
Kleczka
Kucinich
LaFalce
Lampson
Larson
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Maloney (CT)
Manzullo
Martinez
Matsui
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller, Gary
Miller, George
Mink
Moakley
Myrick
Nadler
Napolitano
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Petri
Pitts
Portman
Quinn
Radanovich
Ramstad
Reynolds
Rodriguez
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Ryun (KS)
Sanchez
Sanders
Sawyer
Schakowsky
Sensenbrenner
Serrano
Shays
Sherman
Sherwood
Simpson
Slaughter
Stark
Sununu
Tancredo
Tauscher
Taylor (MS)
Terry
Thompson (MS)
Thornberry
Tiahrt
Toomey
Towns
Udall (CO)
Velazquez
Walden
Wamp
Waters
Waxman
Weldon (PA)
Whitfield
Wise
Woolsey

NOES—256

Aderholt
Archer
Armey
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (NE)
Barrett (WI)
Barton
Bateman
Berkley
Berry
Bilirakis
Bliley
Blumenauer
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chambliss
Chenoweth
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dunn
Ehrlich
Emerson
Etheridge
Everett
Ewing
Fattah
Fletcher
Foley
Ford
Fossella
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Hansen
Hastings (FL)
Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Hooley
Houghton
Hoyer
Hutchinson
Inslee
Isakson
Istook
Jefferson
John
Johnson, E.B.
Johnson, Sam
Kanjorski
Kildee
Kilpatrick
Kind (WI)
King (NY)
Klink
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Markey
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McKeon
Meek (FL)
Meeks (NY)
Metcalf
Mica
Miller (FL)
Minge
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pease
Peterson (MN)
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Riley
Rivers
Roemer
Rogan
Rogers
Ros-Lehtinen
Roukema
Ryan (WI)
Sabo
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Scott
Sessions
Shadegg
Shaw
Shimkus
Shows
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thune
Thurman
Tierney
Traficant
Turner
Udall (NM)
Upton
Vento
Visclosky
Vitter
Walsh
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Bilbray
Frank (MA)
Lantos
Leach
McDermott
Mollohan
Peterson (PA)
Reyes

□ 2025

Ms. MCCARTHY of New York, and Messrs. DEUTSCH, ROEMER, PHELPS, ROGAN, KING, and WU, Mrs. MALONEY of New York, Mr. CUMMINGS, and Mr. DOYLE changed their vote from ''aye'' to ''no.''

Messrs. PITTS, GILCHREST, TIAHRT, and BEREUTER, Ms. DEGETTE, and Messrs. MCHUGH, HOLDEN, and ROHRABACHER, Ms. SLAUGHTER, Ms. NAPOLITANO, and Mr. WHITFIELD changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 273, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 13 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 13 offered by the gentleman from California (Mr. GEORGE MILLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 211, noes 215, not voting 7, as follows:

[Roll No. 382]

AYES—211

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bilirakis
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Campbell
Capps
Capuano
Cardin
Carson
Chabot
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crane
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Franks (NJ)
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Larson
Lee
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pickett
Pomeroy
Portman
Price (NC)
Rahall
Ramstad
Rangel
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shays
Sherman
Shows
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—215

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Menendez
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Ose
Oxley
Packard
Pease
Pickering
Pitts
Pombo
Porter
Pryce (OH)
Quinn
Radanovich
Regula
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Schaffer
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey

Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Bilbray
Frank (MA)
Lantos
McDermott
Mollohan
Peterson (PA)
Reyes

□ 2034

Mr. ROTHMAN and Mr. DOOLEY of California changed their vote from ''nay'' to ''yea.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HAYWORTH

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

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 217, noes 209, not voting 7, as follows:

[Roll No. 383]

AYES—217

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Berry
Biggert
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Gallegly
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—209

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilchrest
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Larson
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—7

Bilbray
Frank (MA)
Lantos
McDermott
Mollohan
Peterson (PA)
Reyes

□ 2042

Mr. HOBSON and Mr. DAVIS of Virginia changed their vote from ''nay'' to ''yea.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TAUZIN

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

The Clerk will designate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 374, noes 49, not voting 10, as follows:

[Roll No. 384]

AYES—374

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
Delahunt
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Fattah
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter

Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McGovern
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Ose
Oxley
Packard
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—49

Baird
Barrett (WI)
Brown (OH)
Clement
Conyers
Coyne
DeGette
DeLauro
Deutsch
Doggett
Eshoo
Farr
Filner
Forbes
Franks (NJ)
Frelinghuysen
Gejdenson
Hinchey
Kucinich
LaFalce
Largent
Lee
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Markey
Martinez
McCarthy (MO)
McHugh
McKinney
Miller, George
Mink
Nadler
Oberstar
Obey
Owens
Pallone
Pomeroy
Rogers
Royce
Sanders
Schakowsky
Stark
Stupak
Waters
Waxman
Wilson

NOT VOTING—10

Bilbray
DeFazio
Edwards
Gutierrez
Lantos
Levin
McDermott
Mollohan
Peterson (PA)
Reyes

□ 2049

Ms. PELOSI changed her vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. LEVIN. Mr. Chairman, I was absent on rollcall vote 384. Had I been present, I would have voted ''aye.''

AMENDMENT NO. 1 OFFERED BY MR. KUCINICH

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from Ohio (Mr. KUCINICH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 196, noes 226, not voting 11, as follows:

[Roll No. 385]

AYES—196

Abercrombie
Ackerman
Aderholt
Andrews
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett (WI)
Bartlett
Berkley
Bilirakis
Bishop
Blagojevich
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burton
Capps
Capuano
Carson
Chabot
Chenoweth
Clay
Clayton
Clyburn
Coburn
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dixon
Doggett
Doyle
Duncan
Emerson
Engel
Evans
Everett
Farr
Fattah
Filner
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Gephardt
Gibbons
Gilman
Goode
Goodling
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hayes
Hilleary
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hostettler
Hunter
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Klink
Kucinich
Lee
Lewis (GA)
Lipinski
LoBiondo
Lucas (OK)
Luther
Markey
Martinez
Mascara
McCarthy (NY)
McGovern
McHugh
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Murtha
Nadler
Ney
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Pelosi
Peterson (MN)
Phelps
Pickering
Pitts
Pombo
Pomeroy
Quinn
Rahall
Riley
Rivers
Roemer
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryun (KS)
Sanders
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sherman
Shows
Shuster
Sisisky
Slaughter
Smith (NJ)
Spratt
Stabenow
Stark
Strickland
Stupak
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Thompson (MS)
Thurman
Tiahrt
Tierney
Towns
Traficant
Udall (NM)
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wicker
Wise
Wolf
Woolsey
Wynn
Young (FL)

NOES—226

Allen
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Cox
Crane
Cunningham
Davis (FL)
Davis (VA)
DeLay
DeMint
Dickey
Dicks
Dingell
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
English
Eshoo
Etheridge
Fletcher
Foley
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hinojosa
Hobson
Hoekstra
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kasich
Kind (WI)
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Manzullo
Matsui
McCarthy (MO)
McCollum
McCrery
McInnis
McKeon
Menendez
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Neal
Nethercutt
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pastor
Payne
Pease
Petri
Pickett
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Ramstad
Rangel
Regula
Reynolds
Rodriguez
Rogan
Rogers
Roukema
Royce
Ryan (WI)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Toomey
Turner
Udall (CO)
Upton
Vitter
Walden
Watkins
Watts (OK)
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wilson
Wu
Young (AK)

NOT VOTING—11

Bilbray
Bliley
Cubin
Ewing
Istook
Lantos
McDermott
Mollohan
Peterson (PA)
Reyes
Stearns

□ 2055

Ms. PELOSI changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. STEARNS. Mr. Chairman, on rollcall No. 385, I was inadvertently detained. Had I been present, I would have voted ''yes.''

Stated against.

Mr. EWING. Mr. Chairman, on rollcall No. 385, I was inadvertently detained. Had I been present, I would have voted ''no.''

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in opposition to H.R. 2670, the Commerce, Justice, State and Judiciary Appropriations Bill for Fiscal Year 2000.

This is my first year on the Appropriations Committee as well as on the Commerce-Justice Subcommittee, and I have very much enjoyed my tenure so far. Chairman HAL ROGERS, who has served on the subcommittee for many years and who demonstrated his experience through weeks of budget oversight hearings, graciously welcomed my participation and made me and other new members of the subcommittee feel at home. The new members also include JOSÉ SERRANO, who has been a pleasure to work with and has demonstrated outstanding ability as ranking member.

The wide range of agencies and activities funded by the bill present a real challenge. The FBI, the Drug Enforcement Administration (DEA), the Bureau of Prisons in the Department of Justice and the trade, science, and economic development activities of the Department of Commerce as well as the operations of the State Department, create significant budget tensions as we wrestle with the fairest way in which to distribute our limited budget allocation. In addition to the entire judicial branch of government, the bill also funds important independent agencies such as the Federal Communications Commission (FCC), the Securities and Exchange Commission (SEC), and the Small Business Administration (SBA). To say this is a complex bill to put together and to fund adequately is an understatement.

I would like to thank Chairman ROGERS for including a number of projects and issues that are important to me, my congressional district and California.

Funding is included for two important crime prevention activities which affect my district directly. The Los Angeles Dads Young Men and Fathers Program is a collaborative effort between the juvenile court and community schools and the Los Angeles County Probation Department working together with law enforcement, business and community partners. This program reaches out to males, ages 14 to 18, who are under the authority of the Juvenile Court and are either fathers themselves or father figures. The goal is to help young fathers take responsibility for the health and well-being of their families and themselves.

Funding is also provided for a community violence initiative in Los Angeles that will expand the successful LAPD domestic abuse response team that both deals with women and children at the scene and allocates special investigative and prosecution services to act quickly against crimes of domestic violence.

I was also pleased that the full committee adopted report language about sexual misconduct by staff of the Bureau of Prisons (BOP). The Bureau of Prisons generally has a good record of dealing with sexual misconduct by staff and sexual harassment of female inmates. However, a recent General Accounting Office report revealed that there were some deficiencies in the records maintained by BOP about sexual abuse that prevented them from recognizing trends and responding to problem areas. The language directs BOP to comply with the GAO recommendations, and I'm pleased that BOP already is moving ahead to do so.

Several items are of enormous importance to California.

The State Criminal Alien Assistance Program (SCAAP) is funded at last year's funding level, $585 million. However, I will be working with other members of a united California delegation to see if we can't increase this funding level to $650 million this year. California will spend over $570 million this year for housing and parole supervision of undocumented aliens. Since California receives only a portion of this SCAAP funding, it is important to raise this funding level as high as possible.

Within Community Oriented Policing Services, the methamphetamine program is very important to California. Recent Justice Department statistics indicate that 90% of the ''meth'' seized throughout the United States originated in California. These funds will assist the California Bureau of Narcotics in coping with this newer but alarming drug threat.

As a coastal state, California is very dependent on the important oceanic and atmospheric research underway by NOAA's National Ocean Service. Funding for the geodesy programs will play a key role in the important research underway at the Scripps Institute at the University of California at San Diego and its California Spatial Reference Center.

Despite these many worthwhile initiatives, I will reluctantly have to vote against the bill.

Simply put, this bill's budget allocation is not sufficient to fund the many other deserving programs and activities carried out by the Departments of State, Justice, and Commerce.

Trying to overcome this inadequate funding, the Republican majority has decided to designate $4.5 billion for the census to be emergency spending outside the budget caps and our budget allocation. However, the total amount is still nearly $3 billion less than the President's budget request. As a result, many programs or agencies are cut severely, and other important agencies are set at the level of last year's appropriations bill, meaning they must absorb both cost-of-living adjustments for personnel and other uncontrollable cost increases.

In addition, the bill provides no funding for the President's 21st Century policing initiative modeled after the Community Oriented Policing Services (COPS) initiative which has been so successful in helping our cities and communities reduce crime. The original committee recommendation cut Legal Services Corporation severely—from $300 million to $141 million—thereby undermining our commitment to ensuring that all Americans, regardless of income, have access to the judicial system. Reduced funding affects the FBI, the DEA, anti-drug program initiatives as well as activities to protect against chemical and biological weapons and other counter-terrorism activities. The successful Advanced Technology Program, which Congress has established at a level of approximately $200 million for many years, is eliminated. Inadequate funding is provided for the President's Lands Legacy initiative, and other National Oceanic and Atmospheric Administration (NOAA) funding is significantly reduced. The SBA's salaries and expenses account is cut so severely that the Office of Management and Budget (OMB) estimates that 75 percent of the agency's current staff level—up to 2,400 staff positions—would have to be eliminated. There is no funding for SBA's promising new markets initiatives which many of us are counting on to spur economic development in targeted urban and rural areas.

In short, the funding is inadequate, so our bill falls short of what the American people require and should expect from the important programs and agencies in this bill. I believe Chairman ROGERS and those who serve on this subcommittee recognize its shortcomings, and I believe we will need to make this a far better bill before it becomes law later this year.

Although I must in all good conscience vote against the bill today, I will be working with Chairman ROGERS, Ranking Democrat SERRANO and the rest of our members to fund this bill adequately and pass it into law so our people and our communities can continue to receive the types of assistance provided in this bill, and we can work together to fight crime, improve trade, stimulate economic development, and carry out the many important activities represented by the Commerce-Justice-State bill.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in strong opposition to this appropriations bill because it cuts funding for some of the most important programs that we provide for this nation.

For instance, this bill seriously cuts funding for the COPS program by 81%. When President Clinton was first elected in 1992, he promised to put 100,000 additional cops on the streets. With the help of Congress, he managed to do this. However, it is imprudent to think that the hiring of these cops is enough. There is still much more we can do to ensure that our streets are safe.

President Clinton asked for funding to his 21st Century Policing Initiative which would put 50,000 more officers in our districts. It would also allow our communities to hire new prosecutors, and more importantly it would expand community-based prevention efforts. We need to continue funding this program adequately to ensure that our streets are safe. Unfortunately, H.R. 2670 does not do that.

And I am extremely disappointed that this bill eliminates funding for the East-West and the North-South Centers.

The East-West Center is an internationally respected research and educational institution based in Hawaii with a 39-year record of achievement. It is an important forum for the development of policies to promote stability and economic and social development in the Asia-Pacific region.

The Asia-Pacific region accounts for more than half the world's population, about a third of the world's economy, and vast marine and land resources. The United States has a vital national interest in connecting itself in partnership with the region. As the Asia-Pacific region continues to develop and change, it is essential that the United States be seen as a part of the region rather than an outsider.

The East-West Center is the only program that has a strategic mission of developing a

consensus on key policy issues in U.S.-Asia-Pacific relations through intensive cooperative research and training. Likewise, the North-South Center plays a key role in the development of U.S. interest in Latin America.

These Centers are small but very cost-effective organizations. They complement the foreign policy objectives of the United States by providing another dimension of engagement with leaders in Asia, the Pacific. And they help to increase the mutual understanding and cooperation that is essential for constructive relationships among the nations of these important regions. They must not be cut.

H.R. 2670 also appropriates $4.8 billion for the Census Bureau. Although this is an increase of $3.4 billion, the appropriators designated $4.5 billion of this as emergency spending.

This should not be classified as an emergency. It is not an emergency. We have known for over 200 years that we were going to need money for the 2000 Census; it is required by our Constitution. We have had all that time to plan for this Census, yet we did nothing.

Classifying this money as emergency spending, does nothing more than take money away from our surpluses. We keep taking money away from our surpluses for emergencies that aren't really emergencies. Our surpluses should be reserved for saving Social Security and Medicare.

In all actuality, we don't even have surpluses to use for this emergency spending. This excess money that we keep touting as our wonderful budget surpluses is Social Security's money. If we don't count the revenue that is brought in from Social Security taxes, our surplus would be nonexistent.

An increase to the Census Bureau is essential. The 1990 census left out four million Americans. It was the most inaccurate census in history, and the undercount severely impacted communities with large minority populations. For Asians and Pacific Islanders, the undercount was 2.3 percent, which led to a significant reduction in funding for federal programs.

According to the National Academy of Sciences, the key to an accurate census is the use of modern statistical methods. However, a recent Supreme Court decision is requiring the Census Bureau to do a traditional head count next year. That system is an expensive, slow and cumbersome process. And it is incredibly difficult to count the urban and rural poor and minorities under the traditional approach. The increased funding is needed to ensure everyone is counted.

We cannot afford to make the same mistakes as we did in 1990. The stakes are too high. We need increased funding, however, we can't do it at the expense of Social Security and Medicare.

Unfortunately, I could go on and on about the horrible cuts in this bill.

For instance, cuts in the Small Business Administration could lead to the elimination of 75% of the agency's current staff level. My colleagues across the aisle are often touting their commitment to small businesses, however, this bill fails to live up to their promises. It is apparent from this bill, that their main concern does not lie with small businesses but with large ones.

The Small Business Administration is vital to small business across the country. It provides technical services, financial advice, and general support for those businesses. Large corporations have the luxury of in-house counsel to assist in these needs. Small businesses do not. They often turn to the SBA to provide them with the guidance and assistance they need. Unfortunately, without the proper staffing levels, the SBA will be unable to assist the majority of the businesses that make requests for help.

This bill also has deep cuts in the National Oceanic and Atmospheric Administration and the National Weather Service that will have a devastating impact on all Americans. The National Weather Service is essential to the safety of every single one of us. I am always amazed when there is an effort to eliminate or cut the funding for this agency.

The National Weather Service provides warnings to thousands of Americans about tornadoes, hurricanes, flash floods, and countless other weather conditions that are or could be dangerous to communities. Because of these warnings, thousands of lives are saved each year. In my state of Hawaii, it is essential that we are kept up to date about possible hurricanes.

I cannot support a bill that could hurt my state's ability to deal with these natural disasters.

This bill has a number of good things in it. It calls for increases in a number of extremely important programs and services. However, I cannot support it. I cannot support this bill, because at the same time it increases funding for essential and vital programs, it slashes or eliminates funding for countless others.

Because of these unwise and crippling cuts, I urge my colleagues to oppose H.R. 2670.

Mr. COSTELLO. Mr. Chairman, I want to express my concerns about the funding level included in this bill for NOAA's programs, particularly those of the National Weather Service. The funding levels in this bill fall short of the Administration's request and the Science Committee's recommendations for these programs.

The programs of the National Weather Service are of great importance to the people of my district, and indeed to all of our constituents. Over the past few Congresses, we have invested several billion dollars in the weather service modernization program. The Weather Service has not completed the deployment of the Advanced Weather Information Processing System (AWIPS). Now, when we are about to reap the largest benefits of this program, we are unable to provide the additional $18 million to deploy advanced software which will improve severe storm warning lead times, reduce false alarm rates, and improve severe storm detection—improvements which can save lives. The importance of this new technology was recently demonstrated during the May tornado outbreak in Oklahoma and Kansas. The funding levels in this bill represent a penny-wise, pound-foolish approach to government spending.

In order to accommodate the funding needs of the Small Business Administration and the Census Bureau, the Committee designated almost $5 billion dollars as ''emergency'' spending to take these expenditures off-budget. I don't deny the importance of these programs, but they can hardly be classified as emergencies. We know the Census Bureau has a constitutional responsibility to conduct the census periodically. The Small Business Administration programs are worthy of our support, but if they are funded under emergency provisions, I cannot understand why we wouldn't fully fund the National Weather Service Programs under the same criteria.

The National Weather Service is a critical federal agency that affects every citizen, every day. The employees in the National Weather Service offices across this country need adequate resources to continue to deliver the fine service to us that we have all become accustomed to. I hope that the Conference with the Senate will produce a bill that contains more realistic funding levels for NOAA and for the other essential programs funded under this appropriations bill.

Mr. SMITH of Washington. Mr. Chairman, I rise today in support of funding to help the Northwest Region respond to the listings of 13 salmon and steelhead populations under the Endangered Species Act and to implement the recently signed Pacific Salmon Treaty between the U.S. and Canada.

I understand that the Commerce, Justice, State Subcommittee was unable, under the current allocations, to provide funding for these administration requests. Unfortunately, this puts our region in a very difficult position for trying to comply with the federal law.

In March, the National Marine Fisheries Service listed the salmon and steelhead populations whose habitat encompasses nearly the entire west coast. In the Puget Sound region, which I represent, we are working to respond to these listings. The listings threaten to completely halt all routine activities in the area such as development, operations of ports, and basic transportation projects.

Our state has responded positively, with both the state and local government taking a proactive approach to dealing with these problems, but federal funds are critical. Currently, we are working with the National Marine Fisheries Services to develop locally-driven, scientifically credible recovery strategies to restore these populations but we cannot do this alone. I ask that we find the federal funding to help address this situation.

In addition, I am extremely please about the recently announced agreement between the U.S. and Canada on the Pacific Salmon Treaty which sets harvest and conservation measures for the multi-jurisdictional salmon populations. This agreement solves a number of long-standing disputes and is an incredibly important step for saving the salmon in the Northwest region. Now, to ensure that the necessary conservation and restoration goals are met, the White House has asked Congress to create an endowment fund for both the Northern and Southern boundary areas. I strongly support Congress finding the funding to ensure implementation of this historic agreement.

Mr. BEREUTER. Mr. Chairman, this Member rises today to express his great appreciation to the Chairman of the Commerce, Justice, State, and Judiciary Subcommittee, the distinguished gentleman from Kentucky (Mr. ROGERS), and the Ranking Member on the Subcommittee, the distinguished gentleman from New York (Mr. SERRANO), and to all members of the Subcommittee for the inclusion of a $500,000 appropriation for planning and site money for a detention center in Grand Island, Nebraska.

This country's interior illegal immigration problems have grossly been ignored, in part

because the Immigration and Naturalization Service (INS) has been unwilling to acknowledge the exponential increase in the interior's illegal alien population. In addition to failing to acknowledge the population increase, the agency has not devoted the necessary funds for the development of the infrastructure to allow its officials to implement one of this country's fundamental immigration laws—that illegal aliens are to be deported from the United States.

Although the proposed project will not be in this Member's district, this Member strongly believes the facility will serve an important role in building the aforementioned infrastructure. The detention facility will provide a crucial link between the apprehension and the deportation of illegal aliens in Nebraska and Iowa. It will be beneficial not only in conjunction with worksite enforcement programs such as Operation Vanguard, which the Subcommittee mentions, but also with efforts to deter alien smuggling.

In recent years, Interstate 80, which traverses the states, has become a popular venue for alien smuggling. After apprehending suspected illegal aliens, the Immigration and Naturalization Service (INS) has few options for detaining the suspects. Detention space in county jails has become severely limited. As a city centrally located along I–80, Grand Island, Nebraska, certainly will serve well as the primary site of the modular detention center.

In closing Mr. Chairman, this Member wishes to acknowledge and express his most sincere appreciation for the assistance that Chairman ROGERS, the Subcommittee, especially the gentleman from Iowa (Mr. LATHAM), and the Subcommittee staff provided thus far on this important project.

The CHAIRMAN. There being no further amendments under a previous order of the House, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. QUINN) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes, pursuant to House Resolution 273, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BONIOR. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BONIOR moves to recommit the bill H.R. 2670 to the Committee on Appropriations with instructions to report the same back to the House with an amendment that increases the amount provided for community oriented policing services to the amount requested in the President's budget, with corresponding adjustments to keep the bill within the committee 302(b) allocation.

POINT OF ORDER

Mr. OBEY. Mr. Speaker, I make a point of order that the House could not hear the motion, and I would ask that the Clerk reread the motion.

The Speaker pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The Clerk will reread the motion.

The Clerk reread the motion to recommit.

□ 2100

Mr. BONIOR. Mr. Speaker, before I begin, let me just take this opportunity to commend the distinguished gentleman from Washington State (Mr. HASTINGS) for the efficient and fair way in which he handled the proceedings over the last 2 days and, I might also add, the way that the chairman of the committee the gentleman from Kentucky (Mr. ROGERS) and the gentleman from New York (Mr. SERRANO) have also conducted themselves. We appreciate their work this evening.

Mr. Speaker, the shootings in Littleton, Atlanta, and just today in Pelham, Alabama, strike fear into our hearts. As parents, we worry about our children. We worry about our safety. We worry about our children's safety in the schools.

Fortunately, Mr. Speaker, the statistics show that crime is declining in America. Thanks to the bravery and the hard work of our police, the numbers of burglaries and assaults and vehicle thefts and murders and robberies all dropped again last year.

But we still have a long way to go. We need tougher law enforcement. We need to keep our streets and our schools and our homes safe. We cannot do any of this without more police officers in our communities, Mr. Speaker, walking the beat, patrolling our neighborhoods, cracking down on crime.

The COPS program helps local police departments hire more officers and puts them out on the street. To date this funding has put 80,000 officers into action across this country fighting crime and getting results.

In my district alone, 85 extra police officers now walk the beat or patrol the streets. Just this spring, Macomb County, Port Huron, Fort Gratiot, Capac and Clay Townships all got grants to hire new officers. And that has happened in every district throughout this country. They help avert problems before they happen and give people a sense of security.

Mr. Speaker, all this is happening in communities, as I say, across the country. So why in the world would this Congress slash funding for more police officers? Why would we cut $1 billion below last year's level? It just does not make any sense.

I am offering this motion to restore full funding for the COPS program for community policing so that we can win the war on crime.

The President has promised to veto this bill if it arrives at his desk without enough money to hire police that this country needs. If we are going to win the fight against crime, we are going to have to restore these monies.

Mr. Speaker, we are going to win this battle. It is going to happen either tonight in this motion or it is going to happen in conference. But we will win this battle.

Let us send back this bill and fund the COPS program and then bring it back to this body. Please vote ''yes'' on the motion to recommit.

Mr. ROGERS. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, this bill provides $268 million, that is the authorized level, for fiscal 2000 for the COPS program. Every penny of the authorized level is in this bill.

About 3 weeks ago there was a big ceremony down at the White House where they celebrated, they say, the addition and the completion of the COPS program, 100,000 cops on the beat. Now they want a new program. We fully funded the COPS program as we have known it. Now they want a new program.

In fact, the administration's request is not only not authorized, but the administration has not even bothered to submit authorizing legislation for this new $1.3 billion program.

Instead of the administration's so-called COPS II program, this bill provides big grant programs for our local and State police. It gives our local governments the ability to decide how best to spend the money on fighting crime, not what some bureaucrat in Washington says we should do in spending the money.

By the way, on school violence, in this bill is $192.5 million for school violence programs, $130 million for local law enforcement technology grant, $25 million for bulletproof vests for law enforcement, and $285 million for juvenile justice prevention programs.

In this bill is the Congressional version of COPS, the local grants that allow our communities to decide how and when to spend the money. It does not require a matching grant, as does the COPS program. We give it all, and we do not limit it to what they can spend it for.

In this bill we provide $1.2 billion, more than the administration requested, for State and local law enforcement; $523 million for local law enforcement block grants, they requested zero; $686 million for truth-in-sentencing block grants, they requested $75 million; $250 million for the

juvenile accountability block grant, they requested zero; $585 million for the State Criminal Alien Assistance Program, more than they requested; $552 million for the Byrne Grant Program, for which they requested $100 million less.

These grants provide the assistance to our State and local law enforcement that they want, not what the bureaucrats in Washington want.

These are the programs, my colleagues, that would be required to be cut to fund this new, unauthorized COPS program that the administration feels so strongly about that they have not even bothered to send up legislation to authorize it. These are the programs that have helped bring about the crime rate reductions that are making historic notes today.

We can tell our colleagues today that, mainly because of the local block grants that this Congress provided over the last 3 years, the violent crime rate is at its lowest level since it has been recorded. These are the programs that would be cut by this recommittal amendment.

Let me finish by saying this: This motion would kill this bill. It would require the whole bill to go back to subcommittee and full committee for rehearings and a re-determination of how we would fund the cut required by this amendment.

We would be here tomorrow, we would be here Saturday, we would be here next week, at least, trying to find the money. I urge a ''no'' vote.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion to recommit offered by the gentleman from Michigan (Mr. BONIOR).

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

RECORDED VOTE

Mr. BONIOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 208, noes 219, not voting 6, as follows:

[Roll No. 386]

AYES—208

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—219

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Bilbray
Lantos
McDermott
Mollohan
Peterson (PA)
Reyes

□ 2125

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. ARMEY was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Speaker, I would like to announce the schedule for the rest of the evening.

Mr. Speaker, we will next take up the rule for VA–HUD which is debatable for 1 hour. We expect a recorded vote on the VA–HUD rule.

We then plan to call up the conference report on H.R. 1905, the Legislative Branch Appropriations Act. The conference report will be debated for 20 minutes, followed by a recorded vote. Mr. Speaker, Members should note that we expect the vote on the Legislative Branch conference report to be the last vote for the evening.

The House will then consider a number of noncontroversial bills:

H.R. 2116, the Veterans Millennium Health Care Act; a motion to go to conference on S. 1467, a bill to extend the funding levels for aviation programs for 60 days; S. 507, the conference report for the Water Resources Development Act.

Mr. Speaker, that means we will be in late tonight, but I know that Members will be pleased to finish all legislative business tonight so that they can return to their districts and their families first thing in the morning.

The SPEAKER pro tempore (Mr. QUINN). The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The Chair will remind the Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 217, nays 210, not voting 7, as follows:

[Roll No. 387]

YEAS—217

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chambliss
Coble
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hilleary
Hobson
Hoekstra
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (NY)
Manzullo
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pease
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Traficant
Vitter
Walden
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Watkins
Watts (OK)
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Young (AK)
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NAYS—210

Ackerman
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Andrews
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Barrett (WI)
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Blumenauer
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Borski
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Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
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Chenoweth
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Condit
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
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Edwards
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Fattah
Filner
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Frank (MA)
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Green (TX)
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Hall (OH)
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Hinojosa
Hoeffel
Holden
Holt
Hooley
Hostettler
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Klink
Kucinich
LaFalce
Lampson
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schaffer
Schakowsky
Scott
Sensenbrenner
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—7

Bilbray
Kleczka
Lantos
McDermott
Mollohan
Peterson (PA)
Reyes

□ 2142

Mr. DINGELL changed his vote from ''yea'' to ''nay.''

Mr. CRANE and Mr. ROHRABACHER changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. KLECZKA. Mr. Speaker, on rollcall No. 387, I was unavoidably detained. Had I been present, I would have voted ''no.''

CONFERENCE REPORT ON H.R. 2587, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

Mr. ISTOOK submitted the following conference report and statement on the bill (H.R. 2587) 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, 2000, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–299)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2587) ''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, 2000, and for other purposes'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—FISCAL YEAR 2000 APPROPRIATIONS

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia for a program to be administered by the Mayor for District of Columbia resident tuition support, subject to the enactment of authorizing legislation for such program by Congress, $17,000,000, to remain available until expended: Provided, That such funds may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, usable at both public and private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit and such other factors as may be authorized: Provided further, That if the authorized program is a nationwide program, the Mayor may expend up to $17,000,000: Provided further, That if the authorized program is for a limited number of states, the Mayor may expend up to $11,000,000: Provided further, That the District of Columbia may expend funds other than the funds provided under this heading, including local tax revenues and contributions, to support such program.

FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, $5,000,000: Provided, That such funds shall remain available until September 30, 2001 and shall be used in accordance with a program established by the Mayor and the Council of the District of Columbia and approved by the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That funds provided under this heading may be used to cover the costs to the District of Columbia of providing tax credits to offset the costs incurred by individuals in adopting children in the District of Columbia foster care system and in providing for the health care needs of such children, in accordance with legislation enacted by the District of Columbia government.

FEDERAL PAYMENT TO THE CITIZEN COMPLAINT REVIEW BOARD

For a Federal payment to the District of Columbia for administrative expenses of the Citizen Complaint Review Board, $500,000, to remain available until September 30, 2001.

FEDERAL PAYMENT TO THE DEPARTMENT OF HUMAN SERVICES

For a Federal payment to the Department of Human Services for a mentoring program and for hotline services, $250,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, $176,000,000 for the administration and operation of correctional

facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712): Provided, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That in addition to the funds provided under this heading, the District of Columbia Corrections Trustee may use a portion of the interest earned on the Federal payment made to the Trustee under the District of Columbia Appropriations Act, 1998, (not to exceed $4,600,000) to carry out the activities funded under this heading.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $99,714,000 to be allocated as follows: for the District of Columbia Court of Appeals, $7,209,000; for the District of Columbia Superior Court, $75,651,000; for the District of Columbia Court System, $8,854,000; and $8,000,000, to remain available until September 30, 2001, for capital improvements for District of Columbia courthouse facilities: Provided, That of the amounts available for operations of the District of Columbia Courts, not to exceed $2,500,000 shall be for the design of an Integrated Justice Information System and that such funds shall be used in accordance with a plan and design developed by the courts and approved by the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration [GSA], said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $33,336,000, to remain available until expended: Provided, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use a portion (not to exceed $1,200,000) of the interest earned on the Federal payment made to the District of Columbia courts under the District of Columbia Appropriations Act, 1999, to make payments described under this heading for obligations incurred during fiscal year 1999 if the Comptroller General certifies that the amount of obligations lawfully incurred for such payments during fiscal year 1999 exceeds the obligational authority otherwise available for making such payments: Provided further, That such funds shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration [GSA], said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, (Public Law 105–33; 111 Stat. 712), $93,800,000, of which $58,600,000 shall be for necessary expenses of Parole Revocation, Adult Probation, Offender Supervision, and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; $17,400,000 shall be available to the Public Defender Service; and $17,800,000 shall be available to the Pretrial Services Agency: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That of the amounts made available under this heading, $20,492,000 shall be used in support of universal drug screening and testing for those individuals on pretrial, probation, or parole supervision with continued testing, intermediate sanctions, and treatment for those identified in need, of which $7,000,000 shall be for treatment services.

CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal contribution to the Children's National Medical Center in the District of Columbia, $2,500,000 for construction, renovation, and information technology infrastructure costs associated with establishing community pediatric health clinics for high risk children in medically underserved areas of the District of Columbia.

FEDERAL PAYMENT FOR METROPOLITAN POLICE DEPARTMENT

For payment to the Metropolitan Police Department, $1,000,000, for a program to eliminate open air drug trafficking in the District of Columbia: Provided, That the Chief of Police shall provide quarterly reports to the Committees on Appropriations of the Senate and House of Representatives by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the project financed under this heading.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $162,356,000 (including $137,134,000 from local funds, $11,670,000 from Federal funds, and $13,552,000 from other funds): Provided, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: Provided further, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor: Provided further, That, notwithstanding any other provision of law now or hereafter enacted, no Member of the District of Columbia Council eligible to earn a part-time salary of $92,520, exclusive of the Council Chairman, shall be paid a salary of more than $84,635 during fiscal year 2000.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $190,335,000 (including $52,911,000 from local funds, $84,751,000 from Federal funds, and $52,673,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Code, sec. 1–2271 et seq.), and the Business Improvement Districts Temporary Amendment Act of 1997 (D.C. Law 12–23): Provided, That such funds are available for acquiring services provided by the General Services Administration: Provided further, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase or lease of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $778,770,000 (including $565,511,000 from local funds, $29,012,000 from Federal funds, and $184,247,000 from other funds): Provided, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: Provided further, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of

the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: Provided further, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: Provided further, That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: Provided further, That $100,000 shall be available for inmates released on medical and geriatric parole: Provided further, That commencing on December 31, 1999, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia: Provided further, That up to $700,000 in local funds shall be available for the operations of the Citizen Complaint Review Board.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $867,411,000 (including $721,847,000 from local funds, $120,951,000 from Federal funds, and $24,613,000 from other funds), to be allocated as follows: $713,197,000 (including $600,936,000 from local funds, $106,213,000 from Federal funds, and $6,048,000 from other funds), for the public schools of the District of Columbia; $10,700,000 from local funds for the District of Columbia Teachers' Retirement Fund; $17,000,000 from local funds, previously appropriated in this Act as a Federal payment, for resident tuition support at public and private institutions of higher learning for eligible District residents; $27,885,000 from local funds for public charter schools: Provided, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for new public charter schools on a per pupil basis: Provided further, That $480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: $72,347,000 (including $40,491,000 from local funds, $13,536,000 from Federal funds, and $18,320,000 from other funds) for the University of the District of Columbia; $24,171,000 (including $23,128,000 from local funds, $798,000 from Federal funds, and $245,000 from other funds) for the Public Library; $2,111,000 (including $1,707,000 from local funds and $404,000 from Federal funds) for the Commission on the Arts and Humanities: Provided further, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: Provided further, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled ''An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes'', approved February 4, 1925 (D.C. Code, sec. 31–401 et seq.): Provided further, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2000 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2000, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: Provided further, That the District of Columbia Public Schools shall not spend less than $365,500,000 on local schools through the Weighted Student Formula in fiscal year 2000: Provided further, That notwithstanding any other provision of law, the Chief Financial Officer of the District of Columbia shall apportion from the budget of the Public Education System a sum totaling 5 percent of the total budget to be set aside until the current student count for Public and Charter schools has been completed, and that this amount shall be apportioned between the Public and Charter schools based on their respective student population count: Provided further, That the District of Columbia Public Schools may spend $500,000 to engage in a Schools Without Violence program based on a model developed by the University of North Carolina, located in Greensboro, North Carolina.

HUMAN SUPPORT SERVICES

Human support services, $1,526,361,000 (including $635,373,000 from local funds, $875,814,000 from Federal funds, and $15,174,000 from other funds): Provided, That $25,150,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That a peer review committee shall be established to review medical payments and the type of service received by a disability compensation claimant: Provided further, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, as defined in section 411(5) of the Stewart B. McKinney Homeless Assistance Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11371), providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to such Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $271,395,000 (including $258,341,000 from local funds, $3,099,000 from Federal funds, and $9,955,000 from other funds): Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered receivership, $342,077,000 (including $217,606,000 from local funds, $106,111,000 from Federal funds, and $18,360,000 from other funds).

WORKFORCE INVESTMENTS

For workforce investments, $8,500,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

RESERVE

For a reserve to be established by the Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority, $150,000,000.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (109 Stat. 97; Public Law 104–8), $3,140,000: Provided, That none of the funds contained in this Act may be used to pay any compensation of the Executive Director or General Counsel of the Authority at a rate in excess of the maximum rate of compensation which may be paid to such individual during fiscal year 2000 under section 102 of such Act, as determined by the Comptroller General (as described in GAO letter report B–279095.2).

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, approved December 24, 1973, as amended, and that funds shall be allocated for expenses associated with the Wilson Building, $328,417,000 from local funds: Provided, That for equipment leases, the Mayor may finance $27,527,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: Provided further, That $5,300,000 is allocated to the Metropolitan Police Department, $3,200,000 for the Fire and Emergency Medical Services Department, $350,000 for the Department of Corrections, $15,949,000 for the Department of Public Works and $2,728,000 for the Public Benefit Corporation.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,286,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act (105 Stat. 540; D.C. Code, sec. 47–321(a)(1)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, $9,000,000 from local funds.

CERTIFICATES OF PARTICIPATION

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, $7,950,000 from local funds.

OPTICAL AND DENTAL INSURANCE PAYMENTS

For optical and dental insurance payments, $1,295,000 from local funds.

PRODUCTIVITY BANK

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall finance projects totaling $20,000,000 in local funds that result in cost savings or additional revenues, by an amount equal to such financing: Provided, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the projects financed under this heading.

PRODUCTIVITY BANK SAVINGS

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and

the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions totaling $20,000,000 in local funds. The reductions are to be allocated to projects funded through the Productivity Bank that produce cost savings or additional revenues in an amount equal to the Productivity Bank financing: Provided, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the cost savings or additional revenues funded under this heading.

PROCUREMENT AND MANAGEMENT SAVINGS

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of $14,457,000 for general supply schedule savings and $7,000,000 for management reform savings, in local funds to one or more of the appropriation headings in this Act: Provided, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the general supply schedule savings and management reform savings projected under this heading.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For operation of the Water and Sewer Authority and the Washington Aqueduct, $279,608,000 from other funds (including $236,075,000 for the Water and Sewer Authority and $43,533,000 for the Washington Aqueduct) of which $35,222,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $197,169,000, as authorized by An Act authorizing the laying of watermains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes (33 Stat. 244; Public Law 58–140; D.C. Code, sec. 43–1512 et seq.): Provided, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982 (95 Stat. 1174 and 1175; Public Law 97–91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3–172; D.C. Code, sec. 2–2501 et seq. and sec. 22–1516 et seq.), $234,400,000: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, $10,846,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by the Act entitled ''An Act To Establish A District of Columbia Armory Board, and for other purposes'' (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.): Provided, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

DISTRICT OF COLUMBIA HEALTH AND HOSPITALS PUBLIC BENEFIT CORPORATION

For the District of Columbia Health and Hospitals Public Benefit Corporation, established by D.C. Law 11–212, D.C. Code, sec. 32–262.2, $133,443,000 of which $44,435,000 shall be derived by transfer from the general fund and $89,008,000 from other funds.

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Code, sec. 1–711), $9,892,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report: Provided further, That section 121(c)(1) of the District of Columbia Retirement Reform Act (D.C. Code, sec. 1–711(c)(1)) is amended by striking ''the total amount to which a member may be entitled'' and all that follows and inserting the following: ''the total amount to which a member may be entitled under this subsection during a year (beginning with 1998) may not exceed $5,000, except that in the case of the Chairman of the Board and the Chairman of the Investment Committee of the Board, such amount may not exceed $7,500 (beginning with 2000).''.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act (78 Stat. 1000; Public Law 88–622), $1,810,000 from other funds.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $50,226,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, $1,260,524,000 of which $929,450,000 is from local funds, $54,050,000 is from the highway trust fund, and $277,024,000 is from Federal funds, and a rescission of $41,886,500 from local funds appropriated under this heading in prior fiscal years, for a net amount of $1,218,637,500 to remain available until expended: Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 2001, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2001: Provided further, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse.

GENERAL PROVISIONS

SEC. 101. 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 under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official, and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: Provided, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the payment of the non-Federal share of funds necessary to qualify for grants under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994.

SEC. 108. 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. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform, the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District

of Columbia, or their duly authorized representative.

SEC. 111. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 115. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 116. None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in the Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project, or responsibility center; unless the Appropriations Committees of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

SEC. 117. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia government.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: Provided, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 119. (a) CITY ADMINISTRATOR.—The last sentence of section 422(7) of the District of Columbia Home Rule Act (D.C. Code, sec. 1–242(7)) is amended by striking '', not to exceed'' and all that follows and inserting a period.

(b) BOARD OF DIRECTORS OF REDEVELOPMENT LAND AGENCY.—Section 1108(c)(2)(F) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–612.8(c)(2)(F)) is amended to read as follows:

''(F) Redevelopment Land Agency board members shall be paid per diem compensation at a rate established by the Mayor, except that such rate may not exceed the daily equivalent of the annual rate of basic pay for level 15 of the District Schedule for each day (including travel time) during which they are engaged in the actual performance of their duties.''.

SEC. 120. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 121. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2000, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2000 revenue estimates as of the end of the first quarter of fiscal year 2000. These estimates shall be used in the budget request for the fiscal year ending September 30, 2001. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 122. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: Provided, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 123. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), the term ''program, project, and activity'' shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 124. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037: Public Law 99–177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

SEC. 125. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2000 if—

(1) the Mayor approves the acceptance and use of the gift or donation: Provided, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term ''entity of the District of Columbia government'' includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 126. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

SEC. 127. (a) The University of the District of Columbia shall submit to the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last quarter in compliance with applicable law; and

(5) changes made in the last quarter to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

(b) The Mayor, the Authority, and the Council shall provide the Congress by February 1, 2000, a summary, analysis, and recommendations on the information provided in the quarterly reports.

SEC. 128. Funds authorized or previously appropriated to the government of the District of Columbia by this or any other Act to procure the necessary hardware and installation of new software, conversion, testing, and training to improve or replace its financial management system are also available for the acquisition of accounting and financial management services and the leasing of necessary hardware, software or any other related goods or services, as determined by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 129. None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) if—

(1) the hourly rate of compensation of the attorney exceeds the hourly rate of compensation under section 11–2604(a), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11–2604(c), District of Columbia Code.

SEC. 130. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 131. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Code, sec. 36–1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 132. The Superintendent of the District of Columbia Public Schools shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget, broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the District of Columbia Public Schools; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(5) changes made in the last quarter to the organizational structure of the District of Columbia Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 133. (a) IN GENERAL.—The Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia public schools and the University of the District of Columbia for fiscal year 1999, fiscal year 2000, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia public schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) SUBMISSION.—The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

SEC. 134. (a) No later than October 1, 1999, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, and each succeeding year, the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301).

SEC. 135. The District of Columbia Financial Responsibility and Management Assistance Authority, acting on behalf of the District of Columbia Public Schools [DCPS] in formulating the DCPS budget, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve the respective annual or revised budgets for such entities before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

SEC. 136. (a) CEILING ON TOTAL OPERATING EXPENSES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2000 under the caption ''Division of Expenses'' shall not exceed the lesser of—

(A) the sum of the total revenues of the District of Columbia for such fiscal year; or

(B) $5,515,379,000 (of which $152,753,000 shall be from intra-District funds and $3,113,854,000 shall be from local funds), which amount may be increased by the following:

(i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs approved by the District of Columbia Financial Responsibility and Management Assistance Authority; or

(ii) after notification to the Council, additional expenditures which the Chief Financial Officer of the District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures, and that are approved by the Authority.

(2) ENFORCEMENT.—The Chief Financial Officer of the District of Columbia and the Authority shall take such steps as are necessary to assure that the District of Columbia meets the requirements of this section, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2000, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Mayor, in consultation with the Chief Financial Officer, during a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8; 109 Stat. 152), may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) of this subsection or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) QUARTERLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

(c) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 1999, the Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

SEC. 137. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 2000 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations

necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–101 et seq.) the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

SEC. 138. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia public schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

SEC. 139. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace (except: (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) INVENTORY OF VEHICLES.—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 1999, an inventory, as of September 30, 1999, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 140. (a) SOURCE OF PAYMENT FOR EMPLOYEES DETAILED WITHIN GOVERNMENT.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 2000 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(b) MODIFICATION OF REDUCTION IN FORCE PROCEDURES.—The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–601.1 et seq.), is further amended in section 2408(a) by deleting ''1999'' and inserting, ''2000''; in subsection (b), by deleting ''1999'' and inserting ''2000''; in subsection (i), by deleting ''1999'' and inserting, ''2000''; and in subsection (k), by deleting ''1999'' and inserting, ''2000''.

SEC. 141. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools [DCPS] student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education, or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 142. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 143. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) for fiscal year 2000 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1–1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 144. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the District of Columbia Financial Responsibility and Management Assistance Authority. Appropriations made by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans.

SEC. 145. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 146. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 147. None of the funds contained in this Act may be used to transfer or confine inmates classified above the medium security level, as defined by the Federal Bureau of Prisons classification instrument, to the Northeast Ohio Correctional Center located in Youngstown, Ohio.

SEC. 148. (a) Section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8), as added by Section 155 of the District of Columbia Appropriations Act, 1999, is amended to read as follows:

''(j) RESERVE.—

''(1) IN GENERAL.—Beginning with fiscal year 2000, the plan or budget submitted pursuant to this Act shall contain $150,000,000 for a reserve to be established by the Mayor, Council of the District of Columbia, Chief Financial Officer for the District of Columbia, and the District of Columbia Financial Responsibility and Management Assistance Authority.

''(2) CONDITIONS ON USE.—The reserve funds—

''(A) shall only be expended according to criteria established by the Chief Financial Officer and approved by the Mayor, Council of the District of Columbia, and District of Columbia Financial Responsibility and Management Assistance Authority, but, in no case may any of the reserve funds be expended until any other surplus funds have been used;

''(B) shall not be used to fund the agencies of the District of Columbia government under court ordered receivership; and

''(C) shall not be used to fund shortfalls in the projected reductions budgeted in the budget proposed by the District of Columbia government for general supply schedule savings and management reform savings.

''(3) REPORT REQUIREMENT.—The Authority shall notify the Appropriations Committees of both the Senate and House of Representatives in writing 30 days in advance of any expenditure of the reserve funds.''.

(b) Section 202 of such act (Public Law 104–8), as amended by subsection (a), is amended by adding at the end the following:

''(k) POSITIVE FUND BALANCE.—

''(1) IN GENERAL.—The District of Columbia shall maintain at the end of a fiscal year an annual positive fund balance in the general fund of not less than 4 percent of the projected general fund expenditures for the following fiscal year.

''(2) EXCESS FUNDS.—Of funds remaining in excess of the amounts required by paragraph (1)—

''(A) not more than 50 percent may be used for authorized non-recurring expenses; and

''(B) not less than 50 percent shall be used to reduce the debt of the District of Columbia.''.

SEC. 149. (a) No later than November 1, 1999, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority a revised appropriated funds operating budget for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301).

SEC. 150. None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug, or for any payment to any individual or entity who carries out any such program.

SEC. 151. (a) RESTRICTIONS.—None of the funds contained in this Act may be used to make rental payments under a lease for the use of real property by the District of Columbia government (including any independent agency of the District) unless—

(1) the lease and an abstract of the lease have been filed with the central office of the Deputy Mayor for Economic Development; and

(2)(A) the District of Columbia government occupies the property during the period of time covered by the rental payment; or

(B) within 60 days of the enactment of this Act the Mayor certifies to Congress and the landlord that occupancy is impracticable and submits with the certification a plan to terminate or renegotiate the lease or rental agreement.

(b) UNOCCUPIED PROPERTY.—After 120 days from the date of the enactment of this Act, none of the funds contained in this Act may be used to make rental payments for property described in subsection (a)(2)(B) of this section.

(c) SEMI-ANNUAL REPORTS BY MAYOR.—Not later than 20 days after the end of each 6-month period that begins on October 1, 1999, the Mayor of the District of Columbia shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate listing the leases for the use of real property by the District of Columbia government that were in effect during the 6-month period, and including for each such lease the location of the property, the name of any person with any ownership interest in the property, the rate of payment, the period of time covered by the lease, and the conditions under which the lease may be terminated.

SEC. 152. None of the funds contained in this Act or the District of Columbia Appropriations Act, 1999, may be used to enter into a lease on or after the date of the enactment of this Act (or to make rental payments under such a lease) for the use of real property by the District of Columbia government (including any independent agency of the District) or to purchase real property for the use of the District of Columbia government (including any independent agency of the District) or to manage real property for the use of the District of Columbia (including any independent agency of the District) unless—

(1) the Mayor certifies to the Committees on Appropriations of the House of Representatives and the Senate that existing real property available to the District (whether leased or owned by the District government) is not suitable for the purposes intended;

(2) notwithstanding any other provisions of law, there is made available for sale or lease all property of the District of Columbia which the Mayor from time to time determines is surplus to the needs of the District of Columbia;

(3) the Mayor implements a program for the periodic survey of all District property to determine if it is surplus to the needs of the District; and

(4) the Mayor within 60 days of the date of the enactment of this Act has filed a report with the appropriations and authorizing committees of the House and Senate providing a comprehensive plan for the management of District of Columbia real property assets and is proceeding with the implementation of the plan.

SEC. 153. Section 603(e)(2)(B) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104–208; 110 Stat. 3009-293) is amended—

(1) by inserting ''and public charter'' after ''public''; and

(2) by adding at the end the following: ''Of such amounts and proceeds, $5,000,000 shall be set aside for use as a credit enhancement fund for public charter schools in the District of Columbia, with the administration of the fund (including the making of loans) to be carried out by the Mayor through a committee consisting of 3 individuals appointed by the Mayor of the District of Columbia and 2 individuals appointed by the Public Charter School Board established under section 2214 of the District of Columbia School Reform Act of 1995.''.

SEC. 154. The Mayor, District of Columbia Financial Responsibility and Management Assistance Authority, and the Superintendent of Schools shall implement a process to dispose of excess public school real property within 90 days of the enactment of this Act.

SEC. 155. Section 2003 of the District of Columbia School Reform Act of 1995 (Public Law 104–134; D.C. Code, sec. 31–2851) is amended by striking ''during the period'' and ''and ending 5 years after such date.''.

SEC. 156. Section 2206(c) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; D.C. Code, sec. 31–2853.16(c)) is amended by adding at the end the following: '', except that a preference in admission may be given to an applicant who is a sibling of a student already attending or selected for admission to the public charter school in which the applicant is seeking enrollment.''

SEC. 157. (a) TRANSFER OF FUNDS.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter referred to as the ''Authority'') to the District of Columbia the sum of $18,000,000 for severance payments to individuals separated from employment during fiscal year 2000 (under such terms and conditions as the Mayor considers appropriate), expanded contracting authority of the Mayor, and the implementation of a system of managed competition among public and private providers of goods and services by and on behalf of the District of Columbia: Provided, That such funds shall be used only in accordance with a plan agreed to by the Council and the Mayor and approved by the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the Authority and the Mayor shall coordinate the spending of funds for this program so that continuous progress is made. The Authority shall release said funds, on a quarterly basis, to reimburse such expenses, so long as the Authority certifies that the expenses reduce re-occurring future costs at an annual ratio of at least 2 to 1 relative to the funds provided, and that the program is in accordance with the best practices of municipal government.

(b) SOURCE OF FUNDS.—The amount transferred under subsection (a) shall be derived from interest earned on accounts held by the Authority on behalf of the District of Columbia.

SEC. 158. (a) IN GENERAL.—The District of Columbia Financial Responsibility and Management Assistance Authority (hereafter referred to as the ''Authority''), working with the Commonwealth of Virginia and the Director of the National Park Service, shall carry out a project to complete all design requirements and all requirements for compliance with the National Environmental Policy Act for the construction of expanded lane capacity for the Fourteenth Street Bridge.

(b) SOURCE OF FUNDS; TRANSFER.—For purposes of carrying out the project under subsection (a), there is hereby transferred to the Authority from the District of Columbia dedicated highway fund established pursuant to section 3(a) of the District of Columbia Emergency Highway Relief Act (Public Law 104–21; D.C. Code, sec. 7–134.2(a)) an amount not to exceed $5,000,000.

SEC. 159. (a) IN GENERAL.—The Mayor of the District of Columbia shall carry out through the Army Corps of Engineers, an Anacostia River environmental cleanup program.

(b) SOURCE OF FUNDS.—There are hereby transferred to the Mayor from the escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority pursuant to section 134 of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–552), for infrastructure needs of the District of Columbia, $5,000,000.

SEC. 160. (a) PROHIBITING PAYMENT OF ADMINISTRATIVE COSTS FROM FUND.—Section 16(e) of the Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3–435(e)) is amended—

(1) by striking ''and administrative costs necessary to carry out this chapter''; and

(2) by striking the period at the end and inserting the following: '', and no monies in the Fund may be used for any other purpose.''.

(b) MAINTENANCE OF FUND IN TREASURY OF THE UNITED STATES.—

(1) IN GENERAL.—Section 16(a) of such Act (D.C. Code, sec. 3–435(a)) is amended by striking the second sentence and inserting the following: ''The Fund shall be maintained as a separate fund in the Treasury of the United States. All amounts deposited to the credit of the Fund are appropriated without fiscal year limitation to make payments as authorized under subsection (e).''.

(2) CONFORMING AMENDMENT.—Section 16 of such Act (D.C. Code, sec. 3–435) is amended by striking subsection (d).

(c) DEPOSIT OF OTHER FEES AND RECEIPTS INTO FUND.—Section 16(c) of such Act (D.C. Code, sec. 3–435(c)) is amended by inserting after ''1997,'' the second place it appears the following: ''any other fines, fees, penalties, or assessments that the Court determines necessary to carry out the purposes of the Fund,''.

(d) ANNUAL TRANSFER OF UNOBLIGATED BALANCES TO MISCELLANEOUS RECEIPTS OF TREASURY.—Section 16 of such Act (D.C. Code, sec. 3–435), as amended by subsection (b)(2), is amended by inserting after subsection (c) the following new subsection:

''(d) Any unobligated balance existing in the Fund in excess of $250,000 as of the end of each fiscal year (beginning with fiscal year 2000) shall be transferred to miscellaneous receipts of the Treasury of the United States not later than 30 days after the end of the fiscal year.''.

(e) RATIFICATION OF PAYMENTS AND DEPOSITS.—Any payments made from or deposits made to the Crime Victims Compensation Fund on or after April 9, 1997 are hereby ratified, to the extent such payments and deposits are authorized under the Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3–421 et seq.), as amended by this section.

SEC. 161. CERTIFICATION.—None of the funds contained in this Act may be used after the expiration of the 60–day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and their agency as a result of this Act.

SEC. 162. The proposed budget of the government of the District of Columbia for fiscal year 2001 that is submitted by the District to Congress shall specify potential adjustments that might become necessary in the event that the management savings achieved by the District during the year do not meet the level of management savings projected by the District under the proposed budget.

SEC. 163. In submitting any document showing the budget for an office of the District of Columbia government (including an independent agency of the District) that contains a category of activities labeled as ''other'', ''miscellaneous'', or a similar general, nondescriptive term, the document shall include a description of the types of activities covered in the category and a detailed breakdown of the amount allocated for each such activity.

SEC. 164. (a) AUTHORIZING CORPS OF ENGINEERS TO PERFORM REPAIRS AND IMPROVEMENTS.—

(1) IN GENERAL.—In using the funds made available under this Act or any other Act for carrying out improvements to the Southwest Waterfront in the District of Columbia (including upgrading marina dock pilings and paving and restoring walkways in the marina and fish market areas) for the portions of Federal property in the Southwest quadrant of the District of Columbia within Lots 847 and 848, a portion of Lot 846, and the unassessed Federal real property adjacent to Lot 848 in Square 473, any entity of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority or its designee) may place orders for engineering and construction and related services with the Chief of Engineers of the United States Army Corps of Engineers. The Chief of Engineers may accept such orders on a reimbursable basis and may provide any part of such services by contract. In providing such services, the Chief of Engineers shall follow the Federal Acquisition Regulations and the implementing Department of Defense regulations.

(2) EFFECTIVE DATE.—This subsection shall take effect as if included in the District of Columbia Appropriations Act, 1999, and shall apply to fiscal year 1999 and each fiscal year thereafter.

(b) TIMING FOR AVAILABILITY OF FUNDS UNDER 1999 ACT.—

(1) IN GENERAL.—The District of Columbia Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–124) is amended in the item relating to ''FEDERAL FUNDS—FEDERAL PAYMENT FOR WATERFRONT IMPROVEMENTS''—

(A) by striking ''existing lessees'' the first place it appears and inserting ''existing lessees of the Marina''; and

(B) by striking ''existing lessees'' the second place it appears and inserting ''such lessees''.

(2) EFFECTIVE DATE.—This subsection shall take effect as if included in the District of Columbia Appropriations Act, 1999.

SEC. 165. It is the sense of the Congress that the District of Columbia should not impose or take into consideration any height, square footage, set-back, or other construction or zoning requirements in authorizing the issuance of industrial revenue bonds for a project of the American National Red Cross at 2025 E Street Northwest, Washington, D.C., in as much as this project is subject to approval of the National Capital Planning Commission and the Commission of Fine Arts pursuant to section 11 of the joint resolution entitled ''Joint Resolution to grant authority for the erection of a permanent building for the American National Red Cross, District of Columbia Chapter, Washington, District of Columbia'', approved July 1, 1947 (Public Law 100–637; 36 U.S.C. 300108 note).

SEC. 166. (a) PERMITTING COURT SERVICES AND OFFENDER SUPERVISION AGENCY TO CARRY OUT SEX OFFENDER REGISTRATION.—Section 11233(c) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24–1233(c)) is amended by adding at the end the following new paragraph:

''(5) SEX OFFENDER REGISTRATION.—The Agency shall carry out sex offender registration functions in the District of Columbia, and shall have the authority to exercise all powers and functions relating to sex offender registration that are granted to the Agency under any District of Columbia law.''.

(b) AUTHORITY DURING TRANSITION TO FULL OPERATION OF AGENCY.—

(1) AUTHORITY OF PRETRIAL SERVICES, PAROLE, ADULT PROBATION AND OFFENDER SUPERVISION TRUSTEE.—Notwithstanding section 11232(b)(1) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24–1232(b)(1)), the Pretrial Services, Parole, Adult Probation and Offender Supervision Trustee appointed under section 11232(a) of such Act (hereafter referred to as the ''Trustee'') shall, in accordance with section 11232 of such Act, exercise the powers and functions of the Court Services and Offender Supervision Agency for the District of Columbia (hereafter referred to as the ''Agency'') relating to sex offender registration (as granted to the Agency under any District of Columbia law) only upon the Trustee's certification that the Trustee is able to assume such powers and functions.

(2) AUTHORITY OF METROPOLITAN POLICE DEPARTMENT.—During the period that begins on the date of the enactment of the Sex Offender Registration Emergency Act of 1999 and ends on the date the Trustee makes the certification described in paragraph (1), the Metropolitan Police Department of the District of Columbia shall have the authority to carry out any powers and functions relating to sex offender registration that are granted to the Agency or to the Trustee under any District of Columbia law.

SEC. 167. None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

SEC. 168. (a) IN GENERAL.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority (hereinafter referred to as the ''Authority'') to the District of Columbia the sum of $5,000,000 for the Mayor, in consultation with the Council of the District of Columbia, to provide offsets against local taxes for a commercial revitalization program, such program to be available in enterprise zones and low and moderate income areas in the District of Columbia: Provided, That in carrying out such a program, the Mayor shall use Federal commercial revitalization proposals introduced in Congress as a guideline.

(b) SOURCE OF FUNDS.—The amount transferred under subsection (a) shall be derived from interest earned on accounts held by the Authority on behalf of the District of Columbia.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Mayor shall report to the Committees on Appropriations of the Senate and House of Representatives on the progress made in carrying out the commercial revitalization program.

SEC. 169. WIRELESS COMMUNICATIONS. (a) IN GENERAL.—Not later than 7 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the National Park Service, shall—

(1) implement the notice of decision approved by the National Capital Regional Director, dated April 7, 1999, including the provisions of the notice of decision concerning the issuance of right-of-way permits at market rates; and

(2) expend such sums as are necessary to carry out paragraph (1).

(b) ANTENNA APPLICATIONS.—

(1) IN GENERAL.—Not later than 120 days after the receipt of an application, a Federal agency that receives an application submitted after the enactment of this Act to locate a wireless communications antenna on Federal property in the District of Columbia or surrounding area over which the Federal agency exercises control shall take final action on the application, including action on the issuance of right-of-way permits at market rates.

(2) EXISTING LAW.—Nothing in this subsection shall be construed to affect the applicability of existing laws regarding:

(A) judicial review under chapter 7 of title 5, United States Code [the Administrative Procedure Act], and the Communications Act of 1934,

(B) the National Environmental Policy Act, the National Historic Preservation Act and other applicable federal statutes, and

(C) the authority of a State or local government or instrumentality thereof, including the District of Columbia, in the placement, construction, and modification of personal wireless service facilities.

SEC. 170. (a) FINDINGS.—The Congress finds the following:

(1) The District of Columbia has recently witnessed a spate of senseless killings of innocent citizens caught in the crossfire of shootings. A Justice Department crime victimization survey found that while the city saw a decline in the homicide rate between 1996 and 1997, the rate was the highest among a dozen cities and more than double the second highest city.

(2) The District of Columbia has not made adequate funding available to fight drug abuse in recent years, and the city has not deployed its resources as effectively as possible. In fiscal year 1998, $20,900,000 was spent on publicly funded drug treatment in the District compared to $29,000,000 in fiscal year 1993. The District's Addiction and Prevention and Recovery Agency currently has only 2,200 treatment slots, a 50 percent drop from 1994, with more than 1,100 people on waiting lists.

(3) The District of Columbia has seen a rash of inmate escapes from halfway houses. According to Department of Corrections records, between October 21, 1998 and January 19, 1999, 376 of the 1,125 inmates assigned to halfway houses walked away. Nearly 280 of the 376 escapees were awaiting trial including 2 charged with murder.

(4) The District of Columbia public schools system faces serious challenges in correcting chronic problems, particularly long-standing deficiencies in providing special education services to the 1 in 10 District students needing program benefits, including backlogged assessments, and repeated failure to meet a compliance agreement on special education reached with the Department of Education.

(5) Deficiencies in the delivery of basic public services from cleaning streets to waiting time at Department of Motor Vehicles to a rat population estimated earlier this year to exceed the human population have generated considerable public frustration.

(6) Last year, the District of Columbia forfeited millions of dollars in Federal grants after Federal auditors determined that several agencies exceeded grant restrictions and in other instances, failed to spend funds before the grants expired.

(7) Findings of a 1999 report by the Annie E. Casey Foundation that measured the well-being of children reflected that, with 1 exception, the District ranked worst in the United States in every category from infant mortality to the rate of teenage births to statistics chronicling child poverty.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that in considering the District of Columbia's fiscal year 2001 budget, the Congress will take into consideration progress or lack of progress in addressing the following issues:

(1) Crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets.

(2) Access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs.

(3) Management of parolees and pretrial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes.

(4) Education, including access to special education services and student achievement.

(5) Improvement in basic city services, including rat control and abatement.

(6) Application for and management of Federal grants.

(7) Indicators of child well-being.

SEC. 171. The Mayor, prior to using Federal Medicaid payments to Disproportionate Share Hospitals to serve a small number of childless

adults, should consider the recommendations of the Health Care Development Commission that has been appointed by the Council of the District of Columbia to review this program, and consult and report to Congress on the use of these funds.

SEC. 172. GAO STUDY OF DISTRICT OF COLUMBIA CRIMINAL JUSTICE SYSTEM. Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of the law enforcement, court, prison, probation, parole, and other components of the criminal justice system of the District of Columbia, in order to identify the components most in need of additional resources, including financial, personnel, and management resources; and

(2) submit to Congress a report on the results of the study under paragraph (1).

This title may be cited as the ''District of Columbia Appropriations Act, 2000''.

TITLE II—TAX REDUCTION

SEC. 201. COMMENDING REDUCTION OF TAXES BY DISTRICT OF COLUMBIA.

Congress commends the District of Columbia for its action to reduce taxes, and ratifies D.C. Act 13–111 (commonly known as the Service Improvement and Fiscal Year 2000 Budget Support Act of 1999).

SEC. 202. RULE OF CONSTRUCTION.

Nothing in this title may be construed to limit the ability of the Council of the District of Columbia to amend or repeal any provision of law described in this title.

And the Senate agree to the same.

ERNEST J. ISTOOK, Jr.,
RANDY ''DUKE'' CUNNINGHAM,
TODD TIAHRT,
ROBERT B. ADERHOLT,
JO ANN EMERSON,
JOHN E. SUNUNU,
BILL YOUNG,
Managers on the Part of the House.

KAY BAILEY HUTCHISON,
JON KYL,
TED STEVENS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2587) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2000, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the actions agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on the District of Columbia Appropriations Act, 2000, incorporates some of the provisions of both the House and Senate versions of the bill. The language and allocations set forth in House Report 106–249 and Senate Report 106–88 should be complied with unless specifically addressed in the accompanying bill and statement of the managers to the contrary. The agreement agreed to herein, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided. General provisions which are identical in the House and Senate passed versions of H.R. 2587 are unchanged by the conference agreement and are approved unless provided to the contrary herein.

A summary chart appears later in this statement just before the explanations of the general provisions showing the Federal appropriations by account and the allocation of District funds by agency or office under each appropriation title showing the fiscal year 1999 appropriation, the fiscal year 2000 request, the House and Senate recommendations and the conference allowance.

TITLE I—FISCAL YEAR 2000 APPROPRIATIONS

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

Appropriates $17,000,000 as proposed by the House and the Senate and makes modifications specifying that the entire $17,000,000 will be available if the authorized program is a nationwide program and $11,000,000 will be available if the program is for a limited number of States. The language also allows the District to use local tax revenues for this program.

FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

Appropriates $5,000,000 instead of $8,500,000 as proposed by the House and includes language allowing the funds to be used for local tax credits to offset costs incurred by individuals in adopting children in the District's foster care system and for health care needs of the children in accordance with legislation to be enacted by the District government.

FEDERAL PAYMENT TO THE CITIZEN COMPLAINT REVIEW BOARD

Appropriates $500,000 instead of $1,200,000 as proposed by the House. This amount together with $700,000 in local funds will provide a total of $1,200,000 for the Board's operations in fiscal year 2000. The conferees recognize the importance of an independent review body to act as a forum for the review and resolution of complaints against officers of the Metropolitan Police Department and special officers employed by the District of Columbia. The conferees also request that the Mayor's office provide a comprehensive plan for the use of the Civilian Complaint Review Board. The plan/report should contain information about the problems of the previous review board and what will be done to avoid these problems with the new board.

FEDERAL PAYMENT TO THE DEPARTMENT OF HUMAN SERVICES

Appropriates $250,000 for a mentoring program and for hotline services as proposed by the House.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

Appropriates $176,000,000 as proposed by the Senate instead of $183,000,000 as proposed by the House and includes language allowing the Corrections Trustee to use interest earnings of up to $4,600,000 to assist the Trustee with the sharp, rather unexpected increase in the overall inmate population.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

Appropriates $99,714,000 instead of $100,714,000 as proposed by the House and $136,440,000 as proposed by the Senate. The reduction below the House allowance reflects the $1,000,000 in the capital program as proposed by the Senate.

Courts' budget.—The conferees request that budget information submitted by the Courts with their FY 2001 and future budgets include grants and reimbursements from all other sources so that information on total resources available to the courts will be available.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

Appropriates $33,336,000 as proposed by the House and includes language proposed by the Senate requiring monthly financial reports. The conferees have included language allowing the Joint Committee on Judicial Administration to use interest earnings of up to $1,200,000 to make payments for obligations incurred during fiscal year 1999 for services provided by attorneys for indigents. The availability of this additional amount is contingent on a certification by the Comptroller General. The Courts have reported that they anticipate a shortfall of ''approximately $1,000,000'' in fiscal year 1999 for the Criminal Justice Act program.

Federal Payment to the Court Services and Offender Supervision Agency for the District of Columbia

Appropriates $93,800,000 instead of $105,500,000 as proposed by the House and $80,300,000 as proposed by the Senate. The increase above the Senate allowance includes $7,000,000 for increased drug testing and treatment and $6,500,000 for additional parole and probation officers instead of $13,200,000 and $10,000,000, respectively, as proposed by the House.

CHILDREN'S NATIONAL MEDICAL CENTER

Appropriates $2,500,000 for Children's National Medical Center instead of $3,500,000 as proposed by the House.

FEDERAL PAYMENT FOR METROPOLITAN POLICE DEPARTMENT

Appropriates $1,000,000 for the Metropolitan Police as proposed by the Senate. The conferees recognize the devastating problems caused by illegal drug use and fully support this program to eliminate open air drug trafficking in all four quadrants of the District of Columbia. The conferees have included language requiring quarterly reports to the Congress on all four quadrants. The reports should include, at a minimum, the amounts expended, the number of personnel involved, and the overall results and effectiveness of the open air drug program in eliminating the drug trafficking problem.

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

The conference action inserts language proposed by the Senate concerning the salary of members of the Council of the District of Columbia.

OFFICE OF THE CHIEF TECHNOLOGY OFFICER

The conferees are concerned that the District's child support system is not Y2K compliant. The conferees have been advised that the Office of Corporation Counsel is responsible for developing, operating, and maintaining this system which is used by the District's courts to collect child support payments from absentee parents, disburse payments to custodial parents, and account for these activities. The conferees urge the District's Chief Technology Officer to provide the Office of Corporation Counsel with the necessary support to ensure that: (1) The system is promptly remediated and tested, and (2) a business continuity and contingency plan that includes the Courts' child support functions is in place. The conferees request a report on this matter by November 1, 1999.

PUBLIC SAFETY AND JUSTICE

Appropriates $778,770,000 including $565,511,000 from local funds and $184,247,000 from other funds instead of $785,670,000 including $565,411,000 from local funds and $191,247,000 from other funds as proposed by the House and $778,470,000 including $565,211,000 from local funds and $184,247,000 from other funds as proposed by the Senate. The increase of $300,000 above the Senate allowance will provide a total of $1,200,000 for the Citizen Complaint Review Board consisting of $500,000 in Federal funds and $700,000 in local funds instead of a total of $900,000 in local funds as proposed by the Senate.

The conference action retains the proviso that caps the number of police officers assigned to the Mayor's security detail at 15 as proposed by the House.

The conference action includes a proviso that allows up to $700,000 in local funds for the Citizen Complaint Review Board instead of $900,000 in local funds as proposed by the Senate.

FIRE DEPARTMENT

The conferees recommend that the Fire and Emergency Medical Services Department conduct a study about the need for placement of automated external defribillators in Federal buildings.

PUBLIC EDUCATION SYSTEM

The conference action includes the proviso proposed by the Senate concerning the Weighted Student Formula and the setting aside of five percent of the total budget which is to be apportioned when the current student count for public and charter schools has been completed. The conference action also includes a proviso proposed by the Senate allowing $500,000 for a Schools Without Violence program.

HUMAN SUPPORT SERVICES

Appropriates $1,526,361,000 including $635,373,000 from local funds as proposed by the House instead of $1,526,111,000 including $635,123,000 as proposed by the Senate.

PUBLIC WORKS

The conference action deletes the proviso earmarking funds as proposed by the Senate.

RECEIVERSHIP PROGRAMS

Appropriates $342,077,000 including $217,606,000 from local funds instead of $345,577,000 including $221,106,000 from local funds as proposed by the House and $337,077,000 including $212,606,000 from local funds as proposed by the Senate.

RESERVE

The conference action deletes the proviso concerning expenditure criteria as proposed by the Senate.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

The conference action retains the proviso concerning the cap on the salary levels of the Executive Director and the General Counsel as proposed by the House.

PRODUCTIVITY BANK

The conference action retains the proviso requiring quarterly reports as proposed by the House.

PRODUCTIVITY BANK SAVINGS

The conference action retains the proviso requiring quarterly reports as proposed by the House.

PROCUREMENT AND MANAGEMENT SAVINGS

The conference action restores the proviso requiring quarterly reports as proposed by the House and deletes the proviso requiring Council approval of a resolution authorizing management reform savings proposed by the Senate.

D.C. RETIREMENT BOARD

The conference action amends the cap on the compensation of the Chairman of the Board and the Chairman of the Investment Committee of the Board to $7,500 instead of $10,000 as proposed by the House.

CAPITAL OUTLAY

The conference action revises the first paragraph for clarity as proposed by the House.

SUMMARY TABLE OF CONFERENCE RECOMMENDATIONS BY AGENCY

A summary table showing the Federal appropriations by account and the allocation of District funds by agency or office under each appropriation heading for fiscal year 1999, the fiscal year 2000 request, the House and Senate recommendations, and the conference allowance follows:

SUMMARY

FY 2000 D. C. APPROPRIATIONS BILL

	House Bill		Senate Bill		Conference	
	FTEs	Amount	FTEs	Amount	FTEs	Amount
TITLE I						
FEDERAL FUNDS						
Federal Payment for Resident Tuition Support	0	17,000,000	0	17,000,000	0	17,000,000
Federal Payment for Incentives for Adoption of Children	0	8,500,000	0	0	0	5,000,000
Federal Payment to the Citizen Complaint Review Board	0	1,200,000	0	0	0	500,000
Federal Payment to the Department of Human Services	0	250,000		0	0	250,000
Federal Payment to the District of Columbia Corrections Trustee Operations	0	183,000,000	0	176,000,000	0	176,000,000
Federal Payment to the District of Columbia Courts	0	100,714,000	0	136,440,000	0	99,714,000
Defender Services in District of Columbia Courts	0	33,336,000	0	0	0	33,336,000
Federal Payment to the Court Services and Offender Supervision Agency for the District of Columbia	0	105,500,000	0	80,300,000	0	93,800,000
Federal Payment for Metropolitan Police Department	0	0	0	1,000,000	0	1,000,000
Children's National Medical Center	0	3,500,000	0	0	0	2,500,000
Total, Title I, Federal funds to the District of Columbia	**0**	**453,000,000**	**0**	**410,740,000**	**0**	**429,100,000**

	House Bill		Senate Bill		Conference	
	FTEs	Amount	FTEs	Amount	FTEs	Amount
DISTRICT OF COLUMBIA FUNDS						
Operating expenses:						
Governmental Direction and Support	2,297	162,356,000	2,297	162,356,000	2,297	167,356,000
Economic Development and Regulation	1,439	190,335,000	1,439	190,335,000	1,439	190,335,000
Public Safety and Justice	9,264	785,670,000	9,264	778,470,000	9,264	778,770,000
Public Education System	11,359	867,411,000	11,359	867,411,000	11,359	867,411,000
Human Support Services	3,742	1,526,361,000	3,742	1,526,111,000	3,742	1,526,361,000
Public Works	1,686	271,395,000	1,686	271,395,000	1,686	271,395,000
Receivership Programs	2,755	345,577,000	2,755	337,077,000	2,755	342,077,000
Workforce Investments	0	8,500,000	0	8,500,000	0	8,500,000
Buyouts and Other Management Reforms	0	20,000,000	0	0	0	18,000,000
Reserve	0	150,000,000	0	150,000,000	0	150,000,000
D.C. Financial Responsibility and Management Assistance Authority	33	3,140,000	33	3,140,000	33	3,140,000
Repayment of Loans and Interest	0	328,417,000	0	328,417,000	0	328,417,000
Repayment of General Fund Recovery Debt	0	38,286,000	0	38,286,000	0	38,286,000
Payment of Interest on Short-Term Borrowing	0	9,000,000	0	9,000,000	0	9,000,000
Certificates of Participation	0	7,950,000	0	7,950,000	0	7,950,000
Optical and Dental Payments	0	1,295,000	0	1,295,000	0	1,295,000
Productivity Bank	0	20,000,000	0	20,000,000	0	20,000,000
Productivity Bank Savings	0	(20,000,000)	0	(20,000,000)	0	(20,000,000)
Procurement and Management Savings	0	(21,457,000)	0	(21,457,000)		(21,457,000)
Water and Sewer Enterprise Fund	0	279,608,000	0	279,608,000	0	279,608,000
Lottery and Charitable Games Enterprise Fund	100	234,400,000	100	234,400,000	100	234,400,000
Sports and Entertainment Commission	0	10,846,000	0	10,846,000	0	10,846,000
D.C. General Hospital (Public Benefit Corporation)	0	89,008,000	0	89,008,000	0	89,008,000
D.C. Retirement Board	13	9,892,000	13	9,892,000	13	9,892,000
Correctional Industries Fund	31	1,810,000	31	1,810,000	31	1,810,000
Washington Convention Center Enterprise Fund	0	50,226,000	0	50,226,000	0	50,226,000
Total, operating expenses	**32,719**	**5,370,026,000**	**32,719**	**5,334,076,000**	**32,719**	**5,362,626,000**
Capital Outlay:						
General fund	0	1,218,637,500	0	1,218,637,500		1,218,637,500
Water and Sewer fund	0	197,169,000	0	197,169,000	0	197,169,000
Total, capital outlay	**0**	**1,415,806,500**	**0**	**1,415,806,500**	**0**	**1,415,806,500**
Grand Total, District of Columbia Funds	**32,719**	**6,785,832,500**	**32,719**	**6,749,882,500**	**32,719**	**6,778,432,500**

GOVERNMENTAL DIRECTION AND SUPPORT

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Council of the District of Columbia	9,388,000	10,477,000	10,477,000	10,477,000	10,477,000
Office of the District of Columbia Auditor	1,048,000	1,183,000	1,183,000	1,183,000	1,183,000
Advisory Neighborhood Commissions	0	623,000	623,000	623,000	623,000
Office of the Mayor	2,256,000	4,207,000	4,207,000	4,207,000	9,207,000 1/
Office of the Secretary	2,146,000	1,816,000	1,816,000	1,816,000	1,816,000
Office of Communications	350,000	0	0	0	0
Office of Intergovernmental Relations	1,271,000	0	0	0	0
Office of the City Administrator	926,000	25,132,000	12,821,000	12,821,000	12,821,000
Office of Personnel	8,963,000	10,445,000	10,445,000	10,445,000	10,445,000
Human Resource Development	0	3,766,000	3,766,000	3,766,000	3,766,000
Office of Finance and Resource Management	0	778,000	778,000	778,000	778,000
Office of Contracts and Procurement	17,080,000	14,150,000	14,150,000	14,150,000	14,150,000
Office of the Chief Technology Officer	14,924,000	3,740,000	3,740,000	3,740,000	3,740,000
Office of Property Management	9,445,000	9,152,000	9,152,000	9,152,000	9,152,000
Contract Appeals Board	603,000	687,000	687,000	687,000	687,000
Board of Elections and Ethics	2,954,000	3,238,000	3,238,000	3,238,000	3,238,000
Office of Campaign Finance	920,000	978,000	978,000	978,000	978,000
Public Employee Relations Board	559,000	632,000	632,000	632,000	632,000
Office of Employee Appeals	1,213,000	1,337,000	1,337,000	1,337,000	1,337,000
Metropolitan Washington Council of Governments	374,000	367,000	367,000	367,000	367,000
Office of Inspector General	7,430,000	6,827,000	6,827,000	6,827,000	6,827,000
Chief Financial Officer	82,294,000	75,132,000	75,132,000	75,132,000	75,132,000
Total, Appropriation for Governmental Direction and Support	164,144,000	174,667,000	162,356,000	162,356,000	167,356,000
Plus Intra-District funds	39,796,000	32,796,000	32,796,000	32,796,000	32,796,000
Total	203,940,000	207,463,000	195,152,000	195,152,000	200,152,000

1/ General Provision, Sec. 168, $5,000,000.

ECONOMIC DEVELOPMENT AND REGULATION

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Business Services and Economic Development	18,640,000	22,515,000	22,515,000	22,515,000	22,515,000
Office of Zoning	956,000	1,275,000	1,275,000	1,275,000	1,275,000
Department of Housing and Community Development	55,509,000	56,739,000	56,739,000	56,739,000	56,739,000
Housing Authority	2,080,000	0	0	0	0
Department of Employment Services	56,804,000	63,690,000	63,690,000	63,690,000	63,690,000
Board of Appeals and Review	203,000	240,000	240,000	240,000	240,000
Board of Real Property Assessments and Appeals	293,000	291,000	291,000	291,000	291,000
Department of Consumer and Regulatory	24,554,000	27,125,000	27,125,000	27,125,000	27,125,000
Office of Banking and Financial Institutions	0	870,000	870,000	870,000	870,000
Public Service Commission	0	5,327,000	5,327,000	5,327,000	5,327,000
Office of People's Counsel	0	2,823,000	2,823,000	2,823,000	2,823,000
Department of Insurance and Securities Regulation	0	6,990,000	6,990,000	6,990,000	6,990,000
Office of Cable Television and Telecommunications	0	2,450,000	2,450,000	2,450,000	2,450,000
Total, Economic Development and Regulation	159,039,000	190,335,000	190,335,000	190,335,000	190,335,000
Plus Intra-District Funds	3,634,000	3,136,000	3,136,000	3,136,000	3,136,000
Total	162,673,000	193,471,000	193,471,000	193,471,000	193,471,000

PUBLIC SAFETY AND JUSTICE

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Metropolitan Police Department	296,854,000	301,774,000	300,574,000	301,574,000	301,574,000
Fire and Emergency Medical Services Department	104,806,000	111,870,000	111,870,000	0 111,870,000	111,870,000
Police and Fire Retirement System	35,100,000	39,900,000	39,900,000	39,900,000	39,900,000
Office of the Corporation Counsel	39,835,000	46,425,000	46,425,000	46,425,000	46,425,000
Settlements and Judgments	19,700,000	26,900,000	26,900,000	26,900,000	26,900,000
Department of Corrections	254,857,000	245,577,000	252,577,000	245,577,000	245,577,000
National Guard	1,783,000	1,748,000	1,748,000	1,748,000	1,748,000
Office of Emergency Preparedness	2,627,000	2,641,000	2,641,000	2,641,000	2,641,000
Commission on Judicial Disabilities and Tenure	138,000	143,000	143,000	143,000	143,000
Judicial Nomination Commission	86,000	85,000	85,000	85,000	85,000
Office of Citizen Complaint Review	0	900,000	2,100,000	900,000	1,200,000
Advisory Commission on Sentencing	0	707,000	707,000	707,000	707,000
Total, Public Safety and Justice	755,786,000	778,670,000	785,670,000	778,470,000	778,770,000
Plus Intra-District funds	10,500,000	5,726,000	5,726,000	5,726,000	5,726,000
Total	766,286,000	784,396,000	791,396,000	784,196,000	784,496,000

PUBLIC EDUCATION SYSTEM

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Board of Education (Public Schools)	644,805,000	713,197,000	713,197,000	713,197,000	713,197,000
D.C. Resident Tuition System	0	0	17,000,000	17,000,000	17,000,000
Teachers' Retirement System	27,857,000	10,700,000	10,700,000	10,700,000	10,700,000
Public Charter Schools	18,600,000	27,885,000	27,885,000	27,885,000	27,885,000
University of the District of Columbia	72,088,000	72,347,000	72,347,000	72,347,000	72,347,000
Public Library	23,419,000	24,171,000	24,171,000	24,171,000	24,171,000
Commission on the Arts and Humanities	2,187,000	2,111,000	2,111,000	2,111,000	2,111,000
Total, Public Education System	788,956,000	850,411,000	867,411,000	867,411,000	867,411,000
Plus Intra-District funds	12,791,000	13,768,000	13,768,000	13,768,000	13,768,000
Total	801,747,000	864,179,000	881,179,000	881,179,000	881,179,000

HUMAN SUPPORT SERVICES

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Department of Human Development	391,416,000	393,441,000	393,691,000	393,441,000	393,691,000
Department of Health	996,080,000	1,004,113,000	1,004,113,000	1,004,113,000	1,004,113,000
Department of Recreation and Parks	24,119,000	26,196,000	26,196,000	26,196,000	26,196,000
Office on Aging	17,616,000	18,616,000	18,616,000	18,616,000	18,616,000
Public Benefit Corporation Subsidy	46,835,000	44,435,000	44,435,000	44,435,000	44,435,000
Unemployment Compensation Fund	10,678,000	7,200,000	7,200,000	7,200,000	7,200,000
Disability Compensation Fund	21,089,000	25,150,000	25,150,000	25,150,000	25,150,000
Department of Human Rights	1,044,000	1,106,000	1,221,000	1,221,000	1,221,000
Office on Latino Affairs	655,000	880,000	880,000	880,000	880,000
D.C. Energy Office	5,219,000	4,859,000	4,859,000	4,859,000	4,859,000
Total, Human Support Services	1,514,751,000	1,525,996,000	1,526,361,000	1,526,111,000	1,526,361,000
Plus Intra-District funds	7,232,000	6,568,000	6,568,000	6,568,000	6,568,000
	1,521,983,000	1,532,564,000	1,532,929,000	1,532,679,000	1,532,929,000

PUBLIC WORKS

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Department of Public Works	118,281,000	106,209,000	106,209,000	106,209,000	106,209,000
Department of Motor Vehicles	12,065,000	25,393,000	25,393,000	25,393,000	25,393,000
Taxicab Commission	716,000	730,000	730,000	730,000	730,000
Washington Metropolitan Area Transit Commission	81,000	81,000	81,000	81,000	81,000
Washington Metropolitan Area Transit Authority (Metro)	132,319,000	135,532,000	135,532,000	135,532,000	135,532,000
School Transit Subsidy	3,450,000	3,450,000	3,450,000	3,450,000	3,450,000
Total, Public Works	266,912,000	271,395,000	271,395,000	271,395,000	271,395,000
Plus Intra-District funds	22,274,000	19,382,000	19,382,000	19,382,000	19,382,000
Total	289,186,000	290,777,000	290,777,000	290,777,000	290,777,000

RECEIVERSHIPS

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Child and Family Services Agency	107,131,000	119,355,000	119,355,000	119,355,000	119,355,000
Incentives for Adoption of Children	0	0	8,500,000	0	5,000,000
Commission on Mental Health Services	198,548,000	204,422,000	204,422,000	204,422,000	204,422,000
Corrections Medical Receiver	13,300,000	13,300,000	13,300,000	13,300,000	13,300,000
Total, Receivership Programs	318,979,000	337,077,000	345,577,000	337,077,000	342,077,000
Plus Intra-District funds	0	1,200,000	1,200,000	1,200,000	1,200,000
Total	318,979,000	338,277,000	346,777,000	338,277,000	343,277,000

OTHER

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Workforce Investment	0	8,500,000	8,500,000	8,500,000	8,500,000
Buyouts and Other Management Reforms	0	0	20,000,000	0	18,000,000
Reserve	0	150,000,000	150,000,000	150,000,000	150,000,000
D.C. Financial Responsibility and Management Assistance Authority	7,840,000	3,140,000	3,140,000	3,140,000	3,140,000
Total, Other	7,840,000	161,640,000	181,640,000	161,640,000	179,640,000

1/ General Provisions, Sec. 157.

FINANCING AND OTHER

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Washington Convention Center Transfer Payment	5,400,000	0	0	0	0
Repayment of Loans and Interest	382,170,000	328,417,000	328,417,000	328,417,000	328,417,000
Repayment of General Fund Deficit	38,453,000	38,286,000	38,286,000	38,286,000	38,286,000
Interest on Short-Term Borrowing	11,000,000	9,000,000	9,000,000	9,000,000	9,000,000
Certificate of Participation	7,926,000	7,950,000	7,950,000	7,950,000	7,950,000
Human Resources Development	6,674,000	0	0	0	0
Optical and Dental Payments	0	1,295,000	1,295,000	1,295,000	1,295,000
Productivity Bank	0	20,000,000	20,000,000	20,000,000	20,000,000
Productivity Bank Savings	0	(20,000,000)	(20,000,000)	(20,000,000)	(20,000,000)
Total, Financing and Other Uses	451,623,000	384,948,000	384,948,000	384,948,000	384,948,000

PROCUREMENT AND MANAGEMENT SAVINGS

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Management Reform and Productivity Savings	(10,000,000)	(7,000,000)	(7,000,000)	(7,000,000)	(7,000,000)
General Supply Schedule Savings	0	(14,457,000)	(14,457,000)	(14,457,000)	(14,457,000)
Total, Procurement and Management Savings	(10,000,000)	(21,457,000)	(21,457,000)	(21,457,000)	(21,457,000)

ENTERPRISE AND OTHER

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Water and Sewer Authority	239,493,000	236,075,000	236,075,000	236,075,000	236,075,000
Washington Aqueduct	33,821,000	43,533,000	43,533,000	43,533,000	43,533,000
Total, Water and Sewer Enterprise Fund	273,314,000	279,608,000	279,608,000	279,608,000	279,608,000
Lottery and Charitable Games Board	225,200,000	234,400,000	234,400,000	234,400,000	234,400,000
Office of Cable Television and Telecommunications	2,108,000	0	0	0	0
Public Service Commission	5,026,000	0	0	0	0
Office of People's Counsel	2,501,000	0	0	0	0
Department of Insurance and Securities Regulation	7,001,000	0	0	0	0
Office of Banking and Financial Institutions	640,000	0	0	0	0
Sports and Entertainment Commission	8,751,000	10,846,000	10,846,000	10,846,000	10,846,000
Public Benefit Corporation	66,764,000	89,008,000	89,008,000	89,008,000	89,008,000
Retirement Board	18,202,000	9,892,000	9,892,000	9,892,000	9,892,000
Correctional Industries Fund	3,332,000	1,810,000	1,810,000	1,810,000	1,810,000
Washington Convention Center Authority	48,139,000	50,226,000	50,226,000	50,226,000	50,226,000
Total, Enterprise Funds	660,978,000	675,790,000	675,790,000	675,790,000	675,790,000
Plus Intra-District funds	36,685,000	70,177,000	70,177,000	70,177,000	70,177,000
Total	697,663,000	745,967,000	745,967,000	745,967,000	745,967,000

GOVERNMENT OF THE DISTRICT OF COLUMBIA
AS APPROVED BY CONFERENCE ACTION, AUGUST 4, 1999
TOTAL ESTIMATED RESOURCES AVAILABLE TO THE DISTRICT OF COLUMBIA, FISCAL YEAR 2000
(Amount in Thousands)

	Code	Local Funds		Federal Grants		Private & Other		Subtotal FY 2000		Intra-District		FY 2000 Total Resources	
		FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Governmental Direction and Support:													
Council of the District of Columbia	AB	153	10,471	0	0	0	6	153	10,477	0	0	153	10,477
Office of the D.C. Auditor	AC	14	1,183	0	0	0	0	14	1,183	0	0	14	1,183
Advisory Neighborhood Commissions	DX	0	623	0	0	0	0	0	623	0	0	0	623
Office of the Mayor	AA	67	4,207	0	0	0	5,000 1/	67	9,207	0	0	67	9,207
Office of the Secretary	BA	25	1,737	0	0	2	79	27	1,816	0	0	27	1,816
Office of the City Administrator	AE	36	2,064	17	10,757	0	0	53	12,821	4	246	57	13,067
Office of Personnel	BE	126	9,204	0	0	21	1,241	147	10,445	24	1,179	171	11,624
Human Resource Development	HD	10	3,766	0	0	0	0	10	3,766	0	0	10	3,766
Office of Finance and Resource Management	AS	11	778	0	0	0	0	11	778	12	1,205	23	1,983
Office of Contracting and Procurement	PO	223	14,150	0	0	0	0	223	14,150	0	0	223	14,150
Office of the Chief Technology Officer	TO	42	3,740	0	0	0	0	42	3,740	13	1,771	55	5,511
Office of Property Management	AM	77	7,229	0	0	2	1,923	79	9,152	199	21,956	278	31,108
Contract Appeals Board	AF	6	687	0	0	0	0	6	687	0	0	6	687
Board of Elections and Ethics	DL	50	3,238	0	0	0	0	50	3,238	0	0	50	3,238
Office of Campaign Finance	CJ	15	978	0	0	0	0	15	978	0	0	15	978
Public Employee Relations Board	CG	4	632	0	0	0	0	4	632	0	0	4	632
Office of Employee Appeals	CH	15	1,337	0	0	0	0	15	1,337	0	0	15	1,337
Metropolitan Washington Council of Governments	EA	0	367	0	0	0	0	0	367	0	0	0	367
Office of Inspector General	AD	60	6,827	0	0	0	0	60	6,827	0	0	60	6,827
Office of the Chief Financial Officer	AT	919	63,916	5	913	41	10,303	965	75,132	104	6,439	1,069	81,571
Total, Governmental Direction and Support		1,853	137,134	22	11,670	66	18,552	1,941	167,356	356	32,796	2,297	200,152
Economic Development and Regulation:													
Business Services & Economic Development	EB	55	7,515	0	0	0	15,000	55	22,515	0	0	55	22,515
Office of Zoning	BJ	16	1,275	0	0	0	0	16	1,275	0	0	16	1,275
Department of Housing & Community Development	DB	7	3,889	125	48,388	0	4,462	132	56,739		1,200	132	57,939
Department of Employment Services	CF	71	11,489	391	35,867	174	16,334	636	63,690	0	0	636	63,690
Board of Appeals and Review	DK	3	240	0	0	0	0	3	240	0	0	3	240
Board of Real Property Assessments and Appeals	DA	3	291	0	0	0	0	3	291	0	0	3	291
Department of Consumer and Regulatory Affairs	CR	373	25,523	4	392	6	1,210	383	27,125	0	1,500	383	28,625
Office of Banking and Financial Institutions	BI	5	381	0	0	5	489	10	870	0	0	10	870
Public Service Commission	DH	0	0	2	104	56	5,223	58	5,327	0	0	58	5,327
Office of People's Counsel	DJ	0	0	0	0	28	2,823	28	2,823	0	0	28	2,823
Department of Insurance and Securities Regulation	SR	0	0	0	0	89	6,990	89	6,990	0	0	89	6,990
Office of Cable Television and Telecommunications	CT	11	2,308	0	0	3	142	14	2,450	12	436	26	2,886
Total, Economic Development and Regulation		544	52,911	522	84,751	361	52,673	1,427	190,335	12	3,136	1,439	193,471

	Code	Local Funds FTE	Local Funds Amount	Federal Grants FTE	Federal Grants Amount	Private & Other FTE	Private & Other Amount	Subtotal FY 2000 FTE	Subtotal FY 2000 Amount	Intra-District FTE	Intra-District Amount	FY 2000 Total Resources FTE	FY 2000 Total Resources Amount
Public Safety and Justice:													
Metropolitan Police Department	FA	4,622	282,792	24	13,695	0	5,087	4,646	301,574	2	3,454	4,648	305,028
Fire and Emergency Medical Services Department	FB	1,828	111,861	0	0	0	9	1,828	111,870	0	72	1,828	111,942
Police and Fire Retirement System	FD	0	39,900	0	0	0	0	0	39,900	0	0	0	39,900
Office of the Corporation Counsel	CB	297	28,801	180	13,554	12	4,070	489	46,425	24	1,900	513	48,325
Settlement and Judgments	ZH	0	26,900	0	0	0	0	0	26,900	0	0	0	26,900
Department of Corrections	FL	979	69,696	0	800	1,197	175,081	2,176	245,577	0	300	2,176	245,877
National Guard	FK	30	1,748	0	0	0	0	30	1,748	0	0	30	1,748
Office of Emergency Preparedness	BN	26	1,678	13	963	0	0	39	2,641	0	0	39	2,641
Commission on Judicial Disabilities and Tenure	DQ	2	143	0	0	0	0	2	143	0	0	2	143
Judicial Nomination Commission	DV	1	85	0	0	0	0	1	85	0	0	1	85
Office of Citizen Complaint Review	FH	21	1,200	0	0	0	0	21	1,200	0	0	21	1,200
Advisory Commission on Sentencing	FZ	6	707	0	0	0	0	6	707	0	0	6	707
Total, Public Safety and Justice		7,812	565,511	217	29,012	1,209	184,247	9,238	778,770	26	5,726	9,264	784,496
Public Education System:													
Public Schools	GA	8,864	600,936	869	106,213	77	6,048	9,810	713,197	33	4,091	9,843	717,288
D.C. Resident Tuition Support		0	17,000	0	0	0	0	0	17,000	0	0	0	17,000
Teachers' Retirement System	GX	0	10,700	0	0	0	0	0	10,700	0	0	0	10,700
Public Charter Schools	GC	0	27,885	0	0	0	0	0	27,885	0	0	0	27,885
University of the District of Columbia	GF	581	40,491	167	13,536	189	18,320	937	72,347	162	9,677	1,099	82,024
Public Library	CE	400	23,128	8	798	0	245	408	24,171	0	0	408	24,171
Commission on the Arts and Humanities	BX	2	1,707	7	404	0	0	9	2,111	0	0	9	2,111
Total, Public Education System		9,847	721,847	1,051	120,951	266	24,613	11,164	867,411	195	13,768	11,359	881,179
Human Support Services:													
Department of Human Development	JA	821	199,643	1,126	189,742	7	4,306	1,954	393,691	27	1,653	1,981	395,344
Department of Health	HC	363	319,720	689	676,115	53	8,278	1,105	1,004,113	2	183	1,107	1,004,296
Department of Recreation and Parks	HA	477	24,029	0	34	19	2,133	496	26,196	93	3,954	589	30,150
Office on Aging	BY	14	13,316	9	5,300	0	0	23	18,616	3	648	26	19,264
Public Benefit Corporation Subsidy	JC	0	44,435	0	0	0	0	0	44,435	0	0	0	44,435
Unemployment Compensation Fund	BH	0	7,200	0	0	0	0	0	7,200	0	0	0	7,200
Disability Compensation Fund	BG	0	25,150	0	0	0	0	0	25,150	0	100	0	25,250
Office of Human Rights	HM	16	1,000	0	221	0	0	16	1,221	0	0	16	1,221
Office on Latino Affairs	BZ	4	880	0	0	0	0	4	880	0	30	4	910
Energy Office	JF	0	0	13	4,402	6	457	19	4,859	0	0	19	4,859
Total, Human Support Services		1,695	635,373	1,837	875,814	85	15,174	3,617	1,526,361	125	6,568	3,742	1,532,929

	Code	Local Funds FTE	Local Funds Amount	Federal Grants FTE	Federal Grants Amount	Private & Other FTE	Private & Other Amount	Subtotal FY 2000 FTE	Subtotal FY 2000 Amount	Intra-District FTE	Intra-District Amount	FY 2000 Total Resources FTE	FY 2000 Total Resources Amount
Public Works:													
Department of Public Works	KA	1,044	96,646	14	3,099	47	6,464	1,105	106,209	267	18,872	1,372	125,081
Department of Motor Vehicles	KV	191	22,336	0	0	66	3,057	257	25,393	48	510	305	25,903
Taxicab Commission	TC	6	296	0	0	3	434	9	730	0	0	9	730
Washington Metropolitan Area Transit Commission	KC	0	81	0	0	0	0	0	81	0	0	0	81
Washington Metropolitan Area Transit Authority	KE	0	135,532	0	0	0	0	0	135,532	0	0	0	135,532
School Transit Subsidy	KD	0	3,450	0	0	0	0	0	3,450	0	0	0	3,450
Total, Public Works		1,241	258,341	14	3,099	116	9,955	1,371	271,395	315	19,382	1,686	290,777
Receivership Programs:													
Child and Family Services Agency	RL	321	75,556	196	43,799	0	0	517	119,355	0	1,200	517	120,555
Incentives for Adoption of Children		0	5,000	0	0	0	0	0	5,000	0	0	0	5,000
Commission on Mental Health Services	RM	1,568	123,750	660	62,312	0	18,360	2,228	204,422	0	0	2,228	204,422
Corrections Medical Receiver	RR	10	13,300	0	0	0	0	10	13,300	0	0	10	13,300
Total, Receivership Programs		1,899	217,606	856	106,111	0	18,360	2,755	342,077	0	1,200	2,755	343,277
Workforce Investments	UP	0	8,500	0	0	0	0	0	8,500	0	0	0	8,500
Buyouts and Other Management Reforms		0	0	0	0	0	18,000 2/	0	18,000	0	0	0	18,000
Reserve	RD	0	150,000	0	0	0	0	0	150,000	0	0	0	150,000
D.C. Financial Responsibility and Management Assistance Authority	XB	33	3,140	0	0	0	0	33	3,140	0	0	33	3,140
Financing and Other:													
Repayment of Loans and Interest	DS	0	328,417	0	0	0	0	0	328,417	0	0	0	328,417
Repayment of General Fund Deficit	ZD	0	38,286	0	0	0	0	0	38,286	0	0	0	38,286
Interest on Short-Term Borrowing	ZA	0	9,000	0	0	0	0	0	9,000	0	0	0	9,000
Certificate of Participation	CP	0	7,950	0	0	0	0	0	7,950	0	0	0	7,950
Optical and Dental Insurance Payments	DI	0	1,295	0	0	0	0	0	1,295	0	0	0	1,295
Productivity Bank	PB	0	20,000	0	0	0	0	0	20,000	0	0	0	20,000
Productivity Savings	PY	0	(20,000)	0	0	0	0	0	(20,000)	0	0	0	(20,000)
Total, Financing and Other		0	384,948	0	0	0	0	0	384,948	0	0	0	384,948
Procurement and Management Savings:													
General Supply Schedule Savings	PS	0	(14,457)	0	0	0	0	0	(14,457)	0	0	0	(14,457)
Management Reform Savings	PC	0	(7,000)	0	0	0	0	0	(7,000)	0	0	0	(7,000)
Total, Procurement and Management Savings		0	(21,457)	0	0	0	0	0	(21,457)	0	0	0	(21,457)
Total, General Fund - Operating Expenses		**24,924**	**3,113,854**	**4,519**	**1,231,408**	**2,103**	**341,574**	**31,546**	**4,686,836**	**1,029**	**82,576**	**32,575**	**4,769,412**

Summary of
National Defense Authorization for FY 2000
(In Thousands of $'s)

	Authorization Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement	BA Request	BA House	BA Senate	BA Conference
DIVISION A									
TITLE I									
PROCUREMENT									
Aircraft Procurement, Army	1,229,888	1,415,211	1,498,188	229,800	1,459,688	1,229,888	1,415,211	1,498,188	1,459,688
Missile Procurement, Army	1,358,104	1,415,959	1,411,104	(99,806)	1,258,298	1,358,104	1,415,959	1,411,104	1,258,298
Procurement of Weapons and Tracked Combat Vehicles, Army	1,416,765	1,575,096	1,678,865	154,900	1,571,665	1,416,765	1,575,096	1,678,865	1,571,665
Procurement of Ammunition, Army	1,140,816	1,196,216	1,209,816	74,400	1,215,216	1,140,816	1,196,216	1,209,816	1,215,216
Other Procurement, Army	3,423,870	3,799,895	3,647,370	239,051	3,662,921	3,423,870	3,799,895	3,647,370	3,662,921
Chemical Agents and Munitions Destruction, Army									
Operation & Maintenance	593,500	0	0	(45,000)	548,500	593,500	0	0	548,500
Procurement	241,500	0	0	(50,000)	191,500	241,500	0	0	191,500
Research, Development, Test & Evaluation	334,000	0	0	(50,000)	284,000	334,000	0	0	284,000
Aircraft Procurement, Navy	8,228,655	8,826,051	8,927,255	570,129	8,798,784	8,228,655	8,826,051	8,927,255	8,798,784
Weapons Procurement, Navy	1,357,400	1,764,655	1,392,100	59,700	1,417,100	1,357,400	1,764,655	1,392,100	1,417,100
Procurement of Ammunition, Navy and Marine Corps	484,900	612,900	542,700	49,800	534,700	484,900	612,900	542,700	534,700
Shipbuilding and Conversion, Navy	6,678,454	6,687,172	7,016,454	338,000	7,016,454	6,678,454	6,687,172	7,016,454	7,016,454
Other Procurement, Navy	4,100,091	4,238,444	4,197,791	166,800	4,266,891	4,100,091	4,238,444	4,197,791	4,266,891
Procurement, Marine Corps	1,137,220	1,297,463	1,302,070	159,750	1,296,970	1,137,220	1,297,463	1,302,070	1,296,970
Aircraft Procurement, Air Force	9,302,086	9,647,651	9,704,886	456,800	9,758,886	9,302,086	9,647,651	9,704,886	9,758,886
Procurement of Ammunition, Air Force	419,537	560,537	411,837	48,000	467,537	419,537	560,537	411,837	467,537
Missile Procurement, Air Force	2,359,608	2,303,661	2,389,208	36,000	2,395,608	2,359,608	2,303,661	2,389,208	2,395,608
Other Procurement, Air Force	7,085,177	7,077,762	7,142,177	73,350	7,158,527	7,085,177	7,077,762	7,142,177	7,158,527
Procurement, Defense-wide	2,128,967	2,107,839	2,293,417	216,201	2,345,168	2,128,967	2,107,839	2,293,417	2,345,168
Procurement, National Guard and Reserve Equipment	0	60,000	0	60,000	60,000	0	60,000	0	60,000
Chemical Agents and Munitions Destruction, Defense									
Operation & Maintenance	0	550,000	589,000	0	0	0	550,000	589,000	0
Procurement	0	232,000	241,500	0	0	0	232,000	241,500	0
Research, Development, Test & Evaluation	0	230,000	334,000	0	0	0	230,000	334,000	0
Procurement, Defense Health Program	356,970	356,970	356,970	0	356,970	0	0	0	0
Procurement, Office of the Inspector General	2,100	2,100	2,100	0	2,100	0	0	0	0
Defense Export Loan Guarantee Program		1,250	0	0	0	0	0	0	0
Total Procurement	53,379,608	55,958,832	56,288,808	2,687,875	56,067,483	53,020,538	55,598,512	55,929,738	55,708,413
TITLE II									
RESEARCH, DEVELOPMENT, TEST & EVALUATION									
Research, Development, Test & Evaluation, Army	4,426,194	4,708,194	4,695,894	365,049	4,791,243	4,426,194	4,708,194	4,695,894	4,791,243
Research, Development, Test & Evaluation, Navy	7,984,016	8,358,529	8,207,616	378,500	8,362,516	7,984,016	8,358,529	8,207,616	8,362,516
Research, Development, Test & Evaluation, Air Force	13,077,829	13,212,671	13,573,308	552,244	13,630,073	13,077,829	13,212,671	13,573,308	13,630,073

GENERAL PROVISIONS

The conference action changes several section numbers for sequential purposes and makes technical revisions in certain citations.

The conference action restores section 117 of the House bill prohibiting the use of Federal funds for a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia government.

The conference action approves section 119 of the House bill in lieu of section 118 of the Senate bill concerning the cap on the salary of the City Administrator and the per diem compensation to the directors of the Redevelopment Land Agency.

The conference action approves section 127 of the Senate bill (new section 128) concerning financial management services.

The conference action revises the ceiling on operating expenses in section 135 (new section 136) to $5,515,379,000 including $3,113,854,000 from local funds instead of $5,522,779,000 including $3,117,254,000 as proposed by the House and $5,486,829,000 including $3,108,304,000 as proposed by the Senate.

The conference action deletes subsection (d) of section 135 of the House bill concerning the application of excess revenues as proposed by the Senate.

The conference action deletes section 137 of the House bill concerning a report on public school openings as proposed by the Senate.

The conference action requires the inventory of motor vehicles required by section 139 of the House bill and 138 of the Senate bill (new section 139) to be submitted by the Chief Financial Officer as proposed by the House instead of by the Mayor as proposed by the Senate.

The conference action restores section 142 of the House bill concerning Compliance with Buy American Act as section 142.

The conference action deletes section 141 of the Senate bill concerning certain real property in the District of Columbia. The language was made permanent in Public Law 105–277.

The conference action deletes the date referenced in section 146 of the Senate bill concerning the correctional facility in Youngstown, Ohio as proposed by the Senate.

The conference action approves section 148 of the Senate bill concerning a reserve and positive fund balance for the District of Columbia. The conferees believe that the reserve fund will now serve as a true ''rainy day'' fund. Further, the conferees have now required the District to maintain a budget surplus of not less than 4 percent. Any funds in excess of this level could be used for debt reduction and non-recurring expenses. The conferees believe that this combination of reforms will provide the District with a stable financial situation that will in time reduce the District's debt and lead to an improved bond rating.

The conference action restores section 150 of the House bill concerning the prohibition on the use of Federal and local funds for a needle exchange program or for payments to individuals or entities that carry out any such program.

The conference action deletes section 151 of the House bill which prohibits the use of Federal funds for legalizing marijuana or reducing penalties. Section 168 of the House bill (new section 167) prohibits Federal and local funds for legalizing marijuana or reducing penalties.

The conference action restores section 152 of the House bill (new section 151) concerning the monitoring of real property leases.

The conference action restores section 153 of the House bill (new section 152) concerning new leases and purchases of real property and modifies the language to allow the use of funds appropriated for the Southwest Waterfront in the District of Columbia Appropriations Act for fiscal year 1999.

The conference action restores section 154 of the House bill (new section 153) concerning public charter school construction and repair funds and amends the language to provide $5,000,000 for a credit enhancement fund.

The conference action restores section 156 of the House bill (new section 155) concerning the authorization period for public charter schools.

The conference action restores section 157 of the House bill (new section 156) concerning sibling preference at public charter schools.

The conference action restores section 158 of the House bill (new section 157) concerning buyouts and management reforms and provides $18,000,000 instead of $20,000,000 as proposed by the House. The conference action also inserts a proviso concerning the spending and release of the funds.

The conference action restores section 159 of the House bill (new section 158) concerning the 14th Street Bridge and provides $5,000,000 instead of $7,500,000 as proposed by the House. The conference action also changes the source of funds from the infrastructure fund to the District's highway trust fund. The conferees direct that responsibility for this project along with these funds be transferred to the Federal Highway Administration for execution.

The conference action restores section 160 of the House bill (new section 159) concerning the Anacostia River environmental cleanup.

The conference action restores section 161 of the House bill (new section 160) concerning the Crime Victims Compensation Fund and amends the language so that funds are retained each year to pay crime victims at the beginning of the next year. The conference action also inserts language that ratifies payments and deposits to conform with the Revitalization Act (Public Law 105–33).

The conference action restores section 162 of the House bill (new section 161) requiring the chief financial officers of the District of Columbia government to certify that they understand the duties and restrictions required by this Act.

The conference action restores section 163 of the House bill (new section 162) requiring the fiscal year 2001 budget to specify potential adjustments that might be necessary if the proposed management savings are not achieved.

The conference action restores section 164 of the House bill (new section 163) requiring descriptions of certain budget categories.

The conference action restores section 165 of the House bill (new section 164) concerning improvements to the Southwest Waterfront in the District and modifies the language to provide flexibility for the Mayor in executing new 30–year leases with the existing lessees or their successors at the Municipal Fish Wharf and the Washington Marina.

The conference action restores section 166 of the House bill (new section 165) expressing the sense of Congress concerning the American National Red Cross project at 2025 E Street Northwest.

The conference action restores section 167 of the House bill (new section 166) concerning sex offender registration.

The conference action restores section 168 of the House bill (new section 167) prohibiting the use of funds to legalize marijuana or reduce penalties.

The conference action retains and amends section 149 of the Senate bill (new section 168) providing $5,000,000 to offset local taxes for a commercial revitalization program in enterprise zones and low and moderate income areas in the District of Columbia. The conferees believe that the Commercial Revitalization program will be an important tool for the city to improve blighted neighborhoods in the District of Columbia. The conferees believe it is important to bring new commercial enterprises into neglected areas of the city. The conferees direct the District to review Congressional proposals on this issue in order to use the funds effectively.

The conference action retains and amends section 150 of the Senate bill (new section 169) concerning wireless communication and antenna applications. The language recommended by the conferees requires the National Park Service to implement the notice of decision approved by the National Capital Regional Director, dated April 7, 1999, including the issuance of right-of-way permits within 7 days of the enactment of this Act subject to judicial review. Concerning future applications for siting on Federal land, the responsible Federal agency is directed to take final action to approve or deny each application, including action on the issuance of right-of-way permits at market rates, within 120 days of the receipt of such application. This 120 day directive does not change or eliminate the obligation that the responsible Federal agency must comply with existing laws. As provided in current law, including the National Capital Planning Act, a Federal agency considering applications involving Federal land within the District of Columbia area may consider, but is not bound by, recommendations of the National Capital Planning Commission.

The conference action inserts section 151 of the Senate bill (new section 170) concerning quality-of-life issues and changes the findings from a sense of the Senate to a sense of the Congress.

The conference action inserts section 152 of the Senate bill (new section 171) concerning the use of Federal Medicaid payments to Disproportionate Share Hospitals.

The conference action inserts section 153 of the Senate bill (new section 172) concerning a study by the General Accounting Office of the District's criminal justice system. The conferees request that this be a comprehensive study of all components of the criminal justice system including law enforcement, courts, corrections, probation, and parole. The report should include recommendations for improving the performance of the overall system as well as the individual agencies and programs.

The conference action deletes section 154 of the Senate bill concerning termination of parole for illegal drug use.

TITLE II—TAX REDUCTION

The conference action restores Title II—Tax Reduction commending the District of Columbia for its action to reduce taxes and ratifying the District's Service Improvement and Fiscal Year 2000 Budget Support Act of 1999 as proposed by the House.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2000 recommended by the Committee of Conference, with comparisons to the fiscal year 1999 amount, the 2000 budget estimates, and the House and Senate bills for 2000 follow:

Federal Funds:

New budget (obligational) authority, fiscal year 1999	683,639,000
Budget estimates of new (obligational) authority, fiscal year 2000	393,740,000
House bill, fiscal year 2000	453,000,000
Senate bill, fiscal year 2000	410,740,000
Conference agreement, fiscal year 2000	429,100,000

Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1999 ...	(254,539,000)
Budget estimates of new (obligations) authority, fiscal year 2000	35,360,000
House bill, fiscal year 2000	(23,900,000)
Senate bill, fiscal year 2000	18,360,000
District of Columbia funds:	
New Budget (obligational) authority, fiscal year 1999	*6,790,168,737*
Budget estimates of new (obligational) authority, fiscal year 2000	*6,745,278,500*
House bill, fiscal year 2000	*6,785,832,500*
Senate bill, fiscal year 2000	*6,749,882,500*
Conference agreement, fiscal year 2000	*6,778,432,500*
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1999	*(11,736,237)*
Budget estimates of new (obligations) authority, fiscal year 2000	*33,154,000*
House bill, fiscal year 2000	*(7,400,000)*
Senate bill, fiscal year 2000	*28,550,000*

ERNEST J. ISTOOK, Jr.,
RANDY ''DUKE'' CUNNINGHAM,
TODD TIAHRT,
ROBERT B. ADERHOLT,
JO ANN EMERSON,
JOHN E. SUNUNU,
BILL YOUNG,
Managers on the Part of the House.

KAY BAILEY HUTCHISON,
JON KYL,
TED STEVENS,
Managers on the Part of the Senate.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was inadvertently not recorded on rollcall vote 379, the conference report on H.R. 2488, the Financial Freedom Act. Had I been recorded, I would have been recorded as a no vote on final passage of H.R. 2488.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 167. Concurrent resolution authorizing the Architect of the Capitol to permit temporary construction and other work on the Capitol Grounds that may be necessary for construction of a building on Constitution Avenue Northwest, between 2nd Street Northwest and Louisiana Avenue Northwest.

The message also announced that the Senate agrees to the report of the committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2488) ''An Act to provide for reconciliation pursuant to sections 105 and 211 of the concurrent resolution on the budget for fiscal year 2000.''

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles in which concurrence of the House is requested:

S. 1543. An act to amend the Agricultural Adjustment Act of 1938 to release and protect the release of tobacco production and marketing information.

S. Con. Res. 51. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

PERMISSION FOR COMMITTEE ON COMMERCE TO HAVE UNTIL MIDNIGHT, SEPTEMBER 7, 1999, TO FILE REPORTS ON H.R. 1714, H.R. 1858, H.R. 486, H.R. 2130, AND H.R. 2506

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that the Committee on Commerce be permitted to file its reports on the following bills no later than midnight September 7, 1999:

H.R. 1714;
H.R. 1858;
H.R. 486;
H.R. 2130; and
H.R. 2506.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

MAKING IN ORDER AT ANY TIME ON LEGISLATIVE DAY OF AUGUST 5, 1999, CONSIDERATION OF CONFERENCE REPORT ON H.R. 1905, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2000

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that it be in order at any time on the legislative day of August 5, 1999, to consider the conference report to accompany the bill (H.R. 1905) making appropriations for the legislative branch for the fiscal year ending September 30, 2000, and for other purposes; the conference report be considered as read and all points of order against the conference report and against its consideration be waived, and; the previous question be ordered to final adoption without intervening motion except 20 minutes of debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations or their designees and one motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2684, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 275 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 275

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with ''Provided'' on page 70, line 15, through ''Act:'' on line 22; and page 93, lines 1 through 6. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. Before consideration of any other amendment it shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, which may be offered only by a Member designated in the report, shall be considered as read, may amend portions of the bill not yet read for amendment, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Points of order against the amendment printed in the report for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good

friend, the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 275.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. PRYCE of Ohio. Mr. Speaker, House Resolution 275 is an open rule that governs the consideration of H.R. 2684, the fiscal year 2000 appropriations bill for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.

The rule provides for 1 hour of general debate, equally divided and controlled by the ranking member and the chairman of the Committee on Appropriations. All points of order against consideration of the bill with respect to unauthorized or legislative provisions as well as the transfer of funds in the general appropriations bill are waived, except as specified by the rule.

After general debate, it shall first be in order to consider the amendment printed in the Committee on Rules report. This amendment would restore funding for the Selective Service, which the bill itself eliminates. The Committee on Rules understands that Members on both sides of the aisle have strong feelings about the value of the selective service.

Therefore, we felt it was appropriate and fair to provide waivers for this amendment and let the House work its will. The amendment is bipartisan, and will be offered by the gentleman from California (Mr. CUNNINGHAM), a member of the Committee on Appropriations, along with the gentleman from South Carolina (Mr. SPENCE), who chairs the Committee on Armed Services. Other cosponsors include the gentleman from Virginia (Mr. MORAN), the gentleman from Indiana (Mr. BUYER) and the gentleman from Texas (Mr. ORTIZ), all of whom serve either on the Committee on Appropriations or Committee on Armed Services.

Points of order against the amendment for failure to comply with clause 2 of Rule XXI are waived. The amendment shall be debatable for 20 minutes, equally divided and controlled by a proponent and an opponent, and it is not subject to amendment or division of the question.

To ensure orderly consideration of the bill, the rule provides priority recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Further, the rule allows the Chair to postpone votes and reduce voting time on postponed questions to 5 minutes, as long as the first vote in a series is a 15-minute vote.

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

Mr. Speaker, the VA-HUD appropriations bill combines fiscal responsibility with social responsibility. Under the Republican majority, Congress has fought tooth and nail for a balanced budget through lower government spending. We have combed the budget for waste, duplication, and inefficiency; and we have made the tough decisions necessary to ensure that the Federal Government lives within its means. Today we are seeing the fruits of our labor in a balanced budget and projected surpluses as far as the eye can see.

But this is no time to rest on our laurels. We must be ever vigilant in our responsibility to the taxpayers to spend their hard-earned dollars wisely, while fulfilling the many obligations of government.

One of our most important obligations is to the veterans of this country, who have been willing to trade their lives for the freedom and democracy that we enjoy. It may be impossible to compensate these individuals for their contributions and sacrifices, but this legislation makes a good faith effort by increasing funding for veterans' medical care by $1.7 billion. While the President recommended a freeze in spending on VA health in his budget, this legislation provides the largest increase in veterans' healthcare that we have seen in decades.

This increase brings spending for veterans' medical care to a total of $19 billion. We did not pull this figure out of thin air. The Committee on Veterans Affairs heard testimony from the veterans service organizations and the VA healthcare officials from across the country before agreeing that a $1.7 billion boost in spending would meet our veterans' needs.

We all want to give our veterans the best healthcare possible, and we probably all agree that the VA health system is inadequate in many respects, but money alone will not solve all of these problems. But an additional $1.7 billion is significant. This money will provide the needed injection into VA healthcare while the system as a whole is examined with an eye toward reforms that can have a much more profound impact on veterans' health.

The Federal Government also has a responsibility to the poorest, most vulnerable of our citizens. We all have debated the importance of Medicare and Social Security as we watch our elderly population grow and life expectancies increase. This bill maintains our commitment to America's senior citizens by providing $660 million for seniors' housing assistance.

The bill also recognizes the challenges faced by people with disabilities, who will receive $194 million in housing aid through this legislation.

To ensure the continued availability of affordable housing for low income families, this legislation increases funding for the Housing Certificate Fund by $1 billion. This fund is used for the renewal and administration of Section 8 contracts. In other words, the bill provides 100 percent full funding for expiring Section 8 housing contracts.

In addition to the government's responsibilities to our veterans and the poor, Americans have a shared responsibility to protect our environment for future generations. This VA-HUD bill provides $7.3 billion for the Environmental Protection Agency, which is $106 million more than the President requested. Not only is this commitment to the environment more generous than the President's, but it targets the money to local programs designed to protect our resources, rather than bolstering the salaries and expenses of bureaucrats in government agencies in Washington.

For example, the State and Tribal Assistance Grants, which include the State revolving funds for clean and safe drinking water, will receive almost $2.3 billion under this bill. That is $362 million more than the President requested.

Through the VA-HUD bill, we also fulfill our responsibility to so many of our communities that have experienced the devastation of natural disaster. In times of true emergencies and catastrophic loss, our Federal Government has a responsibility to reach out and help people put their lives back together.

This legislation provides more than $3 billion for the Federal Emergency Management Agency, which represents an increase of almost $500 million over last year. In fact, disaster relief programs, emergency management planning and assistance, the Emergency Food and Shelter Program and the flood mitigation fund will all be funded above last year's level.

Mr. Speaker, I congratulate the hard work of the gentleman from New York (Chairman WALSH) to fulfill these many responsibilities and still pare back spending to stay within the limits set in the budget agreement between Congress and the President. It is the fiscal restraint that the gentleman from New York (Chairman WALSH) and the Committee on Appropriations have demonstrated through this bill that is required if our budget surplus is to materialize and be maintained into the future.

This VA-HUD bill funds our priorities, from supporting our Nation's veterans and housing our Nation's poor, to protecting our environment and rebuilding communities devastated by natural disasters. At the same time, this legislation will lower government spending by $1.2 billion.

Some may not agree with the allocation of dollars among the many important programs in this bill. Fortunately, under this wide open rule they are free to offer amendments to rearrange the spending in this bill, so long as their amendments comply with the rules of the House.

Mr. Speaker, this bill is one more challenge we must be willing to meet as we work to change the culture in Washington. We cannot continue to accept the expenditure of taxpayers' dollars merely because it is dedicated to a program with a popular name or one with good intentions. We must be diligent in our protection of taxpayer interests, both as wage earners and as members of a free society, where government fulfills its legitimate functions and gets out of the way.

We recognize that veterans' programs, environmental protection, and emergency assistance are all key government functions, but we also understand that the government can be more efficient in achieving its desired purpose. There are always places where we can trim spending without undermining our objectives. It is our challenge to reconcile these realities to achieve multiple goods.

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Mr. Speaker, I hope my colleagues will join me in voting yes on this open rule, and in support of the principles of fiscal and social responsibility which the VA-HUD bill protects.

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

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

Mr. Speaker, congressional spending is all about making choices, and the VA-HUD appropriation bill shows us very loud and clear the choices made by my Republican colleagues.

In short, Mr. Speaker, with this bill they have chosen tax breaks for the very rich over health care for veterans and housing for low-income families. They are determined to give the richest Americans a whopping tax break at the expense of just about everybody else, and they have even resorted to shortchanging veterans on their health care.

When this bill is properly funded, it makes sure we keep our promises to our veterans. It helps keep roofs over the heads of low-income disabled and elderly Americans. It protects the environment. It helps make repairs after natural disasters, and it turns scientific research on the heavens into real answers for today's problems on the Earth.

But these cuts mean those worthy programs will begin to decline. The agency that takes the biggest cut, Mr. Speaker, despite the great service they perform, is NASA. Mr. Speaker, NASA expands our frontiers into space. They perform research on issues like El Nino and droughts, issues that have real meaning to the people of the United States.

But Mr. Speaker, this bill cuts their funding. It cuts the funding they received last year by $1 billion. It will hurt American competitiveness, and could mean over 30 space missions either get canceled or deferred.

The other agency that gets big cuts is the housing department. Even though 5 million very low-income families get no housing assistance at all, even though there is an average wait of about 2 years for Section 8 housing, this bill cuts housing programs, not only by what they need to keep up with inflation but also below the actual dollar amount that was spent last year.

Mr. Speaker, as someone who grew up in public housing, these people save lives, these people give people hope, they give people dignity, they give people a chance, especially when so many Americans do not earn a living wage, despite working full time jobs. Jobs may be more plentiful these days, Mr. Speaker, but affordable housing is not. But this bill cuts public housing by hundreds of millions of dollars.

Finally and most importantly, Mr. Speaker, this bill does not provide enough for veterans' health care. It lowers the standard of medical care for the men and women who risk their lives in military service. Over 60 veterans' groups say this bill falls $1.3 billion short of the amount needed to provide adequate health care for veterans. That, Mr. Speaker, is inexcusable.

Last night in the Committee on Rules we tried to do something about that. My Democratic colleagues and I tried to include the amendment of the gentleman from Texas (Mr. EDWARDS) to delay the capital gains tax break and use $730 million of that savings for veterans' health care. But we were opposed by every single Republican on the committee.

Unfortunately, Mr. Speaker, I am opposed to this bill because this bill sells our veterans short. It risks leaving low-income families out in the cold, and it will drop the United States out of first place in space exploration.

Mr. Speaker, I urge my colleagues to vote no on the previous question. If the previous question is defeated, I will offer an amendment to the rule to make in order the amendment offered by the gentleman from Texas (Mr. EDWARDS) restoring $730 million to veterans' health care. The additional funding will come from delaying the capital gains tax for about 1 year.

Mr. Speaker, there was also a matter on which we agreed and for that I want to thank my chairman, Chairman DREIER, for his leadership. He worked out a compromise for a Democratic colleague, Mr. EDWARDS. Then he graciously reconvened the Rules Committee so that the authorizing committee could withdraw their objection to Mr. EDWARDS' veterans hospital.

Mr. Speaker, I include the text of the amendment of the gentleman from Texas and extraneous materials in the RECORD.

The material referred to is as follows:

At the end of the resolution add the following new section:

''SECTION . Notwithstanding any other provision of this resolution, it shall be in order without intervention of any point of order to consider the following amendment if offered by Representative Edwards of Texas or his designee. The amendment shall be considered as read and shall be debatable for 60 minutes equally divided and controlled by the proponent and an opponent. The amendment is not subject to amendment or to a division of the question. The previous question shall be considered as ordered on the amendment.''

In the paragraph in title I for the Department of Veterans Affairs, Veterans Health Administration, Medical Care, account—

(1) after the second dollar amount, insert ''(increased by $730,000,000)''; and

(2) strike the period at the end and insert a colon and the following:

Provided further, That any reduction in the rate of tax on net capital gain of individuals or corporations under the Internal Revenue Code of 1986 enacted during 1999 shall not apply to a taxable year beginning before January 1, 2001.

Mr. Speaker, I urge my colleagues to vote no on the question so we can give our veterans more of the health care they deserve.

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

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 5 minutes to my distinguished colleague, the gentleman from New York (Mr. WALSH), the chairman of the subcommittee who has worked so hard on this bill.

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

Mr. WALSH. Mr. Speaker, let me first thank the gentlewoman from Ohio (Ms. PRYCE) for the courtesy of yielding me time, and to the Committee on Rules, both the gentleman from California (Mr. DREIER) and the ranking member, the gentleman from Massachusetts (Mr. MOAKLEY), for the way they received this bill in committee. I thought we had a good hearing, and we got a good rule.

Mr. Chairman, it is with some sadness that I bring this rule before the House today. I have worked with my partner on this bill from the beginning, a gentleman who I really did not know that well when I began as chair of the subcommittee. As I said, sadly, he is not with us tonight to bring this rule before the House.

That is my good friend and colleague, the gentleman from West Virginia (Mr. MOLLOHAN), who suffered a tragic loss this week when his father, Robert, who served with such distinction and honor in this House for 18 years as a member of the Committee on Armed Services, passed away. The gentleman from West Virginia asked that we delay the full debate on this bill. It was obviously a heartfelt request. We honored that request, but we do bring the rule before the House, and we will withhold the consideration of the bill until we return in the fall.

So I miss him and I wish him well, and I offer my condolences and those of my family and those of my colleagues to the gentleman from West Virginia (Mr. MOLLOHAN) and his family.

Mr. Speaker, I think we have done the best we can with a very difficult allocation in a very difficult environment, given the constraints and the budget caps we voted for in 1997. We have brought before the House a bill that hold discretionary spending at

$68.5 billion. That is $3.4 billion below the President's request. It is $1.2 billion below the 1999 funding level.

Much has been said already tonight about veterans' medical care. Mr. Speaker, I know that Members know there is no higher priority in this Congress than our commitment to our veterans, and to meeting and keeping the promises that we made. That is why, Mr. Speaker, we raised the President's request for veterans by $1.7 billion.

My colleague stated earlier that we have left the veterans short. If we had left the veterans short, what did the President do, Mr. Speaker? This is the request of the authorizing committee, fully funded, at $1.7 billion. This is the budget resolution level of funding.

I have with me today a packet, a letter and some attachments that I have provided here on the Republican leadership desk that is available to all Members. I hope they would take advantage of it.

If I could just briefly read a couple of lines from it, in addition to the $1.7 billion increase for medical care, H.R. 2684 provides an increase for the medical and prosthetic research account, provides additional claims analysis in the Veterans' Benefits Administration, and doubles the request for the State extended care facilities grants program.

H.R. 2684 also fully funds the budget for the National Cemetery Administration, the State Cemetery Construction Program, and the Court of Appeals for Veterans' Claims. This is a dramatic increase, Mr. Speaker. There has never been, never been an increase as large as the increase that is incorporated in this bill for veterans' medical care.

For those who would suggest that we have not supported our veterans, I would remind them that in the 1990 budget of this House of Representatives, VA medical care was at a level of $11.3 billion. If this bill is enacted, Mr. Speaker, that amount will increase to $19 billion. That is a 70 percent increase over this past decade. No other Federal department, to my knowledge, has had those kinds of increases, nor that level of commitment from the Members of this body.

Mr. Speaker, I would also offer for consideration and include in the RECORD letters from the National Commander of the American Legion and the national legislative director of the Veterans of Foreign Wars, who urge all Members to support this bill, to support this level of funding. It is their consideration that this is the proper level of funding.

I would ask all Members to consider those important veterans' service organizations when they vote.

Mr. Speaker, veterans health care and the Veterans Administration is not the only aspect of this bill. It is a very broad-reaching complex bill. It includes HUD. And in the area of HUD funding, we have fully funded the Section 8 housing voucher program, which is a good program, a successful program. We have fully funded senior and disabled housing in this bill.

Have there been cuts? There have been cuts, Mr. Speaker, but we had to find places within the budget to reduce spending in order to meet our spending allocations. None of the cuts are draconian cuts.

Mr. Speaker, the most difficult and severest of cuts were in the NASA budget. However, the committee went back in and put $400 million back into the NASA budget. We are still below the level that we need to make these commitments, but I would remind my colleagues in all of these, in FEMA, EPA, the National Science Foundation, we are in the third inning of a 9-inning ballgame. We have a long way to go.

I would ask my colleagues to work with us on this as we go towards conference to try to provide, if possible, additional resources to meet those commitments.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, today this House passed a tax bill that is not real. It is a campaign document more than it is legislation. This bill is not real, either. It is another political document that is not legislation.

We all want to be able to cut taxes, but the majority party apparently wants to push its political plans so hard that they are willing to say no new dollars for social security, no new dollars for Medicare. Now they are willing, in this bill, to crush our ability to conduct science, except for the station and the shuttle. They are willing to trash one of the President's top priorities, AmeriCorps. They are willing to take a half a billion dollar cut in public housing. They are willing to take $3 billion out of the Labor-Health-Education appropriation bill to pay for this bill.

The majority party is telling the country that to pay for their tax scheme and to pay for this bill, they are willing to cut education, cut health care, cut the National Institutes of Health by one-third. Members know that is a phony promise. That is a false promise. It is a phony budget.

Mr. Speaker, we asked the Committee on Rules for one amendment, to delay for one year the capital gains gift to the high rollers of this society, and use that money to pay for additional veterans' health care, because the President's request was inadequate and so is this bill on the item of health care. But the majority party says no, we cannot do that, because we will bend jurisdictional rules.

Mr. Speaker, I would say to my friends on the majority side of the aisle, they have obliterated budget rules. One day they use CBO spending estimates. The next day they use OMB spending estimates. The next day they make the most laughable claims that routine activities like the Census are emergencies in order to cover spending.

If they can do all of that, it seems to me that they can bend their rules a little to help veterans who did not bother about budget rules when they answered their country's call.

In the words of the old song, ''Whose side are you on?'' Are we on the side of the high rollers, or are we on the side of the schoolkids, on the side of sick people, and on the side of veterans?

What Members do on this vote will speak more loudly than all of the summer speeches we give when we go home tonight after this session is over. I urge Members to support the Paralyzed Veterans of America, support the Disabled American Veterans, support the Vietnam Veterans of America. Vote no on the previous question on this rule. Get a new rule. Put veterans ahead on the train, rather than having them ride in the caboose.

I urge Members to vote no on the previous question on the rule.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 3 minutes to my distinguished colleague, the gentleman from Texas (Mr. Paul).

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

Mr. PAUL. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I rise to express my support for this rule. It is a fair rule. There is plenty of room for debate and room for amendment.

I would like to congratulate the Committee on Appropriations for doing something very important in this bill by deleting all the funding for the Selective Service System. I think that is very important.

As was described by the gentlewoman earlier, there will be an attempt early on. The first amendment that will come to the floor will be to put that money back in.

I would like my colleagues to consider very seriously not to do that, because there is no need for the Selective Service System. There is only one purpose for the Selective Service System. That is to draft young 18-year-olds. That is unfair.

There is no such thing as a fair draft system. It is always unfair to those who are less sophisticated, who either avoid the draft or are able to get into the National Guard, or as it was in the Civil War, pay to get their way out.

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The draft is a 20th century phenomenon, and I am delighted to see and very pleased that the Committee on Appropriations saw fit to delete this money because this, to me, is reestablishing one of the American traditions, that we do not believe in conscription. Conscription and drafting is a totalitarian idea.

I would like to remind many of my conservative colleagues that, if we brought a bill to this floor where we would say that we would register all of our guns in the United States, there would be a hue and cry about how horrible it would be. Yet, we casually accept this program of registering 18-

year-old kids to force them to go and fight the political wars that they are not interested in. This is a very, very serious idea and principle of liberty.

So when the time comes in September to vote for this, I beg that my fellow colleagues will think seriously about this, the needlessness to spend $25 million to continue to register young people to go off to fight needless wars. They are not even permitted to drink beer; and, yet, we expect them to be registered and to use them to fight the wars that the older generation starts for political and narrow-minded reasons.

So when the time comes in September, please consider that there are ways that one can provide for an army without conscription. We have had the reinstitution of registration of the draft for 20 years. It has been wasted money. We can save the $25 million. We should do it. We should not put this money back in. We do not need the Selective Service System.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. FROST), the chairman of the Democratic Caucus.

Mr. FROST. Mr. Speaker, this rule should be defeated. Members of the Republican Party have shamelessly turned their backs on the veterans of this Nation, and they have done so in this rule and this bill.

My Republican colleagues have shown, by failing to make in order the Edwards amendment, that they are perfectly willing to sacrifice the health care for the veterans of this Nation. For what, Mr. Speaker? For a capital gains tax cut that will provide the lion's share of its benefits, some 76 percent to those Americans making over $200,000.

Our veterans who depend upon the Veterans Administration for their health care have sacrificed much for their country and are now being asked to sacrifice yet again to the very wealthiest in this Nation. In my book, Mr. Speaker, that simply does not add up.

The gentleman from Texas (Mr. EDWARDS) asked the Committee on Rules for the right to offer an amendment to the VA–HUD appropriations bill that would increase veterans health care by $730 million and delay the capital gains tax cut for 1 year. While the Committee on Appropriations is to be commended for adding more funds to veterans health care, the money available simply will not cover the need. Yet, the Republican majority is willing to ignore this critical need all in the name of preserving a tax cut that will provide most of its benefits for the very richest among us.

For that reason, I must oppose this rule. I cannot in good conscience go home to my constituents next week and tell them I am supporting cutting veterans health care so that those who have all they need and want, who can afford the very best health care available, might enjoy a benefit of a tax cut.

This is a shameless situation, Mr. Speaker, and one I know my constituents will not soon forget.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I really feel compelled to comment. This bill is real. This bill involves many difficult decisions and very hard choices, and it is prioritizing. This bill does not have anything to do with a tax cut. It is not a revenue bill. This is a spending bill.

I would suggest, what is real? What is real about the offset that is being proposed by the minority to fund the veterans medical care? They are suggesting that we use revenues from a tax cut that they have urged and that, indeed, the President has pledged to veto. Is that real? No. Is it disingenuous? Absolutely.

Now, if there is a real effort to provide veterans with additional funds, then make the hard decisions. That is what we did. We made hard, tough decisions. These were not fun.

I do not particularly like the reductions that we had to make in NASA. I like to look forward, and the subcommittee is the same way. We believe in the research and the science that is occurring there. But those were hard decisions. We did not just pull a figure out of a hat like a proposed tax cut.

Now, if there was some support on the other side for the tax cut, maybe it would be more real. It still is fiction. But the fact is, if there is going to be an offset, let us offer a real offset. What we have done is put $1.7 billion on top of the frozen budget that the President has offered for the veterans for the last 3 years. This is a true commitment.

The Congress has been a friend to the veteran. It is obvious in this bill that this was a priority of the subcommittee. I would say once again this is very real. Is it completed? No. This is a work in progress. But these are real decisions. I would ask that, if there are changes to be made, then real offsets, real suggestions, real decisions need to be made here.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS), the former ranking member of the Subcommittee on Health of the Committee on Veterans' Affairs.

Mr. EDWARDS. Mr. Speaker, a Congress that can pass a risky trillion dollar tax cut today surely should be able to adequately fund veterans health care tonight.

I want to genuinely thank the gentleman from New York (Mr. WALSH), the chairman, and the gentleman from West Virginia (Mr. MOLLOHAN) for their work to end a hard freeze on veterans health care, given a budget devastated by massive irresponsible tax cuts.

Honestly, they did as well as anyone could. However, I rise tonight in opposition to this rule because it prohibits this House from adequately funding veterans health care.

A Congress that can find a trillion dollar tax cut just 9 hours ago to cut taxes mainly for the wealthy surely, surely can find one-tenth of 1 percent of that amount to keep our Nation's commitment to veterans, to middle- and low-income veterans, veterans who are waiting months for basic health services if, indeed, they have not been cut off from those services already.

The question before us, Mr. Speaker, is very straightforward. Whose side are we on? Are we on the side of veterans tonight who have fought, sacrificed, and suffered to defend our Nation, or are we going to be on the side of the wealthiest Americans who do not really need a tax cut to affect their life style?

Is this Congress going to fight for veterans who have fought for us on the battlefield, or are we going to fight for the wealthiest 1 percent of Americans?

Some say this is an open rule. But the truth is this rule shut the door on the Edwards-Stabenow-Evans amendment that would provide 730 million real dollars more for veterans health care.

Our amendment is supported by organizations such as the Disabled American Veterans, the Paralyzed Veterans of America, and the American Legion because they know this money, and they have said this money, is necessary to adequately fund veterans health care.

The Edwards-Stabenow-Evans amendment is paid for by simply delaying until January 1 of 2001 the just-passed capital gains tax cut. It is a fiscally responsible straightforward amendment. It says that we think that providing more adequate health care for veterans is worth delaying one-tenth of 1 percent of the Republican tax cut, especially when we note that 76 percent of the just-passed capital gains tax cut goes to individuals making over $200,000 a year.

Mr. Speaker, by voting no on the previous question, we can allow this House to vote its will on whether to put $730 million more into the veterans health care system. Have we not already asked our veterans to sacrifice enough on the battlefield? Must we ask them to sacrifice needed health care services to help pay for a tax cut for our wealthiest Americans?

Let me finish, not with my words, but the words of the national commander of the Disabled American Veterans: ''It is shameful that veterans cannot receive a $3 billion increase in veterans health care at a time we have a $1.1 trillion surplus expected and a $792 billion tax cut proposal.''

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I might consume.

I am having a hard time following the logic here. We are increasing funding for veterans medical care by $1.7 billion. That is $1.7 billion more than the President asked for, and it is the amount that was authorized by the Committee on Veterans' Affairs.

The gentleman is acting as if we are cutting spending when we are increasing it by 10 percent. If there is some cause and effect between the tax bill and this increase, one would think the veterans would push for tax relief legislation every year.

Mr. Speaker, there is no logic here.

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

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. STABENOW).

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

Ms. STABENOW. Mr. Speaker, I rise this evening asking my colleagues to oppose the rule for VA-HUD, because it does not allow a vote on the Edwards-Stabenow-Evans amendment.

The VA estimates that the adoption of our amendment would have allowed an additional 140,000 veterans to receive the health care that they need. Instead, this budget continues to underfund these critical services for our veterans.

Today, there are 20,000 fewer VA medical staff than there were 5 years ago. The dollars that we are talking about tonight are just attempting to get us back to where we were, and it does not even do that.

Due to staffing shortages, for example, a veteran in Tennessee with multiple sclerosis was forced to wait 4 months to be seen by a doctor. We have veterans across this country that travel over 300 miles just to get an X-ray.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. VENTO).

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

Mr. VENTO. Mr. Speaker, I rise in strong opposition to this rule and to the bill that is to follow it. Frankly, it does not reflect the values or priorities that this Congress should be setting. We started with a make-believe budget, and now we are passing make-believe spending bills.

But the cuts in here that are being proposed I think speak to the values of where we are going. We have an obligation in this society to help those that are in need. This budget cuts housing $1 billion below what it was last year.

Furthermore, it goes on in the supplemental spending measures that we have had. We have repeatedly used the housing budget as a honey pot to fund other programs, continually taking money out of them and denying the funds that are needed to house people in this country.

It is $2 billion below what the President asked in the housing programs. Of course it eliminates the AmeriCorps. It cuts into the regular and general science programs. This is a budget that has repeatedly denied the opportunity to respond to the needs of the neediest in our society, those that need housing.

I hope we can reject this rule and reject the bill.

Mr. Speaker, I rise in opposition to this rule which will put in place a convoluted process to consider a seriously flawed bill when we return in September. This bill gives short shrift to housing and community development programs, to proven programs like AmeriCorps, and others of import to the science and environmental communities.

This rule will allow the consideration of a bill that will continue the theme of the past few years: making housing the honey pot for budget spending increases elsewhere and tax cuts for special interests and the wealthy. The VA, HUD and Independent Agencies bill has been irreparably harmed by the flawed process set up by the initial budget blue print drawn by the Majority who thumbs their noses at the realities of funding needs in social programs, ensuring confrontation this fall with Democrats and the Clinton Administration.

Unfortunately, the VA–HUD Appropriations bill cuts well over a billion dollars in funds from HUD's budget last year and is some $2 billion below the Administration's request. It is a sort of water torture of cuts—a drip here, a drip there—but in the end, the programs are suffering from the budget drought.

Since last week, the overall VA–HUD bill has lost some of the emergency spending gimmicks that other bills retained, such as calling the Decennial Census an ''emergency.'' So, the GOP Majority appropriators chose instead to gouge yet deeper into the Labor-HHS-Education 302(b) allocation of funds in order to spare the popular Veterans and NASA programs. Predictably, the powerless in our society, the housing and community programs have been left with cuts to key programs, the Community Development Block Grant (CDBG), the McKinney Homeless Assistance programs, HOPWA, and public housing. This bill would provide no new housing assistance despite the commitments to authorize 100,000 new vouchers made in the 1999 budget authorization and the Administration's request to fund such units. This is at a time when millions of people are on waiting lists for housing are on the streets, and according to a Department of Housing study, 5.3 million families have worst case housing needs.

The real emergency, the real needs of the VA–HUD bill should be preserving our federally-assisted housing from the ''opt-out'' or prepayment phenomenon by matching state programs to keep buildings affordable, or marking up market rents so landlords stay with our successful programs. The real housing needs of this country will not be met under the VA–HUD Appropriations bill that this Rule would bring before the House.

This spending measure makes no effort to reconcile the loss of hundreds of millions of dollars of rescinded Section 8 monies that have been usurped for emergency spending this year and the last. This year, for example, we lost $350 million in Section 8 that is made up, if at all, on the backs of other critical housing program like the CDBG block grant which serves low- and moderate-income folks in cities across the country.

While the House has now passed the Conference Agreement providing for a trillion dollar tax cut pie for those who are well off, we are left in housing accounts with nothing but a bad taste in our mouths because the commitments to bring affordable housing opportunities to more people have been broken. We cannot stay even in funding for housing programs with the spending levels in this bill, and this future spending policy path provides no light at the end of the tunnel for the housing crisis.

While the Committee may claim inadequate appropriation authority under the budget, the fact is that there are 215 earmarks spending money on special interest projects. The conclusion of this bill is to deny funding for housing and other needs but to buy off votes to pass it with projects and earmarked funds!

I urge a ''no'' vote on the rule.

The SPEAKER pro tempore (Mr. QUINN). The Chair would inform both managers that the gentlewoman from Ohio (Ms. PRYCE) has 10½ minutes remaining. The gentleman from Massachusetts (Mr. MOAKLEY) has 15 minutes remaining.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FILNER), the ranking member of the Subcommittee on Benefits of the Committee on Veterans' Affairs.

Mr. FILNER. Mr. Speaker, on behalf of the veterans of San Diego, California, I rise in opposition to this rule.

Mr. Speaker, this bill simply does not address the emergency our veterans are facing. Keeping the promises that we made to our veterans is an emergency; providing veterans health care is an emergency.

It is vital to improve the Montgomery G.I. Education bill, reducing incredible backlog in claims, provide care to those facing illness of unknown causes from the Persian Gulf War.

Not only has this bill failed to address these critical needs, it has compounded this emergency situation by approving hundreds of dollars of individual congressional projects, most of which pale in importance to the health care of our veterans.

So our veterans can wait months for a doctor's appointment, die from hepatitis C because care is being rationed, live on the streets because there are no services to help them get back into productive lives.

But this bill answers these needs by putting $1 million into a machine to grow plants in space and a half million dollars into improving paints for ship bottoms. Well, improve my ship bottom. Defeat this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. RODRIQUEZ).

□ 2230

Mr. RODRIGUEZ. Mr. Speaker, I rise today in opposition to the rule. I support the efforts of the gentleman from Texas (Mr. EDWARDS), and during the committee process, I want to just share with my colleagues, that we had a substitute motion to try to put $3.1 billion that was needed in this particular piece of legislation and that particular motion was not even allowed, despite the fact that it was a proper motion.

I want to also indicate that there is a tremendous need out there. These resources are not sufficient. We are going

to be seeing some closure of some hospitals and some services that are drastically needed, and I would appeal to my colleagues to please consider the proposal that is here before us. We have an opportunity to be able to do that. We need to make sure that we go out there and provide the services that are needed to some of our veterans that are hurting.

The fact is there are extended services in terms of health care, in terms of hepatitis C, and emergency care in certain areas that are right now in drastic need of additional resources. We have an opportunity to address that when this vote comes up today. There is no need for us to be going out and verbalizing we are in favor of the veterans while at the same time we are not showing the action that is needed. I ask we vote ''no'' on the rule.

Mr. Speaker, I rise today in opposition to the rule on H.R. 2684. I support the efforts of CHET EDWARDS, DEBBIE STABENOW, DAVID OBEY and LANE EVANS to add $730 million for veterans' medical care in fiscal year 2000. However, the effort to amend the VA-HUD Appropriations bill with this increase was denied by the House Rules Committee. If the amendment were to be in order, I would support this rule, and urge the House leadership to reconsider this decision to deny needed increase in VA spending.

This amendment and the denial of even considering it is nothing new. Members have attempted to offer increased funding ever since the budget recommendations were offered in the House Veterans' Affairs Committee. That effort was based upon the Independent Veterans budget offered the major veterans service organizations such as the Disabled Veterans of America, the Veterans of Foreign Wars, AMVETS and Paralyzed Veterans of America. Many of these groups and the American Legion sent letters to the Rules Committee in support of the Edwards amendment as well, and have been instrumental in raising this issue in VSO halls, rallies, and meeting across the country.

Throughout this budget cycle, I have joined my colleagues in meeting with the Administration. Our goal was to remind the Administration that it must put veterans first. We then secured a revised budget request from Vice-President Gore to add a billion dollars to next year's VA appropriation.

The VA is in a position to make real progress in comprehensive health care: Expanded mental health care, long-term and nursing home health care, Hepatitis C, emergency care and other initiatives that had never been fully funded. But how can we promise these expanded goals without an adequate budget to keep our promises.

Now is the time to keep our commitment to those who served our nation when she called.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Speaker, I rise in opposition to this rule. I am privileged to represent a caring and proud community that cherishes freedom and deeply respects the men and women who have fought and died to protect those freedoms.

As I think about the tremendous service veterans have provided our country, I am outraged that this rule does not make in order an important amendment to improve health care for veterans. This amendment would increase funding for veterans' health care by $730 million, which would help 140,000 veterans. I can think of few things more important than making certain that our veterans receive the medical care they deserve and medical care that they were promised.

This bill and this rule do not meet this challenge, and I urge my colleagues to oppose it.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, this rule represents a cold-hearted approach to the needs of the homeless, including 6,500 veterans who will be left in the lurch.

Public housing is cut down from the President's request, community development block grant programs, which help to rebuild low- and moderate-income communities and enhance the quality of life, are all cut.

This is a weak response to the needs of the most vulnerable and is a disservice to the men and women who have made great sacrifices to serve their country.

It is a bad rule, it is a bad bill. I urge that we vote ''no.''

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. WEYGAND).

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

Mr. WEYGAND. Mr. Speaker, I thank my colleague from Boston for yielding me this time.

Mr. Speaker, this week The Washington Post wrote about the great accomplishment that we have made in welfare to work; how we have been able to transition people from welfare into work programs, but how we also provided them with the very tools to make that transition.

This bill and this rule takes away some of the most essential parts of that transition. It strips out all kinds of incremental vouchers that allows people to go from welfare into work and still pay for some housing and get some assistance. What will their choice be with this rule and this bill? Either go back into welfare or go into underqualified, unsubsidized, and poor quality housing.

Housing is one of the most basic and fundamental essential parts of life, yet we are stripping that opportunity out and away from these people. We are not giving them hope but despair. We are not providing them with self-respect but with pity. We are not providing them with opportunity but a dead end.

Oppose this rule because it does nothing to provide that continuation of welfare to work.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. WALSH), the chairman of the committee.

Mr. WALSH. Mr. Speaker, I wish to address this issue of housing, because as an urban Republican, and having been a city council president in Syracuse, it is something I feel very, very strongly about. That is why, while we did have to make reductions in the budget, we made no draconian cuts in any of the programs.

I would just submit that when the President presented his budget that has been talked about thus far, the President used a budget gimmick. It is called advanced appropriations or forward funding. He put a figure of $4.2 billion in advanced appropriations in this bill as an offset to cover the cost.

But what that says, Mr. Speaker, is that HUD cannot spend that money until the first day of the next year. In other words, the first day of October of the year 2001. So, in effect, that money is not available to the poor people and to the people who are going from welfare to work in this country in the next budget year, which is what we are talking about.

It is an advanced funding gimmick that we rejected. And if we take that out, we are $2 billion above the President's request for Section 8 housing.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise in opposition to this rule. The cuts that the Republicans have made in the VA–HUD appropriations bill really define who they are and what they care about.

Let me just list a few of the cuts for my colleagues. A $515 million cut in public housing programs, a $250 million cut in Community Development Block Grants, a $10 million cut in housing opportunities for People With AIDS Program; a $3.5 million cut in grants to historically black colleges and universities, a $195 million cut in economic development initiatives.

As a result of these cuts, my own home State of California will receive $151 million less than the amount requested by HUD. Specifically, my own district that I represent will receive $4.6 million less than the amount requested by HUD.

Why are the Republicans doing this? I will tell my colleagues why. These cuts are calculated to provide a $792 billion tax giveaway that favors the wealthiest 1 percent, who would get an average tax cut of $46,000 a year. This is at the expense of 60 percent of taxpayers in the middle income bracket and below who would receive less than 8 percent of the total tax cuts.

Mr. MOAKLEY. Mr. Speaker, would the Chair be kind enough to provide my colleague and I the time remaining to us?

The SPEAKER pro tempore (Mr. QUINN). The Chair would inform both sides that the gentleman from Massachusetts (Mr. MOAKLEY) and the gentlewoman from Ohio (Ms. PRYCE) each have 9½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN) a member of the Committee on Veterans' Affairs.

Ms. BROWN of Florida. Mr. Speaker, we cannot have a surplus if we have not paid our bills. Let me repeat that. We cannot have a surplus if we have not paid our bills, and we have not paid our bills.

It is simply outrageous that the Republicans today have passed a trillion dollar tax cut when the veterans budget is billions, that is billions of dollars short in funding.

As the ranking member of the Subcommittee on Oversight and Investigations of the Committee on Veterans Affairs, I have seen how this shortfall is hurting our veterans. A nursing home in my district had to delay its opening. Hospitals are understaffed and underfunded. Waiting periods for treatments are still weeks too long, and cemetery space is disappearing.

While the Republicans celebrate a tax cut bill, they have cut the veterans out of this budget. I urge my colleagues to cut them out. Defeat this rule. This is simply unjust to American heroes.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise to support the rule and to congratulate the gentleman from New York (Mr. WALSH) and our committee for the work it has done to support veterans throughout the United States.

I heard a few minutes ago, Mr. Speaker, reference made to staffing shortages in VA hospitals. In many ways that has a lot to do with a lack of presidential leadership and it has a lot to do with the leadership of the Veterans Administration, which has been absent in many ways in supporting and properly advocating on behalf of veterans. And that was clearly evidenced through hearings that the VA–HUD committee had and that the gentleman from New York (Mr. WALSH) led. We had inadequate testimony from Secretary West.

And as has been pointed out, over the last 4 years, the President has flatlined the veterans' medical care portion of the budget, and it is only through the leadership of this committee that these dollars have been restored each and every year way over what the President has presented, $1.7 billion towards medical care. That would not have happened without the bipartisan leadership of our committee.

One of the other issues, of course, if there are staffing shortages, little wonder, considering the fact that the VA is using a managed care model, a managed care model that is being managed by nonveterans, basically forcing veterans from our hospitals into the communities.

The bottom line is that our committee is providing essential medical care money, more than the President, $1.7 billion. The committee knows the value of veterans, the value of medical care, and we have the endorsements from both the American Legion's national commander and the VFW commander supporting our efforts.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise to oppose this rule because it is the first step in ripping off the roof over people's heads. That is what we are doing when we cut $2 billion from the HUD budget.

Now, some people will argue that cutting the budget is good government. But this is not just some government program, it is a roof over people's heads. When we cut this program, we are taking away some seniors' rent money, we are throwing families out of their homes, and we are denying people on fixed and low incomes the safety and security of an affordable home.

The residents of over 500,000 affordable apartments are at risk of losing their homes over the next 5 years if HUD does not renew the contracts with the private landlords who own them. The money to do that was cut.

Last March, we cut $350 million from the Section 8 program, with solid promises it would be back in the budget; but it is not. Well, we can put the $350 million back if we do not give $800 billion to wealthy special interests in the form of an irresponsible tax cut. And we should put in the $1 billion that the President requested because 500,000 households are depending on us.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, that last statement was bordering on the outrageous. No one, no one, will be turned out of their homes. And to say that is irresponsible.

Not one individual, not one family that is now in public housing will lose their home. Not one individual, not one family that is in Section 8 housing will lose their home. In fact, as I stated earlier, if we take the President's budget gimmick of $4 billion out of this bill, we are $2 billion above the President's request for Section 8 housing.

Now, who is kidding whom? This class warfare sort of approach is not going to work. There are people on this side of the aisle who care deeply about all American citizens, regardless of their income. And it is sort of an old song that has worked in the past; but, Mr. Speaker, I am not going to stand for it.

There is a commitment to public housing. If we are short in some areas of this bill, it is because we had hard choices to make. And if we can put additional resources in, we will.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I rise in opposition to this rule. All of us claim to support human rights in faraway lands. This Republican appropriations bill demonstrates a disrespect for basic human rights for the least of these in our own country.

And I say this because it does cut $5 million for homeless assistance, it cuts $50 million for renovation of severely distressed public housing, it cuts $250 million for Community Development Block Grants, and it cuts $1 billion from the President's request for assistance to landlords in exchange for affordable housing.

Of course this is not a tax bill, but as we make these cuts, we must remember that, unfortunately, the Republicans did pass a major tax bill earlier that gives $731 million in capital gains tax cuts and $169 million in special interest tax breaks.

It is mind-boggling that those who talk about family values resort to gutting our families' basic foundation. This is a human rights violation of the highest order. I ask for a ''no'' vote on the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for yielding me this time.

I believe maybe we should reconsider the name of this rule, Mr. Speaker, and really call it ''I have got mine, you get yours rule'' for the night.

I cannot imagine why the veterans' amendment to restore $730 million for the veterans' health care was not allowed, particularly with the sacrifice that our veterans make on behalf of this country, and especially in light of the fact that when I visit my veterans' facilities and go to veterans' meetings, we talk about the denial of health care that many of them face. That amendment should have been made in order.

Then we need particularly to look at those who are struggling every day to make ends meet and need Section 8 certificates. Why would we cut and provide less than what we need? Why would we cut $5 million from homeless programs?

□ 2245

Why would we indicate in a market where there is not enough affordable housing that they do not need section 8? It is because I have got mine, you have got yours. And then NASA. We are cutting NASA $1 billion. We are losing jobs. We are denying research on HIV, on diabetes and heart disease.

This is a bill for those who got theirs and they tell the rest of us to get ours. Vote down this rule. This is a bad rule and a bad bill.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman for yielding me the time.

I rise to oppose the rule and the appropriations bill. As if the damage to

housing and to veterans were not enough, the bill before us contains deep cuts to research and development. Research and development is the engine which is driving our robust economy.

The $25 million cut to the National Science Foundation below the current level, among other critical research, includes a cut even to critical science education programs. And the incredible $1 billion slash in the NASA budget below the current level will be felt by scientists who will be forced to end long-standing research in astronomy and space science.

As a scientist, I know that today's research will produce further major scientific advancement that can improve the quality of life of the American people.

In this time of economic prosperity where we discuss budget surpluses and tax cuts, it is unwise to cut at the heart of that prosperity.

Let us send this appropriations bill back to the drawing board and oppose cuts to the National Science Foundation and NASA.

The SPEAKER pro tempore (Mr. QUINN). The Chair would inform the managers that the gentlewoman from Ohio (Ms. PRYCE) has 6½ minutes remaining. The gentleman from Massachusetts (Mr. MOAKLEY) has 4½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield the remaining 4½ minutes to the gentleman from Texas (Mr. EDWARDS), the former chairman of the Subcommittee on Health of the Committee on Veterans' Affairs.

Mr. EDWARDS. Mr. Speaker, let me make a very clear statement of fact that no one can refute in this House.

If the Republican House leadership was not committed to a trillion dollar tax cut, billions of dollars more would be available for veterans health care.

Let me repeat that statement of fact. If the House Republican leadership was not committed to a trillion dollar tax cut, billions of dollars more would be available for veterans health care.

That is the question that we are raising tonight. Do you want to have a tax cut for the wealthiest Americans who are doing quite well, thank you, or do we want to adequately fund veterans health care?

Let me respond to some of the statements made by my friend and colleague from New Jersey who suggested a few minutes ago that the veterans were supporting basically his position. While the veterans may be glad that we are getting some increase and a hard freeze on veterans care funding, let me be exactly clear, perfectly clear.

The veterans' organizations he referred to are supporting my amendment and asking Republicans and Democrats tonight to oppose this rule and allow my amendment to come up.

Gordon Mansfield, executive director, Paralyzed Veterans of America: "Making this amendment in order would be a giant step forward in providing the resources and the health care our Nation's sick and disabled veterans have earned and deserve."

The American Legion, Steve Robertson, director of their National Legislative Commission: "The VA has an extremely long list of veterans seeking various types of long-term care. The VA's budgetary constraints limit its ability to effectively and efficiently meet these needs. Currently waiting times for appointments in the VA system are staggering. We are not talking days or weeks but months. If the veteran needs to see a specialist, the wait is even longer."

He goes on to say, and I quote: "The American Legion supports this amendment and any waiver that may be in order for this amendment to proceed on the floor."

Let me go on to clarify this point with a quote from Andrew Kisler, the national commander of the 2.3 million Disabled American Veterans' Organization: "On behalf of the more than 2.3 million disabled veterans, including the more than 1 million members of the DAV, I strongly urge you to consider a rule to allow this amendment," referring to the Edwards-Stabenow-Evans amendment.

He goes on to express my views I think very well and the views of many Democrats in this House. "While we greatly appreciate the $1.7 billion increase over the Administration's budget request contained in the VA appropriations bill, it does not go far enough to provide for the health care needs of a sicker, older veterans' population."

Let me clarify another point. Several of my colleagues have said the President's health care proposal in his budget is inadequate. I agree. We all agree. Nobody is disagreeing. But let the American people know and let us be honest with them in saying that Presidents do not write budgets. That is our responsibility.

Let me tell my colleagues what we in Congress have done over the last several years. It was not the President who flat-lined VA health care spending for 5 years. It was this Congress on a bipartisan basis but under the leadership of the Republican Speaker that flat-lined VA health care spending for 5 years.

Why do we not just admit tonight we have made a mistake? I think admitting we made a mistake 2 years ago is a lot more responsible than trying to maintain our commitment to that terrible mistake and the inadequate funding for veterans health care. Congress passes budgets and has that responsibility, not the President.

This Congress has made assumptions in the past several years of budgets that have said we are going to have 20 percent more veterans needing care, but we are going to bring in 10 percent extra VA health care income from outside sources. But surprise, this Congress did not pass the Medicare subvention law that was the basis to that assumption.

This Congress, not the President, assumed that the VA would provide veterans care 30 percent cheaper per veteran. Which Member of this House has been willing to make that promise to his or her constituents?

We appreciate the efforts of the gentleman from New York (Mr. Walsh) and the gentleman from Arizona (Mr. Stump) and others' efforts. But let us say no to this rule. Let us adequately fund VA health care, and let us do it tonight.

Ms. PRYCE of Ohio. Mr. Speaker, I submit for the RECORD an explanation of the previous question, a procedural, not a substantive vote.

THE PREVIOUS QUESTION VOTE

The previous question is a motion made in order under House Rule XIX, and accorded precedence under clause 4 of Rule XVI, and is the only parliamentary device in the House used for both closing debate and preventing amendment. The effect of adopting the previous question is to bring the pending proposition or question to an immediate, final vote. The motion is most often made at the conclusion of debate on a special rule, motion or legislation considered in the House prior to a vote on final passage. A Member might think about ordering the previous question in terms of answering the question "is the House ready to proceed to an immediate vote on adopting the pending question?"

Furthermore, in order to amend a special rule (other than by the managers offering an amendment to it or by the manager yielding for the purpose of amendment), the House must vote against ordering the previous question. If the motion for the previous question is defeated, the House is, in effect, turning control of the Floor over to the Member who led the opposition (usually a Member of the minority party). The Speaker then recognizes the Member who led the opposition (usually a minority member of the Rules Committee) to control an additional hour of debate during which a germane amendment may be offered to the rule. This minority Member then controls the House Floor for the hour.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the vote on the previous question has no substantive legislative or policy implications.

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

Mr. Speaker, in closing, I would like to remind my colleagues that this is an open rule. Any Member may offer any amendment to this legislation so long as it complies with House rules.

The VA-HUD bill reduces spending by $1.2 billion while adequately funding our top priorities, not the least of which is veterans and medical care. In fact, this bill increases VA health care by $1.7 billion. This is a 10 percent increase, far more than Congress has provided for VA medical care in any one year.

Mr. Speaker, again I will take this opportunity to commend the gentleman from New York (Chairman WALSH) for his hard work to craft a bill that strikes a delicate balance between fiscal and social responsibility.

Mr. Speaker, I yield the balance of my time to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE) for the courtesy that she has extended and for the remarkably solid debate that we have had.

I would like to use my time just to make a couple of points. One, to correct the gentleman that just spoke prior to the gentleman from Texas. The President has requested no increase in the budget for the last 5 years, but the Congress has put in an increase every single time. This being the largest increase in veterans health care history, this bill is before us today.

As I said, in 10 years veterans medical care has gone up over 70 percent because the Congress, both parties, has stuck with our veterans, unlike the President.

This bill is a good bill. It is full of hard decisions, but it is a good bill and it is a fair bill.

Most of the debate has been around the issue of veterans' medical.

I would like to insert for the RECORD the following letter from the Veterans of Foreign Wars:

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, August 3, 1999.

Hon. JAMES T. WALSH,
Chairman, Committee on VA, HUD, and Independent Agencies,
Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the 1.9 million members of the Veterans of Foreign Wars of the United States (VFW), I want to express our sincere appreciation to you and the other members of the House Appropriations Committee for the $1.7 billion increase for VA Health Care you have prescribed in the VA–HUD–IA appropriation for FY 2000.

This action by you and the committee will prove instrumental toward ensuring veterans receive quality health care delivered in a timely manner at VA medical facilities throughout the nation. Furthermore, this increase will avert unnecessary layoffs of critical medical personnel as well as prevent the curtailment of essential veterans programs and services.

It is also our view that the elevated baseline established by these necessary dollars will contribute toward addressing the long-term health care needs of our rapidly aging veteran population within the context of congressional deliberations for VA funding in FY 2001 and out-years.

Once again, the VFW salutes your vision, compassion, and political courage in providing an additional $1.7 billion for VA health care. We of the VFW look forward to working with you and other members of Congress on behalf of all veterans in need. You have shown yourself to be a true champion in their service.

Sincerely,

DENNIS M. CULLINAN,
Director, National Legislative Service.

Mr. Speaker, I include for the RECORD a letter from the American Legion:

THE AMERICAN LEGION,
Washington, DC, August 3, 1999.

Hon. JAMES T. WALSH,
Chairman, Appropriations Subcommittee on VA, HUD, and Independent Agencies, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your hard work and that of your colleagues in putting together a difficult appropriations bill. The American Legion understands and deeply appreciates the Subcommittee's efforts to adequately fund the Department of Veterans Affairs in FY 2000.

Clearly, you and your colleagues recognized the inadequacy of the President's budget request. You heard the deafening cries of the entire veterans' community to increase funding for medical care. No other group of Americans deserves the thanks of a grateful Nation that those service-connected veterans. For many of them, VA is their life-support system. To ''nickel and dime'' this national resource would be criminal; the ultimate victims are those who have paid the greatest price for freedom.

The American Legion applauds full Committee's decision to increase in VA Medical Care of $1.7 billion above current funding. This will prevent the adverse impact under funding would have on the quality, timeliness, and availability of health care for service-connected veterans across the country.

But before the ink is dry, we need to begin planning for FY 2001. It is extremely important that as the FY 2001 budget cycle approaches that the new, adjusted VA medical care baseline be established at $19 billion. To regress to the spending caps contained in the Balanced Budget Act of 1997 would revert back to unrealistic spending recommendations. VA, just like the rest of the health care industry, has fixed costs associated with pharmaceuticals, cost-of-living adjustments, inflation, disaster assistance, and other internal and external economic factors that must be considered annually.

There are two still key funding areas where the mark up falls short. As the House begins debate on this bill, The American Legion urges consideration to bringing medical construction (both major and minor) and State Home Care Grants Program construction funding to acceptable levels.

The ever-increasing demand for VA long-term care is not being met. The State Home Care Grants Program allows the States to help assist in meeting this demand for such care in local communities.

Thank you again for your continued leadership on behalf of America's veterans and their families.

Sincerely,

HAROLD L. ''BUTCH'' MILLER,
National Commander.

Lastly, Mr. Speaker, I would like to enter the following letter also for the RECORD. This is a letter that I received on July 22, just 2 weeks ago, from the Democratic members of the Committee on Veterans' Affairs.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, July 22, 1999.

Hon. BILL YOUNG,
Chairman, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR CHAIRMAN YOUNG: For many months, Members, various veterans' service organizations and others have been sounding the alarm about funding for the Department of Veterans Affairs (VA) health care system. With the House Appropriations Committee poised to take action on VA fiscal year 2000 discretionary spending, we urge you to consider the mounting evidence of need for a significant increase in VA appropriations to avert catastrophe in veterans' health care in fiscal year 2000. We believe the budget resolution's $1.7 billion increase in VA discretionary spending for fiscal year 2000 is the minimum increase needed.

Just as the Committee on Ways and Means recently adopted a tax measure consistent with the budget resolution conference agreement, we strongly believe the $1.7 billion increase in VA discretionary spending that is part of that same agreement should be enacted. The increase in fiscal year 2000 VA discretionary spending should not come at the expense of reasonable funding for other discretionary spending accounts in the appropriations reported by the VA, HUD, Independent Agencies Subcommittee or the full Committee.

On July 15th, the Health Subcommittee of the Committee on Veterans' Affairs conducted a public hearing to examine VA's experience with veterans' enrollment for VA health care benefits. VA health care network directors representing diverse regions around the country acknowledged the serious problems VA will have in delivering comprehensive health care to meet veterans' demand without adequate funding.[1] The General Accounting Office (GAO) and VA's Acting Under Secretary for Health (USH) agreed that the budget request for FY 2000 could require VA to disenroll veterans and deny them access to VA health care. They estimated the decision could affect, not only ''higher income'' discretionary veterans, but also veterans exposed to Agent Orange, Ionizing Radiation, environmental hazards, those who served in the Persian Gulf War, and medically indigent veterans for whom VA health care has been a safety net.

The officials testifying on July 15th echoed the views shared at a February Health Subcommittee hearing on the VA health care budget proposed for fiscal 2000.[2] All foretell of: massive layoffs (at least 8,500[3] employees); denials of care; hospital closures; closing or delaying the opening of popular community-based outpatient clinics; and limitations on or termination of many types of benefits, including inpatient psychiatric care, substance abuse, and pharmaceutical drugs.

VA officials already acknowledge problems with excessive waiting times for VA clinical services. The Acting Under Secretary admitted in testimony that ''we are especially cognizant of the need to reduce waiting times in areas that are experiencing particularly long waits'' and that almost 40% of veterans do not receive primary care appointments within the 30-day goal established by VA.

Clinicians in VA are also acknowledging serious problems with care delivery. Access to effective treatment in VA's networks for Hepatitis C, an emerging epidemic in the veterans' community, is spotty at best; a physician in Louisville, Kentucky reportedly stated he was able to provide treatment for only 35 of the 500 veterans with Hepatitis C under his care. One facility director in Florida advised a Member of Congress that VA does not have any funds to provide Hepatitis C treatment. Others acknowledge problems in staffing. A former nurse on a Spinal Cord Unit in Texas says, ''One of my reasons for leaving...was the lack of staffing which in turn creates unsafe conditions.'' RIFs and future Buy-Outs will exacerbate these reports. These compromises in the quality of our veterans' health care are absolutely unacceptable.

We implore you, Mr. Chairman, that Congress provide nothing less than the $1.7 billion increase in discretionary spending for VA included in the fiscal year 2000 budget resolution conference agreement. Our veterans' health care system and the essential care it provides are at stake.

Sincerely,

Lane Evans; Luis Gutierrez; Corrine Brown; Mike Doyle; Silvestre Reyes; Ciro Rodriguez; Ronnie Shows; Julia Carson; Baron Hill; John Dingell; Jan Schakowsky; John Tierney; Carolos Romero-Barcelo; Collin Peterson; Shelly Berkley; Tom Udall; Dave

Footnotes at end of letter.

Bonior; Bill Pascrell; Dennis Moore; Elijah Cummings.

FOOTNOTES

[1] VISN Directors from Central Plains (VISN 14), Florida and Puerto Rico (VISN 8), New York and New Jersey (VISN 3), South Central (VISN 16), and the Northwest (VISN 20) amended.

[2] VISN directors from Ohio (VISN 10), the Northwest (VISN 22), and New York/New Jersey (VISN 3) accompanied the Under Secretary for Health. A recently retired director from the Southwest (VISN 18) also provided testimony.

[3] As proposed in the FY 2000 Budget Submission. A retired VISN director estimates that layoffs could impact up to 20,000 FTE; the former USH asserts that the need to cut will become greater over time.

''Just as the Committee on Ways and Means recently adopted a tax measure consistent with the budget resolution conference agreement, we strongly believe the $1.7 billion increase in VA discretionary spending that is part of the same agreement should be enacted.''

Now, if it was good enough for them 2 weeks ago, Mr. Speaker, I submit it should be good enough for them today.

So with that I will close my comments and thank the courtesy of the Chair, thank my distinguished colleague, who unfortunately was not able to be here with us this evening, and look forward to passing the rule and completing work on this in September.

Ms. PRYCE of Ohio. Mr. Speaker, I urge my colleagues to support this fair and open rule and to vote ''yes'' on the previous question.

Mr. EVANS. Mr. Speaker, I rise today in opposition to the rule on H.R. 2684. Last night, I joined CHET EDWARDS, DEBBIE STABENOW, and DAVID OBEY in asking our Rules Committee to support a waiver to allow Mr. EDWARDS' amendment to add $730 million for veterans' medical care in fiscal year 2000 to be considered by this House. Had the amendment been made in order, we could have been assured it would be debated and voted on by the full House.

To offset the cost of providing the additional funds for veterans' health care, the Edwards amendment would have delayed implementation of a proposed cut in the capital gains tax, a part of the nearly $800 billion tax cut passed by the House. The Edwards amendment was considered earlier by the House Appropriations Committee and was defeated by a one-vote margin on a 26–25 straight party-line vote.

Earlier this year, the Committee on Veterans Affairs had a contentious debate on next year's funding for VA health care. At that time, I was denied the opportunity to offer an amendment providing more funding than proposed by our Chairman. The Edwards Amendment would have provided approximately the same increase in discretionary funding for VA next fiscal year, $2.4 billion, as I had earlier sought to provide.

Mr. Speaker, veterans' service organizations have steadfastly supported efforts to add funds to the VA health care budget. The American Legion, Disabled Veterans of America, and Paralyzed Veterans of America sent letters to the Rules Committee in support of the Edwards amendment being made in order. A coalition of veterans' groups had earlier supported the increased funding level I planned to propose to the VA Committee.

The last few years in VA health care system have been pivotal. VA has reformed its delivery system, bringing its acute care system into line with modern health care practices. But clinicians and patients alike have begun to cite waiting times and other problems with access to care that have been affected by this sea change. Recognizing the urgent need for funding, I, and other Democratic Members, have met repeatedly with members of the Administration. Our meetings ultimately succeeded in securing a revised budget request offered by Vice-President GORE to add a billion dollars to next year's appropriation for VA health care and construction. Our efforts with the Republicans in this body, however, have not been as successful.

This latest vote against making the Edwards amendment in order is ''déjà vu all over again''. We only asked the Republican majority to give us a chance for an honest debate on where veterans fit into our Nation's priorities. The priority of Congressional Republicans is obviously cutting capital gains taxes and not providing added funding for veterans programs. I can understand why Republicans want to avoid an open debate on funding for veterans programs vs. capital gains tax breaks.

Unfortunately there will be real consequences for this partisanship. VA needs this money, and I am convinced that given the opportunity the House would pass the Edwards amendment. Members are aware that VA's progress in implementing some positive and necessary changes has come at a price. Shifting health care practice styles are eroding some of the VA's best programs—its long-term care programs, its rehabilitative and extended care for seriously disabled veterans, and its mental health care treatment for veterans with Post-Traumatic Stress Disorder or substance abuse issues.

We are now at a point where we must restore certain programs to their past distinction. Congress must take the initiative to fund VA and allow it to re-build its most excellent programs—those that serve the veterans who were injured physically or psychically on the battleground—those that have borne the battle. The Edwards amendment would have allowed VA to do this. I regret the Republican majority has, once again, seen fit to thwart an honest debate on National priorities.

Ms. SCHAKOWSKY. Mr. Speaker, when the House of Representatives returns next month, it will consider the VA–HUD appropriations bill. It is critical that we include adequate funding to meet the housing and community development needs of the country. On any given night, there are 600,000 homeless persons—including children and veterans—living on our streets. There are another 5.3 million families who pay over half of their income on housing. Millions of them live in substandard housing. This is a crisis.

Tragically, the VA–HUD appropriations bill falls far short. In fact, in most areas, it represents a step backwards. I hope my colleagues will consider the following letter, signed by fifty organizations. Those organizations include the U.S. Conference of Mayors, NAACP, AFSCME, the National Low-Income Housing Coalition, National Council of Senior Citizens, National Council of Jewish Women and many other community, faith-based, and civic groups. They are calling on us to respond to this enormous need and to meet our responsibilities by providing more funding for housing and community development.

FULLY FUND HOUSING AND COMMUNITY DEVELOPMENT, NATIONAL LOW INCOME HOUSING COALITION,
Washington, DC, August 3, 1999.

Hon. JANICE SCHAKOWSKY,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SCHAKOWSKY, this year marks the 50th anniversary of the Housing Act of 1949, in which Congress declared the national goal of a decent home and a suitable living environment for every American family. We believe, as do most Americans, that this nation is capable of achieving this worthy goal.

However, we have a long way to go. Even while most Americans are thriving in our remarkably healthy economy, many families still struggle with excessive housing costs and insufficient income to meet basic needs. Over 9,000,000 very low income households pay more than half of their income for housing. The 1999 report by the Joint Center for Housing Studies at Harvard, *The State of the Nation's Housing,* clearly documents the paradox of record accomplishments in housing production and home ownership while rents are increasing faster than wages. Nowhere in the country can a household with one full time minimum wage earner afford basic housing costs. Families who apply for housing assistance wait longer than they ever have before, and in many communities, waiting lists are closed indefinitely.

We believe that a time when we are celebrating bountiful budget surpluses is also the time to address our severe national shortage of affordable housing. This can best be done by strengthening the proven federal housing and community development programs that lift up low-income Americans. There is ample evidence that housing assistance helps low income families gain the housing stability that is necessary for family members to succeed at work and in school.

Unfortunately, the action of the House Appropriations Committee last week weakens our housing and community development programs. Rather than building on the success of our economy by extending its rewards to more and more people, the Committee moved us backwards by failing to fully fund the President's FY2000 HUD budget request. The bill cuts CDBG, HOME, HOPWA, Public Housing Operating Fund, and Homeless Assistance, among others, and does not fund a single new housing voucher.

We find it inconceivable that in this period of extraordinary economic prosperity that Congress continues to purport that we are unable to fund modest expansions of programs that improve the housing and economic opportunities of low wage earners and people on fixed incomes. The substantial tax cuts that are under consideration in the House will not improve the housing circumstances of low income people, but more housing assistance will.

We urge you to vote against the HUG–VA–IA Appropriations bill when it comes to the full House. We are capable of doing much better.

Sincerely,

ACORN, AFSCME, AIDS Policy Center for Children, Youth and Families, Alliance for Children and Families, Campaign for America's Future, Center for Community Change, Child Welfare League of America, Children's Defense Fund, Children's Foundation, Coalition on Human Needs, Development Training Institute, Employment Support Center, Feminist Majority, Friends Committee on National Legislation (Quaker), International Brotherhood of Teamsters, Jesuit Conference, Lawyers' Committee for Civil Rights Under Law, Leadership Conference on Civil

Rights, Lutheran Services in America, McAuley Institute, Mennonite Central Committee U.S., Washington Office, NAACP, National Alliance to End Homelessness, National Association of Child Advocates, National Association of Housing Cooperataives, National Association of School Psychologists, National Center on Poverty Law Inc., National Coalition for the Homeless, National Council of Churches, National Council of Jewish Women, National Council of Senior Citizens, National Housing Law Project, National Housing Trust, National League of Cities, National Low Income Housing Coalition, National Ministries, American Baptist Churches, USA, National Neighborhood Coalition, National Network for Youth, National Puerto Rican Coalition, National Rural Housing Coalition, National Urban League, Neighbor to Neighbor, Network, A National Catholic Social Justice Lobby, Preamble Center, Public Housing Authorities Directors Association, Surface transportation Policy Project, Unitarian Universalist Affordable Housing Corporation, United Church of Christ, Office of Church in Society, U.S. Conference of Mayors, and the Volunteers of America.

Mrs. CAPPS. Mr. Speaker, I rise today with grave concern for our nation's veterans. For the past few years, the Department of Veterans Affairs has struggled to maintain health care services for veterans under essentially flat-lined budgets. According to the Veterans of Foreign Wars, the Disabled American Veterans, and the Paralyzed Veterans of America, we need to increase the budget for VA medical care by $3 billion in order to simply maintain current levels of medical care for veterans.

The FY2000 VA–HUD Appropriations bill improves upon the President's budget for veterans' health care with an increase of $1.7 billion—the largest increase since the 1980's. It also provides a $10 million increase for Veterans Medical and Prosthetic Research and an additional $30 million for the Veterans Benefits Administration to expedite claims processing. This bill also doubles the President's request for Veterans State Extended Care Facilities from $40 million to $80 million.

Mr. Speaker, I applaud these efforts, but we need to do more—much more. I am very disappointed that the amendment offered by Mr. EDWARDS of Texas—which would have made an additional $730 million available to the Department of Veterans Affairs for better health care services for our veterans—was not made in order.

In a related issue, I want to call to the House's attention a recent Washington Post article which linked a high incidence of the fatal neurological disease, ALS, to service in the Persian Gulf War. The VA and Department of Defense have identified 28 cases of ALS—also known as Lou Gehrig's disease—among veterans of Desert Storm. Although it is still unclear whether or not there is a direct link between service in the Persian Gulf and cases of ALS, there is an unusually high number of victims in this relatively small group of veterans.

As the author of the ALS Treatment and Assistance Act, I am very concerned that we make every effort to help veterans who suffer from this tragic disease. I am pleased to have introduced the ALS Treatment and Assistance Act. This bipartisan bill would help those tragically afflicted with ALS by making Medicare coverage more accessible to them and by covering drugs to treat ALS symptoms.

Mr. Speaker, veterans have served this nation honorably and made countless sacrifices on our behalf. They deserve the very best support services we can provide them. As veterans make the often difficult re-adjustment to civilian life, they sometimes need a helping hand to figure out what benefits they are eligible for and where to turn for assistance. Despite the wide array of services offered by the Department of Veterans Affairs, many veterans assistance programs are unknown to the constituency they are intended to support.

Today I introduced the Veterans Emergency Telephone Service Act. The VETS Act sets up a national veterans' hotline service which would operate 24-hours-a-day, 7-days-a-week and provide immediate access to counseling and crisis intervention. This toll free service would also have a staff knowledgeable in VA benefits and programs who could provide immediate information on medical treatment, substance abuse rehabilitation, emergency food and shelter services, employment training and opportunities, and counseling services.

This combination ''411–911'' number for veterans provides a one-stop, toll free number veterans can call at any time of day or night and receive encouragement and assistance. Current toll free information lines for veterans typically dump them into a frustrating automated system which requires repeated transfers and long waiting periods.

I called the VA toll free information line myself two days ago and, after being put on hold for 26 minutes, I was told that the VA did not have a crisis hotline.

Mr. Speaker, this simply isn't good enough. We can and should do better than this for our veterans. That's why I'm pleased to introduce this bipartisan bill with two distinguished veterans, LANE EVANS and STEVE KUYKENDALL.

This bill was inspired by Shad Meeshad, a Vietnam veteran and a close friend of my late husband Walter. Through the National Veterans Foundation in Los Angeles, California, Shad has worked tirelessly to provide support for veterans in California and around the country. Shad runs a hotline for veterans called the ''Lifeline For American Veterans,'' which provides veterans with counseling and referral services. This important program has assisted thousands of veterans around the country and has literally saved lives. I want to expand on Shad's work and make this valuable resource available to vets at any hour of the day and in every part of this country.

Mr. Speaker, I hope we can improve the VA–HUD Appropriations bill and ensure that this legislation is truly worthy of the veterans who have put their lives on the line for our nation and our way of life.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in opposition to the rule on the VA/HUD Appropriations bill for fiscal year 2000, because our majority colleagues have prohibited the gentleman from Texas, Mr. EDWARDS from offering an amendment to increase funding for our veterans' medical care.

Mr. Speaker, as a strong supporter of the men and women who answered our country's call to serve, I was elated when Vice President GORE announced, last month, that the Administration was going to seek an additional $1 billion to ensure that our veterans will have timely access to quality health care. Likewise I was equally thrilled when the VA/HUD Appropriations subcommittee included this additional funding when it reported its FY 2000 bill.

But while this additional funding is welcomed, there is still more that needs to be done. That is why I was so disappointed that the Edwards-Evans-Stabenow amendment, which would have provided an additional $730 million for the VA to help ensure that an additional 140,000 veterans would get the health care that they need, was not made in order.

While our friends in the majority rushed to spend almost $800 billion on a politically motivated tax bill—virtually all of the projected on-Social Security surpluses over the next ten years—they could not find a mere $730 million to help disabled and paralyzed veterans.

In my own district, Virgin Islands veterans have to struggle every day to find the $200 to $300 to fly to the San Juan VA Medical Center for treatment because the VA does not have the funding to either pay for them to receive service on their home island or to reimburse them for their hefty travel expenses.

My colleagues we must defeat the previous question on the VA/HUD rule so that the bill can be sent back to the rules committee to have the Edwards-Evans-Stabenow amendment made in order.

It is time that we keep our promise of free medical care to our veterans!!

Mr. BONIOR. Mr. Speaker, when our soldiers enlist to defend our nation, we make them a promise. We promise to stand behind them 100 percent. Not just when we need them, but when they need us. Later in life. When they are sick. When they are old or infirm, and need our care.

These brave men and women have risked their lives for us, and for our ideals. They have paid their dues. They have kept their promise to America.

That is why it saddens me. It angers me that this Congress is breaking our promise to America's veterans.

For the past four years, this Congress has not added one single dime to cover rising health care costs for veterans. Not one thin dime!

In this time of record surplus, in this economic boom of historic proportions, in this era of tax cuts for the rich, our veterans are being forgotten.

They are being forgotten again, just like they were after Vietnam.

The majority in this Congress passed a trillion dollar tax cut today. But they won't let us add anything for veterans' health care.

It is too much to ask to delay a tax break benefitting the richest Americans, so we can help veterans get the medical care they need?

Every one of us has gotten letter after letter from veterans seeking help.

Veterans with heart conditions, waiting months on end, just to see a specialist at a VA hospital.

Veterans waiting for a year, limping and in pain, before they can get into the hospital for a hip replacement.

Veterans who can't even get a physical exam without a six-month wait. Or get dentures within a year.

Our VA hospitals are overcrowded and overwhelmed. They are struggling to serve their patients. But they just don't have the resources.

This is no way to treat the men and women who risked their lives for us. We asked these

men and women to defend our liberty. Now they are asking us to defend their health care, and we cannot in good conscience turn our backs on them.

That is why I urge you to oppose the previous question. Let us do right by our veterans and honor the promise we made.

Ms. PRYCE of Ohio. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 217, nays 208, not voting 8, as follows:

[Roll No. 388]

YEAS—217

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—208

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—8

Bilbray
Clay
Lantos
Leach
Linder
McDermott
Mollohan
Peterson (PA)

□ 2318

Mr. LEWIS of Georgia, Mr. BLUMENAUER and Ms. PELOSI changed their vote from ''yea'' to ''nay.''

Mr. EVERETT and Mr. THOMAS changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

□ 2320

The SPEAKER pro tempore (Mr. QUINN). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE REGARDING MOTION TO INSTRUCT ON H.R. 1905, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that with the filing of the conference report on the bill (H.R. 1905) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes, proceedings will not resume on the motion to instruct conferees considered last evening on which further proceedings had been postponed.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 1905, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

CONFERENCE REPORT ON H.R. 1905, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2000

Mr. TAYLOR of North Carolina. Mr. Speaker, pursuant to the previous order of the House, I call up the conference report on the bill (H.R. 1905) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the conference report is considered read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Arizona

(Mr. PASTOR) each will control 10 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a pleasure to present the conference report on the FY 2000 Legislative Branch Appropriations bill, H.R. 1905. I would like to thank the gentleman from Arizona (Mr. PASTOR), our ranking member, all members of the committee and our staff for the work they have done on this.

Mr. Speaker, I would like to summarize the conference report by pointing out that the $2.4 billion in new budget authority to the Congress and support agencies and offices of the legislative branch, this is $165 million below the amount requested in the President's budget. Our bill is 6.3 percent below the President's request. It is 4.8 percent below the amount that was appropriated last year. It is almost 6 percent below the amount appropriated in 1995. We have also declined the number of FTEs almost 16 percent, almost 4,400 fewer jobs than we had 5 years ago. This has been hard work. We owe our predecessors a lot of the credit, but this committee has done well.

In summary, the bill I think has reduced this area of government, but it is adequate for our purposes. I urge the adoption of the conference report.

Mr. Speaker, I include the following for the RECORD.

H.R. 1905 - LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2000

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - CONGRESSIONAL OPERATIONS						
SENATE						
Expense Allowances						
Expense allowances:						
Vice President	10	10	.....	10	10	.....
President Pro Tempore of the Senate	10	10	.....	10	10	.....
Majority Leader of the Senate	10	10	.....	10	10	.....
Minority Leader of the Senate	10	10	.....	10	10	.....
Majority Whip of the Senate	5	5	.....	5	5	.....
Minority Whip of the Senate	5	5	.....	5	5	.....
Chairman of the Majority Conference Committee	3	3	.....	3	3	.....
Chairman of the Minority Conference Committee	3	3	.....	3	3	.....
Subtotal, expense allowances	56	56	.....	56	56	.....
Representation allowances for the Majority and Minority Leaders	30	30	.....	30	30	.....
Total, Expense allowances and representation	86	86	.....	86	86	.....
Salaries, Officers and Employees						
Office of the Vice President	1,659	1,721	.....	1,721	1,721	+62
Office of the President Pro Tempore	402	437	.....	437	437	+35
Offices of the Majority and Minority Leaders	2,436	2,644	.....	2,644	2,644	+208
Offices of the Majority and Minority Whips	1,416	1,634	.....	1,634	1,634	+218
Committee on Appropriations	6,050	6,525	.....	6,525	6,525	+475
Conference committees	2,184	2,264	.....	2,264	2,264	+80
Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority	570	590	.....	590	590	+20
Policy Committees	2,218	2,302	.....	2,302	2,302	+84
Office of the Chaplain	267	277	.....	277	277	+10
Office of the Secretary	13,694	14,202	.....	14,202	14,202	+508
Office of the Sergeant at Arms and Doorkeeper	33,805	36,238	.....	34,794	34,794	+989
Offices of the Secretaries for the Majority and Minority	1,200	1,246	.....	1,246	1,246	+46
Agency contributions and related expenses	21,332	22,426	.....	21,332	21,332	.....
Total, salaries, officers and employees	87,233	92,506	.....	89,968	89,968	+2,735
Office of the Legislative Counsel of the Senate						
Salaries and expenses	3,753	3,901	.....	3,901	3,901	+148
Office of Senate Legal Counsel						
Salaries and expenses	1,004	1,035	.....	1,035	1,035	+31
Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate: Expenses allowances	12	12	.....	12	12	.....
Contingent Expenses of the Senate						
Inquiries and investigations	66,800	71,604	.....	71,604	71,604	+4,804
Expenses of United States Senate Caucus on International Narcotics Control	370	370	.....	370	370	.....
Secretary of the Senate	1,511	1,511	.....	1,511	1,511	.....
Sergeant at Arms and Doorkeeper of the Senate	60,511	79,897	.....	66,261	66,261	+5,750
Y2K emergency supplemental (P.L. 105-277)	5,500	.....	.....	.....	.....	-5,500
Miscellaneous items	8,655	8,655	.....	8,655	8,655	.....
Senators' Official Personnel and Office Expense Account	239,156	257,703	.....	245,703	245,703	+6,547
Official Mail Costs						
Expenses	300	300	.....	300	300	.....
Total, contingent expenses of the Senate	382,803	420,040	.....	394,404	394,404	+11,601
Total, Senate	474,891	517,580	.....	489,406	489,406	+14,515
HOUSE OF REPRESENTATIVES						
Payments to Widows and Heirs of Deceased Members of Congress						
Gratuities, deceased Members	137	.....	.....	.....	.....	-137
Gratuities, deceased Members, FY 1999	.....	.....	.....	.....	(137)	(+137)
Salaries and Expenses						
House Leadership Offices						
Office of the Speaker	1,686	1,748	1,740	1,740	1,740	+54
Office of the Majority Floor Leader	1,652	1,712	1,705	1,705	1,705	+53
Office of the Minority Floor Leader	1,675	2,071	2,071	2,071	2,071	+396
Office of the Majority Whip	1,043	1,423	1,423	1,423	1,423	+380
Office of the Minority Whip	1,020	1,060	1,057	1,057	1,057	+37
Speaker's Office for Legislative Floor Activities	397	410	406	406	406	+9
Republican Steering Committee	738	763	757	757	757	+19
Republican Conference	1,199	1,246	1,244	1,244	1,244	+45

H.R. 1905 - LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Democratic Steering and Policy Committee	1,295	1,343	1,337	1,337	1,337	+42
Democratic Caucus	642	666	664	664	664	+22
Nine minority employees	1,190	1,229	1,218	1,218	1,218	+28
Training and Development Program:						
Majority	290	290	290	290	290	.....
Minority	290	290	290	290	290	.....
Undistributed	.....	.....	-142	.....	-142	-142
Subtotal, House Leadership Offices	13,117	14,251	14,060	14,202	14,060	+943
Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail						
Expenses	385,279	421,403	385,279	413,576	406,279	+21,000
Committee Employees						
Standing Committees, Special and Select (except Appropriations)	89,743	96,570	93,878	93,878	93,878	+4,135
Committee on Appropriations (including studies and investigations)	19,373	22,255	21,095	21,308	21,095	+1,722
Subtotal, Committee employees	109,116	118,825	114,973	115,186	114,973	+5,857
Salaries, Officers and Employees						
Office of the Clerk	15,365	15,831	14,881	14,881	14,881	-484
Office of the Sergeant at Arms	3,501	3,812	3,746	3,748	3,746	+245
Office of the Chief Administrative Officer	57,211	60,112	57,289	57,289	57,289	+78
Y2K emergency supplemental (P.L. 105-277)	6,373	.....	.....	.....	.....	-6,373
Office of Inspector General	3,953	4,082	3,926	3,926	3,926	-27
Office of General Counsel	840	840	840	840	840	.....
Office of the Chaplain	133	137	136	136	136	+3
Office of the Parliamentarian	1,106	1,172	1,172	1,172	1,172	+66
Office of the Parliamentarian	(904)	(961)	(961)	(961)	(961)	(+57)
Compilation of precedents of the House of Representatives	(202)	(211)	(211)	(211)	(211)	(+9)
Office of the Law Revision Counsel of the House	1,912	2,045	2,045	2,045	2,045	+133
Office of the Legislative Counsel of the House	4,980	5,085	5,085	5,085	5,085	+105
Corrections Calendar Office	799	829	825	825	825	+26
Other authorized employees	191	688	205	688	205	+14
Former Speakers	.....	(483)	.....	(483)	.....	.....
Technical Assistants, Office of the Attending Physician	(191)	(205)	(205)	(205)	(205)	(+14)
Subtotal, Salaries, Officers and Employees	96,364	94,633	90,150	90,633	90,150	-6,214
Allowances and Expenses						
Supplies, materials, administrative costs and Federal tort claims	2,575	2,655	2,741	2,741	2,741	+166
Official mail for committees, leadership offices, and administrative offices of the House	410	410	410	410	410	.....
Government contributions	132,832	132,333	131,595	131,595	131,595	-1,237
Miscellaneous items	651	676	676	676	676	+25
Subtotal, Allowances and expenses	136,468	136,074	135,422	135,422	135,422	-1,046
Total, salaries and expenses	740,344	785,186	739,884	769,019	760,884	+20,540
Total, House of Representatives	740,481	785,186	739,884	769,019	760,884	+20,403
JOINT ITEMS						
Joint Economic Committee	3,096	3,200	3,200	3,200	3,200	+104
Joint Committee on Printing	352	.....	.....	.....	.....	-352
Joint Committee on Taxation	5,965	6,256	6,188	6,456	6,456	+491
Trade Deficit Review Commission	2,000	.....	.....	.....	.....	-2,000
Joint Committee on the Library	.....	.....	.....	500	.....	.....
Office of the Attending Physician						
Medical supplies, equipment, expenses, and allowances	1,415	1,898	1,898	1,898	1,898	+483
Capitol Police Board						
Capitol Police						
Salaries:						
Sergeant at Arms of the House of Representatives	37,037	38,847	37,725	38,648	37,725	+688
Sergeant at Arms and Doorkeeper of the Senate	39,807	42,350	40,776	42,135	40,776	+969
Subtotal, salaries	76,844	81,197	78,501	80,783	78,501	+1,657
General expenses	6,237	8,990	6,711	7,913	6,574	+337
Emergency security enhancements (P.L. 105-277)	106,782	.....	.....	.....	.....	-106,782
Subtotal, Capitol Police	189,863	90,187	85,212	88,696	85,075	-104,788
Capitol Guide Service and Special Services Office	2,195	2,424	2,293	2,336	2,293	+98
Statements of Appropriations	30	30	30	30	30	.....
Total, Joint items	204,916	103,995	98,821	103,116	98,952	-105,964

H.R. 1905 - LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
OFFICE OF COMPLIANCE						
Salaries and expenses	2,086	2,076	2,000	2,000	2,000	-86
CONGRESSIONAL BUDGET OFFICE						
Salaries and expenses	25,671	26,821	26,221	26,221	26,221	+550
ARCHITECT OF THE CAPITOL						
Capitol Buildings and Grounds						
Capitol buildings, salaries and expenses	43,683	87,581	46,104	48,195	46,836	+3,153
Capitol Visitor Center, Emerg sup (P.L. 105-277)	100,000	.....	.....	.....	.....	-100,000
Capitol grounds	6,046	5,993	5,579	5,627	5,427	-619
Senate office buildings	54,144	71,392	.....	64,038	64,038	+9,894
House office buildings	47,699	53,389	37,279	40,679	37,279	-10,420
Capitol Power Plant	42,174	49,075	38,780	49,008	42,054	-120
Offsetting collections	-4,000	-4,000	-4,000	-4,000	-4,000	.....
Net subtotal, Capitol Power Plant	38,174	45,075	34,780	45,008	38,054	-120
Total, Architect of the Capitol	289,746	263,430	123,742	203,545	191,634	-98,112
LIBRARY OF CONGRESS						
Congressional Research Service						
Salaries and expenses	67,124	71,255	70,940	71,244	71,244	+4,120
GOVERNMENT PRINTING OFFICE						
Congressional printing and binding	74,465	82,214	73,577	77,704	73,577	-888
Total, title I, Congressional Operations	1,879,380	1,852,557	1,135,185	1,742,255	1,713,918	-165,462
TITLE II - OTHER AGENCIES						
BOTANIC GARDEN						
Salaries and expenses	3,052	3,972	3,538	3,428	3,425	+373
LIBRARY OF CONGRESS						
Salaries and expenses	238,373	254,013	256,285	250,491	256,779	+18,406
Authority to spend receipts	-6,850	-6,850	-6,850	-6,850	-6,850	.....
Net subtotal, Salaries and expenses	231,523	247,163	249,435	243,641	249,929	+18,406
Copyright Office, salaries and expenses	34,891	37,639	37,639	37,628	37,628	+2,737
Authority to spend receipts	-21,170	-26,254	-26,254	-26,254	-26,254	-5,084
Net subtotal, Copyright Office	13,721	11,385	11,385	11,374	11,374	-2,347
Books for the blind and physically handicapped, salaries and expenses	46,824	48,033	48,033	47,984	47,984	+1,160
Furniture and furnishings	4,448	5,827	.....	5,415	5,415	+967
Total, Library of Congress (except CRS)	296,516	312,408	308,853	308,414	314,702	+18,186
ARCHITECT OF THE CAPITOL						
Congressional cemetery	1,000	.....	.....	.....	.....	-1,000
Library Buildings and Grounds						
Structural and mechanical care	12,672	19,871	13,410	17,327	16,033	+3,361
GOVERNMENT PRINTING OFFICE						
Office of Superintendent of Documents						
Salaries and expenses	29,264	31,245	29,986	29,986	29,986	+722
Government Printing Office Revolving Fund						
GPO revolving fund	.....	15,000	.....	5,000	.....	.....
Total, Government Printing Office	29,264	46,245	29,986	34,986	29,986	+722
GENERAL ACCOUNTING OFFICE						
Salaries and expenses	356,268	388,448	372,581	383,698	380,400	+24,132
Offsetting collections	-2,000	-1,400	-1,400	-1,400	-1,400	+600
Y2K emergency supplemental (P.L. 105-277)	5,000	.....	.....	.....	.....	-5,000
Total, General Accounting Office	359,268	387,048	371,181	382,298	379,000	+19,732
Total, title II, Other agencies	701,772	769,544	726,968	746,453	743,146	+41,374
Grand total	2,581,152	2,622,101	1,862,153	2,488,708	2,457,064	-124,088

H.R. 1905 - LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - CONGRESSIONAL OPERATIONS						
Senate	474,891	517,580	.....	489,406	489,406	+14,515
House of Representatives	740,481	785,186	739,884	769,019	760,884	+20,403
Joint Items	204,916	103,995	98,821	103,116	98,952	-105,964
Office of Compliance	2,086	2,076	2,000	2,000	2,000	-86
Congressional Budget Office	25,671	26,821	26,221	26,221	26,221	+550
Architect of the Capitol	289,746	263,430	123,742	203,545	191,634	-98,112
Library of Congress: Congressional Research Service	67,124	71,255	70,940	71,244	71,244	+4,120
Congressional printing and binding, Government Printing Office	74,465	82,214	73,577	77,704	73,577	-888
Total, title I, Congressional operations	1,879,380	1,852,557	1,135,185	1,742,255	1,713,918	-165,462
TITLE II - OTHER AGENCIES						
Botanic Garden	3,052	3,972	3,538	3,428	3,425	+373
Library of Congress (except CRS)	296,516	312,408	308,853	308,414	314,702	+18,186
Architect of the Capitol (Congressional Cemetery and Library buildings and grounds)	13,672	19,871	13,410	17,327	16,033	+2,361
Government Printing Office (except congressional printing and binding)	29,264	46,245	29,986	34,986	29,986	+722
General Accounting Office	359,268	387,048	371,181	382,298	379,000	+19,732
Total, title II, Other agencies	701,772	769,544	726,968	746,453	743,146	+41,374
Grand total	2,581,152	2,622,101	1,862,153	2,488,708	2,457,064	-124,088

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

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

Mr. Speaker, before I yield back the balance of my time, I would like to take a few minutes to thank the Subcommittee on Legislative staff on both sides of the aisle. They worked very hard to get this bill done. I also would like to thank the chairman, who was very fair as we worked this bill through from subcommittee to conference. We worked in a bipartisan manner. I want to thank the gentleman for doing that. I congratulate him on this conference.

I would also ask my colleagues to support and adopt the conference report.

Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I apologize, I had hoped to do this in a one minute today, but we did not have them.

Mr. Speaker, as Members know, I had surgery, and I just did not want to go home without acknowledging the extraordinary service I was the beneficiary of, not just from the medical staff, the attending physician and his people, but in particular the nurses and corpsmen.

I will have to confess that under the stress of illness, I slipped a bit from my usual level of congeniality, so I may not have been entirely pleasurable company for the entire stay, and the skill and graciousness with which they ignored that and administered to me deserves some attention. So I want to just thank the attending physician, the cardiologist, Dr. Ferguson, the cardiac surgeon, we are very well served, and the young men and women in uniform who performed extraordinarily well.

Finally, I want to thank my colleagues for a degree of graciousness, that probably would come as a surprise to people whose only knowledge of this place comes from the newspapers, but it would not be to any of us. Thank you.

Mr. PASTOR. Mr. Speaker, I urge an aye vote.

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

Mr. TAYLOR of North Carolina. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The SPEAKER pro tempore. Pursuant to the order of the House today, the previous question is ordered.

The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 367, nays 49, not voting 17, as follows:

[Roll No. 389]

YEAS—367

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chambliss
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
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Frank (MA)
Franks (NJ)
Frelinghuysen
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Gallegly
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Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
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Gonzalez
Goodlatte
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Greenwood
Gutierrez
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Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
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LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (OK)
Maloney (CT)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ose
Owens
Oxley
Packard
Pallone
Pastor
Payne
Pease
Pelosi
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
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Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Spence
Stabenow
Stearns
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)

NAYS—49

Aderholt
Baird
Barr
Berkley
Berry
Carson
Chabot
Chenoweth
Coble
Coburn
DeMint
Deutsch
Doggett
Goode
Graham
Green (TX)
Green (WI)
Hulshof
Inslee
Jones (NC)
Kildee
Lucas (KY)
Luther
Maloney (NY)
Manzullo
Moran (KS)
Pascrell
Paul
Peterson (MN)
Petri
Royce
Ryan (WI)
Ryun (KS)
Sanford
Schaffer
Sensenbrenner
Shadegg
Shays
Shows
Smith (WA)
Souder
Stenholm
Strickland
Stump
Taylor (MS)
Thune
Toomey
Vitter
Wu

NOT VOTING—17

Bilbray
Clay
Gephardt
Lantos
Leach
Linder
McDermott
Mollohan
Murtha
Ortiz
Peterson (PA)
Radanovich
Rangel
Spratt
Stark
Waxman
Young (FL)

☐ 2343

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1568. An act to provide technical, financial, and procurement assistance to veteran owned small businesses, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 1546. An act to amend the International Religious Freedom Act of 1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to that Act, and for other purposes.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 850

Mr. LAHOOD. Mr. Speaker, I ask unanimous consent to have my name removed as a sponsor of the bill, H.R. 850.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Illinois?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1621

Mr. RILEY. Mr. Speaker, I ask unanimous consent to remove my name as cosponsor of the bill, H.R. 1621.

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

There was no objection.

PERMISSION TO DELETE REMARKS FROM CONGRESSIONAL RECORD

Mr. KLECZKA. Mr. Speaker, I ask unanimous consent that I may be permitted to delete from the RECORD my remarks in debate on the conference report to accompany H.R. 2488 earlier today.

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

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON APPROPRIATIONS

The Speaker pro tempore laid before the House the following resignation as a member of the Committee on Appropriations:

JAMES E. CLYBURN,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 5, 1999.

Hon. J. DENNIS HASTERT,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER:

Please accept this correspondence as my resignation from the House Committee on Appropriations for the 106th Congress, effective this date.

With kindest regards, I am

Sincerely,

JAMES E. CLYBURN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON BANKING AND FINANCIAL SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Banking and Financial Services:

GARY L. ACKERMAN,
CONGRESS OF THE UNITED STATES,
5th District, New York, August 5, 1999.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This letter is to inform you of that I do hereby resign from the Committee on Banking and Financial Services, effective immediately.

Sincerely,

GARY L. ACKERMAN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON APPROPRIATIONS AND COMMITTEE ON BANKING AND FINANCIAL SERVICES

Mr. FROST. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 277) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 277

Resolved, that the following named Member be, and is hereby, elected to the following standing committees of the House of Representatives:

Committee on Appropriations: Mr. Forbes of New York, to rank immediately after Mr. Price of North Carolina; and

Committee on Banking and Financial Services: Mr. Forbes of New York.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 507, WATER RESOURCES DEVELOPMENT ACT OF 1999

Mr. SHUSTER. Mr. Speaker, I call up the conference report on the Senate bill (S. 507) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes and ask unanimous consent for its immediate consideration and that the conference report be considered as read and adopted.

The Clerk read the title of the Senate bill.

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

Mr. OBERSTAR. Reserving the right to object, Mr. Speaker, I am very pleased that we are bringing to the House a conference report on the Water Resources Development Act of 1999, a culmination of 3 years work of the Committee on Transportation and Infrastructure.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. SHUSTER) for any comment that he may make.

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

Mr. SHUSTER. Mr. Speaker, I support this wonderful product.

Mr. Speaker, I rise in strong support of the conference report accompanying S. 507, the Water Resources Development Act of 1999.

This bill is a comprehensive authorization of the Water Resources Programs of the Army Corps of Engineers. It represents two and a half years of bi-partisan effort to preserve and develop the water infrastructure that is vital to the nation's safety and economic well-being.

First, let me congratulate my colleagues on the Committee on Transportation and Infrastructure for their vision and tireless efforts in helping move this legislation. I want to give special thanks to committee ranking member JIM OBERSTAR, subcommittee chairman SHERRY BOEHLERT, and subcommittee ranking member BOB BORSKI. Their leadership and contributions have been outstanding.

These members and the other House conferees from the committee provided invaluable assistance.

Mr. Speaker, in the 105th Congress, the House and Senate worked tirelessly to enact a Water Resources Development Act of 1998. Unfortunately, that bill did not become law, essentially because of the lingering controversies surrounding the American River in California.

This year we committed ourselves to moving a WRDA '99, resolving any remaining issues, and charting a course for a WRDA 2000, as well.

I am proud to say we have delivered: first by passing a bill in April by a vote of 418 to 5 and second, by bringing this conference report to the floor today.

Mr. Speaker, S. 507 accomplishes three important objectives:

First, it reflects the committee's continued commitment to improving the Nation's water infrastructure.

Second, it responds to policy initiatives to modernize Corps of Engineers activities and to achieve programmatic reforms.

Third, and this is very important, it takes advantage of the Corps capabilities and recognizes evolving national priorities by expanding and creating new authorities for protecting and enhancing the environment.

S. 507 is a strong bipartisan bill. It reflects a balanced, responsible approach to developing water infrastructure, preserving and enhancing the environment and strengthening federal-state-and-local partnerships.

Several provisions merit particular attention and, in some cases, clarification:

We are modifying current cost-sharing requirements on shore protection and, as a result, expect the administration to budget accordingly for shore protection projects.

We are making several important changes to the Environmental Dredging Program authorized in section 312 of WRDA 1992. Section 312, as amended by section 205 of the Water Resources Development Act of 1996, created a partnership with the expectation that the Corps' authority would supplement EPA CERCLA actions. We believe the Corps policy guidance letter no. 49 inappropriately attempts to limit opportunities for Corps participation at sites that could benefit from the section 312 program.

We are authorizing a new program for flood mitigation and riverine restoration, with 23 sites listed for priority consideration. One of those sites, Coachella Valley, Riverside California, includes a project for flood protection and environmental restoration at the delta area of the Whitewater River as it flows into the Salton sea. The $8.5 million project includes restoration of Salton Sea Wetlands. I thank Rep. MARY BONO for her efforts in sponsoring this provision.

Section 357 authorizes the locally preferred project for flood control along the Upper Jordan River, Utah, notwithstanding the Corps'

current policy regarding flows of less than 800 cubic feet per second. The conferees included language regarding various secretarial determinations. These conditions, however, should not be interpreted in any way that could allow the 800 CFS policy to delay or block progress on implementation of the project. I thank Rep. MERRILL COOK for his efforts in championing this project.

Section 101 authorizes a water supply and ecosystem restoration project for Howard Hanson Dam in Washington. Through the efforts of Rep. JENNIFER DUNN, Rep. NORM DICKS, and others, we were made aware of the need to revise the current cost allocation in the bill to increase the Federal share to reflect additional costs relating to the Endangered Species Act. In response, the conferees included a specific statement of managers regarding the need to increase the Federal cost share. It is also our committee's intention to follow this issue closely. We encourage the Corps to complete its ESA negotiations expeditiously and to provide us with a revised cost reallocation in a timely manner.

Finally, I want to comment my colleague, Senator JOHN CHAFEE, the conference chair, and all the other senate conferees, as well as the Senate staff.

I strongly urge my colleagues to support the conference report.

I also wish to commend the Gentleman from South Dakota, Mr. THUNE, for his hard work on certain provisions in this bill. At his request, the House included and the conference committee retained Sec. 446, a study of the watershed in Day County, South Dakota and Sec. 555, which would require the Corps of Engineers to complete a study and make recommendations on how to resolve sedimentation build up in Lake Sharpe caused by the Oahe Dam.

Both of these provisions are aimed at providing solutions to vexing flooding problems each area faces. The quality of life for South Dakotans living in Day County and in the Pierre and Fort Pierre vicinity should not have to wonder when solutions will be posed to address the flooding they have experienced. These studies will take us closer to results.

I also am aware of the Gentleman's interest in Title VI of this bill. Legislation similar to Title VI was enacted into law last Congress as a part of the Omnibus Emergency and Supplemental Appropriations Act. It status, however, has been uncertain.

The reason for that uncertain status is that Sec. 505 of H.R. 2605, the Energy and Water Appropriations Act for Fiscal Year 2000, would have deauthorized this law. Title VI of this legislation restores this program's status to where it was after last year's passage of the Omnibus bill.

I realize through discussions I have had with the Gentleman from South Dakota that this Act is a major priority for his state, and in particular for the Governor of South Dakota, William Janklow. I am pleased we were able to accommodate their interests in this bill.

Mr. OBERSTAR. Mr. Speaker, I am delighted that the committee has completed it arduous task and compliment the chairman on his steadfast leadership.

Mr. MATSUI. Mr. Speaker, I would like to thank the Chairman, Mr. SHUSTER and the Ranking Member, Mr. OBERSTAR, as well as the Chairman and Ranking Member of the Subcommittee, Mr. BOEHLERT and BORSKI, for their efforts to secure additional flood protection for Sacramento. Additionally, I am grateful to my colleague from California who sits on the Subcommittee, Mrs. TAUSCHER, who has been extremely helpful in working toward a consensus on this issue. Of course, I extend a sincere thank you as well to Senator BOXER for her tireless work in the Senate and role as a conferee in providing countless efforts to find resolution on this issue.

Mr. Speaker, with a mere 85-year level of flood protection, no other city of its size is as defenseless to flooding as Sacramento. In a study completed by the Army Corps of Engineers, Sacramento ranked worst among some of the most flood prone cities in America. Cities such as Kansas City, New Orleans, Santa Ana, Omaha and St. Louis, many of which have smaller populations than Sacramento, were found to have much greater levels of flood protection—more than 500-year in most cases.

I ask you to consider the catastrophic consequences a flood would pose to the Sacramento metropolitan area and Northern California. The resulting loss of life, proper damage, economic repercussions and health and safety impacts would be staggering and like no flood damage this nation has ever seen. More than 600,000 people in Sacramento live within the flood boundary. This flood area contains more than $37 billion in property, including the California State Capitol, six major hospitals, 26 nursing home facilities, over 100 schools, and approximately 160,000 homes and apartments. The area contains headquarters for many major companies, as well as many banks and manufacturing facilities. Three major highway systems that serve as critical links through the state and surrounding region would be disrupted for an indefinite period of time. Electric, sewer and water systems would be out of service and hazardous and chemical waste vessels would break loose and pose health, safety, and environmental threats to the region.

A 500-year flood in Sacramento would far surpass total damages the 10 states in the 1993 mid-western floods incurred. Sacramento knows from experience that such an event is not hypothetical. In 1986, storms left Sacramento at the brink of such catastrophe. Operators of the region's flood control facilities estimated that just one additional inch of rain would have resulted in major flooding.

Given the perilous situation confronting the region, I am disappointed that the conferees did not adopt the Senate language pertaining to the American River, favoring instead the insufficient language contained in the House bill. This language provides only incremental improvements to Sacramento's flood control facilities. These provisions will correct original design deficiencies of Folsom Dam by installing new river outlets and modifying existing outlets. These additions will allow Dam operators to optimize Folsom Dam performance by releasing more water faster and earlier during storms and would reduce the amount of temporary storage space needed in anticipation of bad weather. The modifications will increase Sacramento's level of flood protection to approximately 135 years, a step in the right direction, yet far short of the level of flood protection needed to protect Sacramento against catastrophic flooding, and far short of the protections enjoyed by most other major river cities.

I am thankful however, that the conferees recognized these inadequacies and have directed the Corps of Engineers to complete further studies by March 1, 2000 and report back to the Congress on additional steps that may improve the level of protection for Sacramento.

Mr. Speaker, the flood threat confronting my constituents clearly is the most pressing public safety issue facing the community. Although this Congress was unable to find resolution and incorporate provision capable of providing Sacramento with a level of protection it must have, the measures included in this bill represent a key step required to advance our needs for future work on this issue. I remain grateful to the Members on the Committee and those who were conferees for their patience in dealing with this issue. I look forward to working with them in the coming months on resolution to the flood threat facing Sacramento in preparation of the next WRDA.

Mr. OBERSTAR. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania (Mr. SHUSTER)?

There was no objection.

(For conference report and statement, see proceedings of the House of Wednesday, August 3, 1999, Part II.)

The SPEAKER pro tempore. Without objection, the conference report is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 2724) to make technical corrections to the Water Resources Development Act of 1999.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 2724

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

SECTION 1. ENVIRONMENTAL INFRASTRUCTURE.

(a) JACKSON COUNTY, MISSISSIPPI.—Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757) is amended:

(1) by striking subsection (e)(1) and inserting:

''(1) $20,000,000 for the project described in subsection (c)(5);''; and

(2) by striking subsection (c)(5) and inserting:

''(5) JACKSON COUNTY, MISSISSIPPI.—Provision of an alternative water supply and a project for the elimination or control of combined sewer overflows for Jackson County, Mississippi.''.

(b) ELIZABETH AND NORTH HUDSON, NEW JERSEY.—Subsection (f) of section 219 of the Water Resources Development Act of 1992 is amended:

(1) in paragraph (33) by striking ''$20,000,000'' and inserting ''$10,000,000'';

(2) in paragraph (34) by striking ''$10,000,000'' and inserting ''$20,000,000'';

(3) in paragraph (34) by striking ''city of North Hudson'' and inserting ''for the North Hudson Sewerage Authority''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 944. An act to amend Public Law 105–188 to provide for the mineral leasing of certain Indian lands in Oklahoma.

EXTENSION OF AIRPORT IMPROVEMENT PROGRAM

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1467) to extend the funding levels for aviation programs for 60 days, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, under my reservation. I yield to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations.

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

□ 2350

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding to me and let me apologize to the House ahead of time for the length of time of this reservation but this will in fact save time by avoiding the necessity to use a rule.

Mr. Speaker, this process will have the unfortunate but completely avoidable effect of shutting down the Airport Improvement Program. On Saturday, the authorization for the airport program, AIP, will expire and the program will shut down for the rest of this fiscal year unless an extension is provided. S. 1467, as passed by the Senate, would provide the simple extension needed to keep this program afloat.

Nonetheless, this process makes in order a motion to amend that simple extension with the text of AIR–21, the multiyear FAA reauthorization bill that is replete with controversial provisions, including taking $39 billion in spending off budget, airport slot extensions at O'Hare and National Airports, and other matters that will not be easily resolved. Since we know that no conference on the FAA reauthorization could possibly be completed by tomorrow, in fact the Senate has not even passed their version of the reauthorization bill, adoption of the pending motion to amend S. 1467 will have the effect of shutting down the AIP program.

Mr. Speaker, last year the Committee on Appropriations sought to provide a full year of funding at $1.95 billion for the AIP program for fiscal 1999. We were denied in that effort by authorizers who insisted on less than a full year's funding.

We have now had two short-term extensions of that program since the fiscal 1999 transportation appropriations bill was signed into law last year because of the authorizers refusal to agree to full-year funding. The first extension continued the program from March 31 through May 31 of 1999, the second extension was included in the fiscal 1999 Emergency Supplemental Appropriations Act and continued the program only through August 6 at the insistence of the authorizing committees, despite the desire of the Committee on Appropriations to extend the program through the end of the year.

Now we find ourselves facing yet another shutdown of the program because of the insistence of the Committee on Transportation and Infrastructure in using the AIP Program as a pawn to get the Senate to the conference table on AIR–21. I strongly object to the process that the gentleman from Pennsylvania is using to get to the conference with the Senate. There is no need to hold our airports hostage and deny them the additional funding that they are due this year because of disagreements over slots, off-budget provisions, and other controversial issues in the FAA reauthorization bill. There is absolutely no need to shut the an airport program down. It is completely avoidable. Yet that will be the result of the actions proposed by the gentleman.

If the airport grant program is shut down after August 6, airports could lose $290 million in fiscal 1999 funding that we intended to provide this year. The loss of that $290 million in AIP funding would mean the following:

States would not get their remaining 15 percent of their AIP apportionments, a loss of $54 million. That means that small commercial airports and general aviation airports funded by the States are effectively cut by 15 percent. For example, California will lose $4.5 million; Texas will lose $3.7; New York will lose $2.3 million; Pennsylvania, Illinois, and Michigan will lose $1.6 million each.

Cargo airports will not get the remaining 15 percent of their entitlements, a loss of $7 million.

Noise projects will be underfunded by 30 percent, a loss of $71 million.

High priority capacity and safety projects, under the discretionary set-aside for larger airports, will be underfunded, a loss of $149 million.

Military airports will not get their remaining set-aside, a loss of $9 million.

Mr. Speaker, I will include a list in my extension of remarks of airports that will be cut.

Mr. Speaker, S. 1467, adopted by the Senate last Friday, would allow the airport program to continue for another 60 days through the end of the fiscal year and into October. This is a simple extension of the program that will otherwise expire, and we ought to adopt it without amendment.

Mr. Speaker, I believe this action is unwise also because I strongly disagree with the provisions of AIR–21, which take $39 billion in aviation spending off budget over 4 years beginning in 2001. CBO estimates that $13.6 billion of this spending will come out of the surplus revenues and that the bill would require a downward adjustment in the discretionary caps of $26.5 billion over 4 years.

We have already exhausted the on-budget surplus for fiscal 2000 due to emergency designations, directed scorekeeping adjustments, and other actions taken by the majority in the 2000 appropriations bills considered by the House so far.

The tax bill just passed today assumes another $792 billion in surplus revenues over 10 years. Now we are apparently going to spend surplus revenues for aviation beginning in 2001 before we consider any other domestic needs for defense, cancer research, education, drug treatment, national parks, law enforcement or other important priorities. Under AIR–21, by the year 2004 aviation spending will consume nearly $1 out of every $4 of the projected remaining on-budget surplus revenues not required for the massive tax cut package just adopted today.

Moreover, AIR–21 will result in $26 billion less room under the existing discretionary caps that are already squeezing high priority programs. Under the budget that the House has already adopted for the year 2000, a 32 percent cut would be required in programs funded under the labor, health, education bill. That means a $5 billion cut in NIH, a $1.5 million cut in Head Start, a $2.5 billion cut in Pell Grants for college students, and a $2.5 billion in Title I, which would cut reading and math to help 3.8 million students.

Airport infrastructure is important, but do we really believe that airports are a higher priority than education, which could face even deeper cuts under the caps if AIR–21 is enacted? I certainly do not.

What AIR–21 offers is a choice between binge buying on aviation and thoughtful budgeting where we carefully balance all domestic priorities. If my colleagues believe we should not lavish a significant portion of the surplus on aviation without examining the competing needs in education, biomedical research, veterans care and defense, then they will not believe this action occurring tonight is the proper action.

So, Mr. Speaker, I simply state my opposition to what is happening here, and I thank the gentleman for his courtesy.

Mr. Speaker, I submit for the RECORD the information referred to earlier regarding airports that will be cut:

Pease International Tradeport in New Hampshire

Myrtle Beach International in South Carolina

Austin-Bergstrom in Texas
Homestead Regional in Florida
Millington International in Memphis
Williams Gateway in Arizona
South California Airport in California
Alexandria International Airport in Louisiana
Rickenbacker International Airport in Ohio
Sawyer Airport in Michigan
Chippewa County International in Minnesota

Mr. OBERSTAR. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1467

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

SECTION 1. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM, ETC.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 of title 49, United States Code, is amended by striking ''$2,050,000,000 for the period beginning October 1, 1998 and ending August 6, 1999.'' and inserting ''$2,410,000,000 for the fiscal year ending September 30, 1999, and $34,000,000 for the period beginning October 1, 1999, and ending October 5, 1999.''.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) of such title is amended by striking ''August 6, 1999,'' and inserting ''October 5, 1999,''.

(c) EXTENSION OF AVIATION INSURANCE PROGRAM.—Section 44310 of such title is amended by striking ''August 6, 1999.'' and inserting ''October 5, 1999.''.

(d) AIRWAY FACILITIES IMPROVEMENT PROGRAM.—Section 48101(a) of such title is amended by adding at the end thereof the following:

''(4) $30,000,000 for the period beginning October 1, 1999, and ending October 5, 1999.

(e) FAA OPERATIONS.—Section 106(k) of such title is amended by striking ''1999.'' and inserting ''1999, and $80,000,000 for the period beginning October 1, 1999, and ending October 5, 1999.''.

(f) LIQUIDATION OF CONTRACT AUTHORIZATION.—The provision of the Department of Transportation and Related Agencies Appropriations Act, 1999, with the caption ''GRANTS-IN-AID FOR AIRPORTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (AIRPORT AND AIRWAY TRUST FUND)'' is amended by striking ''Code: *Provided further,* That no more than $975,000,000 of funds limited under this heading may be obligated prior to the enactment of a bill extending contract authorization for the Grants-in-Aid for Airports program to the third and fourth quarters of fiscal year 1999.'' and inserting ''Code.''.

MOTION OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. SHUSTER moves to strike all after the enacting clause of the bill, S. 1467 and insert in lieu thereof the text of H.R. 1000, as passed by the House, as follows:

H.R. 1000

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 ''Aviation Investment and Reform Act for the 21st Century''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Applicability.
Sec. 4. Administrator defined.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Funding

Sec. 101. Airport improvement program.
Sec. 102. Airway facilities improvement program.
Sec. 103. FAA operations.
Sec. 104. AIP formula changes.
Sec. 105. Passenger facility fees.
Sec. 106. Budget submission.

Subtitle B—Airport Development

Sec. 121. Runway incursion prevention devices; emergency call boxes.
Sec. 122. Windshear detection equipment.
Sec. 123. Enhanced vision technologies.
Sec. 124. Pavement maintenance.
Sec. 125. Competition plans.
Sec. 126. Matching share.
Sec. 127. Letters of intent.
Sec. 128. Grants from small airport fund.
Sec. 129. Discretionary use of unused apportionments.
Sec. 130. Designating current and former military airports.
Sec. 131. Contract tower cost-sharing.
Sec. 132. Innovative use of airport grant funds.
Sec. 133. Aviation security program.
Sec. 134. Inherently low-emission airport vehicle pilot program.
Sec. 135. Technical amendments.
Sec. 136. Conveyances of airport property for public airports.
Sec. 137. Intermodal connections.
Sec. 138. State block grant program.
Sec. 139. Engineered materials arresting systems.

Subtitle C—Miscellaneous

Sec. 151. Treatment of certain facilities as airport-related projects.
Sec. 152. Terminal development costs.
Sec. 153. General facilities authority.
Sec. 154. Denial of airport access to certain air carriers.
Sec. 155. Construction of runways.
Sec. 156. Use of recycled materials.
Sec. 157. Aircraft noise primarily caused by military aircraft.
Sec. 158. Timely announcement of grants.

TITLE II—AIRLINE SERVICE IMPROVEMENTS

Subtitle A—Service to Airports Not Receiving Sufficient Service

Sec. 201. Access to high density airports.
Sec. 202. Funding for air carrier service to airports not receiving sufficient service.
Sec. 203. Waiver of local contribution.
Sec. 204. Policy for air service to rural areas.
Sec. 205. Determination of distance from hub airport.

Subtitle B—Regional Air Service Incentive Program

Sec. 211. Establishment of regional air service incentive program.

TITLE III—FAA MANAGEMENT REFORM

Sec. 301. Air traffic control system defined.
Sec. 302. Air Traffic Control Oversight Board.
Sec. 303. Chief Operating Officer.
Sec. 304. Federal Aviation Management Advisory Council.
Sec. 305. Environmental streamlining.
Sec. 306. Clarification of regulatory approval process.
Sec. 307. Independent study of FAA costs and allocations.
Sec. 308. Failure to meet rulemaking deadline.
Sec. 309. Federal Procurement Integrity Act.

TITLE IV—FAMILY ASSISTANCE

Sec. 401. Responsibilities of National Transportation Safety Board.
Sec. 402. Air carrier plans.
Sec. 403. Foreign air carrier plans.
Sec. 404. Applicability of Death on the High Seas Act.

TITLE V—SAFETY

Sec. 501. Cargo collision avoidance systems deadlines.
Sec. 502. Records of employment of pilot applicants.
Sec. 503. Whistleblower protection for FAA employees.
Sec. 504. Safety risk mitigation programs.
Sec. 505. Flight operations quality assurance rules.
Sec. 506. Small airport certification.
Sec. 507. Life-limited aircraft parts.
Sec. 508. FAA may fine unruly passengers.
Sec. 509. Report on air transportation oversight system.
Sec. 510. Airplane emergency locators.
Sec. 511. Landfills interfering with air commerce.
Sec. 512. Amendment of statute prohibiting the bringing of hazardous substances aboard an aircraft.
Sec. 513. Airport safety needs.
Sec. 514. Limitation on entry into maintenance implementation procedures.
Sec. 515. Occupational injuries of airport workers.
Sec. 516. Airport dispatchers.
Sec. 517. Improved training for airframe and powerplant mechanics.

TITLE VI—WHISTLEBLOWER PROTECTION

Sec. 601. Protection of employees providing air safety information.
Sec. 602. Civil penalty.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Duties and powers of Administrator.
Sec. 702. Public aircraft.
Sec. 703. Prohibition on release of offeror proposals.
Sec. 704. Multiyear procurement contracts.
Sec. 705. Federal Aviation Administration personnel management system.
Sec. 706. Nondiscrimination in airline travel.
Sec. 707. Joint venture agreement.
Sec. 708. Extension of war risk insurance program.
Sec. 709. General facilities and personnel authority.
Sec. 710. Implementation of article 83 bis of the Chicago Convention.
Sec. 711. Public availability of airmen records.
Sec. 712. Appeals of emergency revocations of certificates.
Sec. 713. Government and industry consortia.
Sec. 714. Passenger manifest.
Sec. 715. Cost recovery for foreign aviation services.
Sec. 716. Technical corrections to civil penalty provisions.
Sec. 717. Waiver under Airport Noise and Capacity Act.
Sec. 718. Metropolitan Washington Airport Authority.
Sec. 719. Acquisition management system.
Sec. 720. Centennial of Flight Commission.
Sec. 721. Aircraft situational display data.
Sec. 722. Elimination of backlog of equal employment opportunity complaints.

Sec. 723. Newport News, Virginia.
Sec. 724. Grant of easement, Los Angeles, California.
Sec. 725. Regulation of Alaska guide pilots.
Sec. 726. Aircraft repair and maintenance advisory panel.
Sec. 727. Operations of air taxi industry.
Sec. 728. Sense of the Congress concerning completion of comprehensive national airspace redesign.
Sec. 729. Compliance with requirements.
Sec. 730. Aircraft noise levels at airports.
Sec. 731. FAA consideration of certain State proposals.
Sec. 732. Cincinnati-Municipal Blue Ash Airport.
Sec. 733. Aircraft and aircraft parts for use in responding to oil spills.
Sec. 734. Discriminatory practices by computer reservations systems outside the United States.
Sec. 735. Alkali silica reactivity distress.
Sec. 736. Procurement of private enterprise mapping, charting, and geographic information systems.
Sec. 737. Land use compliance report.
Sec. 738. National transportation data center of excellence.
Sec. 739. Monroe Regional Airport land conveyance.
Sec. 740. Automated weather forecasting systems.
Sec. 741. Noise study of Sky Harbor Airport, Phoenix, Arizona.
Sec. 742. Nonmilitary helicopter noise.

TITLE VIII—NATIONAL PARKS AIR TOUR MANAGEMENT

Sec. 801. Short title.
Sec. 802. Findings.
Sec. 803. Air tour management plans for national parks.
Sec. 804. Advisory group.
Sec. 805. Reports.
Sec. 806. Methodologies used to assess air tour noise.
Sec. 807. Exemptions.
Sec. 808. Definitions.

TITLE IX—TRUTH IN BUDGETING

Sec. 901. Short title.
Sec. 902. Budgetary treatment of Airport and Airway Trust Fund.
Sec. 903. Safeguards against deficit spending out of Airport and Airway Trust Fund.
Sec. 904. Adjustments to discretionary spending limits.
Sec. 905. Applicability.

TITLE X—ADJUSTMENT OF TRUST FUND AUTHORIZATIONS

Sec. 1001. Adjustment of trust fund authorizations.
Sec. 1002. Budget estimates.
Sec. 1003. Sense of the Congress on fully offsetting increased aviation spending.

TITLE XI—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

Sec. 1101. Extension of expenditure authority.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

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

SEC. 3. APPLICABILITY.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 1999.

SEC. 4. ADMINISTRATOR DEFINED.

In this Act, the term ''Administrator'' means the Administrator of the Federal Aviation Administration.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Funding

SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 is amended by striking ''shall be'' the last place it appears and all that follows through the period at the end and inserting the following: ''shall be—

''(1) $2,410,000,000 for fiscal year 1999;

''(2) $2,475,000,000 for fiscal year 2000;

''(3) $4,000,000,000 for fiscal year 2001;

''(4) $4,100,000,000 for fiscal year 2002;

''(5) $4,250,000,000 for fiscal year 2003; and

''(6) $4,350,000,000 for fiscal year 2004.''.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking ''After'' and all that follows through ''1999,'' and inserting ''After September 30, 2004,''.

SEC. 102. AIRWAY FACILITIES IMPROVEMENT PROGRAM.

(a) GENERAL AUTHORIZATION AND APPROPRIATIONS.—Effective September 30, 1999, section 48101(a) is amended by striking paragraphs (1), (2), and (3) and inserting the following:

''(1) Such sums as may be necessary for fiscal year 2000.

''(2) $2,500,000,000 for fiscal year 2001.

''(3) $3,000,000,000 for each of fiscal years 2002 through 2004.''.

(b) UNIVERSAL ACCESS SYSTEMS.—Section 48101 is amended by adding at the end the following:

''(d) UNIVERSAL ACCESS SYSTEMS.—Of the amounts appropriated under subsection (a) for fiscal year 2001, $8,000,000 may be used for the voluntary purchase and installation of universal access systems.''.

(c) ALASKA NATIONAL AIR SPACE COMMUNICATIONS SYSTEM.—Section 48101 is further amended by adding at the end the following:

''(e) ALASKA NATIONAL AIR SPACE COMMUNICATIONS SYSTEM.—Of the amounts appropriated under subsection (a) for fiscal year 2001, $7,200,000 may be used by the Administrator for the Alaska National Air Space Interfacility Communications System if the Administrator issues a report supporting the use of such funds for the System.''.

(d) AUTOMATED SURFACE OBSERVATION SYSTEM/AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.—Section 48101 is further amended by adding at the end the following:

''(f) AUTOMATED SURFACE OBSERVATION SYSTEM/AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.—Of the amounts appropriated under subsection (a) for fiscal years beginning after September 30, 2000, such sums as may be necessary for the implementation and use of upgrades to the current automated surface observation system/automated weather observing system, if the upgrade is successfully demonstrated.''.

SEC. 103. FAA OPERATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FROM GENERAL FUND.—Effective September 30, 1999, section 106(k) is amended—

(1) by inserting ''(1) IN GENERAL.—'' before ''There'';

(2) in paragraph (1) (as designated by paragraph (1) of this subsection) by striking ''the Administration'' and all that follows through the period at the end and inserting the following: ''the Administration—

''(A) such sums as may be necessary for fiscal year 2000;

''(B) $6,450,000,000 for fiscal year 2001;

''(C) $6,886,000,000 for fiscal year 2002;

''(D) $7,357,000,000 for fiscal year 2003; and

''(E) $7,860,000,000 for fiscal year 2004.'';

(3) by adding at the end the following:

''(2) AUTHORIZED EXPENDITURES.—Of the amounts appropriated under paragraph (1) for fiscal years 2001 through 2004—

''(A) $450,000 per fiscal year may be used for wildlife hazard mitigation measures and management of the wildlife strike database of the Federal Aviation Administration;

''(B) such sums as may be necessary may be used to fund an office within the Federal Aviation Administration dedicated to supporting infrastructure systems development for both general aviation and the vertical flight industry;

''(C) such sums as may be necessary may be used to revise existing terminal and en route procedures and instrument flight rules to facilitate the takeoff, flight, and landing of tiltrotor aircraft and to improve the national airspace system by separating such aircraft from congested flight paths of fixed-wing aircraft;

''(D) such sums as may be necessary may be used to establish helicopter approach procedures using current technologies (such as the Global Positioning System) to support all-weather, emergency medical service for trauma patients;

''(E) $3,000,000 per fiscal year may be used to implement the 1998 airport surface operations safety action plan of the Federal Aviation Administration;

''(F) $2,000,000 per fiscal year may be used to support a university consortium established to provide an air safety and security management certificate program, working cooperatively with United States air carriers; except that funds under this subparagraph—

''(i) may not be used for the construction of a building or other facility; and

''(ii) may only be awarded on the basis of open competition;

''(G) such sums as may be necessary may be used to develop or improve training programs (including model training programs and curriculum) for security screeners at airports; and

''(H) such sums as may be necessary for the Secretary to hire additional inspectors in order to enhance air cargo security programs.''; and

(4) by indenting paragraph (1) (as designated by paragraph (1) of this subsection) and aligning such paragraph (1) with paragraph (2) (as added by paragraph (2) of this subsection).

(b) AUTHORIZATION OF APPROPRIATIONS FROM TRUST FUND.—Section 48104 is amended—

(1) by striking subsection (b) and redesignating subsection (c) as subsection (b);

(2) in subsection (b) (as so redesignated)—

(A) by striking the subsection heading and inserting ''GENERAL RULE: LIMITATION ON TRUST FUND AMOUNTS.—''; and

(B) in the matter preceding paragraph (1)—

(i) by striking ''The amount'' and inserting ''Except as provided in subsection (c), the amount''; and

(ii) by striking ''for each of fiscal years 1994 through 1998'' and inserting ''for fiscal year 2000 and each fiscal year thereafter''; and

(3) by adding at the end the following:

''(c) SPECIAL RULE FOR FISCAL YEARS 2000–2004.—

''(1) IN GENERAL.—If the amount appropriated under section 106(k) for any of fiscal years 2000 through 2004 less the amount that would be appropriated, but for this subsection, from the Trust Fund for the purposes of paragraphs (1) and (2) of subsection (a) for such fiscal year is greater than the general fund cap, the amount appropriated from the Trust Fund for the purposes of paragraphs (1) and (2) of subsection (a) for such fiscal year shall equal the amount appropriated under section 106(k) for such fiscal year less the general fund cap.

''(2) GENERAL FUND CAP DEFINED.—In this subsection, the term 'general fund cap' means that portion of the amounts appropriated for programs of the Federal Aviation

Administration for fiscal year 1998 that was derived from the general fund of the Treasury.

(c) LIMITATION ON OBLIGATING OR EXPENDING AMOUNTS.—Section 48108 is amended by striking subsection (c).

(d) OFFICE OF AIRLINE INFORMATION.—There is authorized to be appropriated from the Airport and Airway Trust Fund to the Secretary $4,000,000 for fiscal years beginning after September 30, 2000, to fund the activities of the Office of Airline Information in the Bureau of Transportation Statistics of the Department of Transportation.

SEC. 104. AIP FORMULA CHANGES.

(a) DISCRETIONARY FUND.—Section 47115 is amended by striking subsections (g) and (h) and inserting the following:

''(g) PRIORITY FOR LETTERS OF INTENT.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall fulfill intentions to obligate under section 47110(e) with amounts available in the fund established by subsection (a) and, if such amounts are not sufficient for a fiscal year, with amounts made available to carry out sections 47114(c)(1)(A), 47114(c)(2), 47114(d), and 47117(e) on a pro rata basis.

''(2) PROCEDURE.—Before apportioning funds under sections 47114(c)(1)(A), 47114(c)(2), 47114(d), and 47117(e) of each fiscal year, the Secretary shall determine the amount of funds that will be necessary to fulfill intentions to obligate under section 47110(e) in such fiscal year. If such amount is greater than the amount of funds that will be available in the fund established by subsection (a) for such fiscal year, the Secretary shall reduce the amount to be apportioned under such sections for such fiscal year on a pro rata basis by an amount equal to the difference.''.

(b) AMOUNTS APPORTIONED TO SPONSORS.—

(1) AMOUNTS TO BE APPORTIONED.—Effective October 1, 2000, section 47114(c)(1) is amended—

(A) in subparagraph (A) by striking clauses (i) through (v) and inserting the following:

''(i) $23.40 for each of the first 50,000 passenger boardings at the airport during the prior calendar year;

''(ii) $15.60 for each of the next 50,000 passenger boardings at the airport during the prior calendar year;

''(iii) $7.80 for each of the next 400,000 passenger boardings at the airport during the prior calendar year;

''(iv) $1.95 for each of the next 500,000 passenger boardings at the airport during the prior calendar year; and

''(v) $1.50 for each additional passenger boarding at the airport during the prior calendar year.''; and

(B) in subparagraph (B) by striking ''$500,000 nor more than $22,000,000'' and inserting ''$1,500,000''.

(2) SPECIAL RULES.—Section 47114(c)(1) is amended by adding at the end the following:

''(C) Notwithstanding subparagraph (A), the Secretary shall apportion to an airport sponsor in a fiscal year an amount equal to the amount apportioned to that sponsor in the previous fiscal year if the Secretary finds that—

''(i) passenger boardings at the airport were less than 10,000 in the calendar year used to calculate the apportionment;

''(ii) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate the apportionment; and

''(iii) the cause of the decrease in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the airport.

''(D) Notwithstanding subparagraph (A), the Secretary shall apportion on the first day of the first fiscal year following the official opening of a new airport with scheduled passenger air transportation an amount equal to the minimum amount set forth in subparagraph (B) to the sponsor of such airport.''.

(c) CARGO ONLY AIRPORTS.—Section 47114(c)(2)(A) is amended by striking ''2.5 percent'' and inserting ''3 percent''.

(d) ENTITLEMENT FOR GENERAL AVIATION AIRPORTS.—Effective October 1, 2000, section 47114(d) is amended—

(1) in the subsection heading by striking ''TO STATES'' and inserting ''FOR GENERAL AVIATION AIRPORTS'';

(2) in paragraph (1) by striking ''(1) In this'' and inserting ''(1) DEFINITIONS.—In this'';

(3) by indenting paragraph (1) and aligning paragraph (1) (and its subparagraphs) with paragraph (2) (as amended by paragraph (2) of this subsection); and

(4) by striking paragraph (2) and inserting the following:

''(2) APPORTIONMENTS.—The Secretary shall apportion 20 percent of the amount subject to apportionment for each fiscal year as follows:

''(A) To each airport, excluding primary airports but including reliever and nonprimary commercial service airports, in States the lesser of—

''(i) $200,000; or

''(ii) ⅕ of the most recently published estimate of the 5-year costs for airport improvement for the airport, as listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103.

''(B) Any remaining amount to States as follows:

''(i) 0.62 percent of the remaining amount to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands.

''(ii) Except as provided in paragraph (3), 49.69 percent of the remaining amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in clause (i) in the proportion that the population of each of those States bears to the total population of all of those States.

''(iii) Except as provided in paragraph (3), 49.69 percent of the remaining amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in clause (i) in the proportion that the area of each of those States bears to the total area of all of those States.''.

(e) USE OF APPORTIONMENTS FOR ALASKA, PUERTO RICO, AND HAWAII.—Section 47114(d)(3) is amended to read as follows:

''(3) SPECIAL RULE.—An amount apportioned under paragraph (2) to Alaska, Puerto Rico, or Hawaii for airports in such State may be made available by the Secretary for any public airport in those respective jurisdictions.''.

(f) USE OF STATE-APPORTIONED FUNDS FOR SYSTEM PLANNING.—Section 47114(d) is amended by adding at the end the following:

''(4) INTEGRATED AIRPORT SYSTEM PLANNING.—Notwithstanding paragraph (2), funds made available under this subsection may be used for integrated airport system planning that encompasses one or more primary airports.''.

(g) FLEXIBILITY IN PAVEMENT CONSTRUCTION STANDARDS.—

Section 47114(d) is further amended by adding at the end the following:

''(5) FLEXIBILITY IN PAVEMENT CONSTRUCTION STANDARDS.—The Secretary may permit the use of State highway specifications for airfield pavement construction using funds made available under this subsection at nonprimary airports serving aircraft that do not exceed 60,000 pounds gross weight if the Secretary determines that—

''(A) safety will not be negatively affected; and

''(B) the life of the pavement will not be shorter than it would be if constructed using Federal Aviation Administration standards.''.

(h) GRANTS FOR AIRPORT NOISE COMPATIBILITY PLANNING.—Section 47117(e)(1) is amended—

(1) in subparagraph (A)—

(A) by striking ''31 percent'' each place it appears and inserting ''34 percent'';

(B) in the first sentence by striking ''and for carrying out'' and inserting '', for carrying out''; and

(C) by striking the period at the end of the first sentence and inserting the following: '', and for noise mitigation projects approved in the environmental record of decision for an airport development project under this chapter.''; and

(2) in subparagraph (B) by striking ''At least'' and all that follows through ''sponsors of current'' and inserting ''At least 4 percent to sponsors of current''.

(i) SUPPLEMENTAL APPORTIONMENT FOR ALASKA.—Effective October 1, 2000, section 47114(e) is amended—

(1) in the subsection heading by striking ''ALTERNATIVE'' and inserting ''SUPPLEMENTAL'';

(2) in paragraph (1)—

(A) by striking ''Instead of apportioning amounts for airports in Alaska under'' and inserting ''IN GENERAL.—Notwithstanding'';

(B) by striking ''those airports'' and inserting ''airports in Alaska''; and

(C) by inserting before the period at the end of the first sentence ''and by increasing the amount so determined for each of those airports by three times'';

(3) in paragraph (2) by inserting ''AUTHORITY FOR DISCRETIONARY GRANTS.—'' before ''This subsection'';

(4) by striking paragraph (3) and inserting the following:

''(3) AIRPORTS ELIGIBLE FOR FUNDS.—An amount apportioned under this subsection may be used for any public airport in Alaska.''; and

(5) by indenting paragraph (1) and aligning paragraph (1) (and its subparagraphs) and paragraph (2) with paragraph (3) (as amended by paragraph (4) of this subsection).

(j) REPEAL OF APPORTIONMENT LIMITATION ON COMMERCIAL SERVICE AIRPORTS IN ALASKA.—Section 47117 is amended by striking subsection (f) and by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

SEC. 105. PASSENGER FACILITY FEES.

(a) AUTHORITY TO IMPOSE HIGHER FEE.—Section 40117(b) is amended by adding at the end the following:

''(4) Notwithstanding paragraph (1), the Secretary may authorize under this section an eligible agency to impose a passenger facility fee in whole dollar amounts of more than $3 on each paying passenger of an air carrier or foreign air carrier boarding an aircraft at an airport the agency controls to finance an eligible airport-related project, including making payments for debt service on indebtedness incurred to carry out the project, if the Secretary finds—

''(A) that the project will make a significant contribution to improving air safety and security, increasing competition among air carriers, reducing current or anticipated congestion, or reducing the impact of aviation noise on people living near the airport;

''(B) that the project cannot be paid for from funds reasonably expected to be available for the programs referred to in section 48103; and

''(C) that the amount to be imposed is not more than twice that which may be imposed under paragraph (1).''.

(b) LIMITATION ON APPROVAL OF CERTAIN APPLICATIONS.—Section 40117(d) is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(3) by adding at the end the following:

''(4) in the case of an application to impose a fee of more than $3 for a surface transportation or terminal project, the agency has made adequate provision for financing the airside needs of the airport, including runways, taxiways, aprons, and aircraft gates.''.

(c) REDUCING APPORTIONMENTS.—Section 47114(f) is amended—

(1) by striking ''An amount'' and inserting the following:

''(1) IN GENERAL.—An amount'';

(2) by striking ''an amount equal to'' and all that follows through the period at the end and inserting the following: ''an amount equal to—

''(A) in the case of a fee of $3 or less, 50 percent of the projected revenues from the fee in the fiscal year but not by more than 50 percent of the amount that otherwise would be apportioned under this section; and

''(B) in the case of a fee of more than $3, 75 percent of the projected revenues from the fee in the fiscal year but not by more than 75 percent of the amount that otherwise would be apportioned under this section.''; and

(3) by adding at the end the following:

''(2) EFFECTIVE DATE OF REDUCTION.—A reduction in an apportionment required by paragraph (1) shall not take effect until the first fiscal year following the year in which the collection of the fee imposed under section 40117 is begun.''.

SEC. 106. BUDGET SUBMISSION.

The Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a copy of the annual budget estimates of the Federal Aviation Administration, including line item justifications, at the same time the annual budget estimates are submitted to the Committees on Appropriations of the Senate and the House of Representatives.

Subtitle B—Airport Development

SEC. 121. RUNWAY INCURSION PREVENTION DEVICES; EMERGENCY CALL BOXES.

(a) POLICY.—Section 47101(a)(11) is amended by inserting ''(including integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices)'' after ''technology''.

(b) MAXIMUM USE OF SAFETY FACILITIES.—Section 47101(f) is amended—

(1) by striking ''and'' at the end of paragraph (9); and

(2) by striking the period at the end of paragraph (10) and inserting ''; and''; and

(3) by adding at the end the following:

''(11) runway and taxiway incursion prevention devices, including integrated in-pavement lighting systems for runways and taxiways.''.

(c) INCLUSION OF UNIVERSAL ACCESS SYSTEMS AND EMERGENCY CALL BOXES AS AIRPORT DEVELOPMENT.—Section 47102(3)(B) is amended—

(1) in clause (ii)—

(A) by striking ''and universal access systems,'' and inserting '', universal access systems, and emergency call boxes,''; and

(B) by inserting ''and integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices'' before the semicolon at the end; and

(2) by inserting before the semicolon at the end of clause (iii) the following: '', including closed circuit weather surveillance equipment''.

SEC. 122. WINDSHEAR DETECTION EQUIPMENT.

Section 47102(3)(B) is further amended—

(1) by striking ''and'' at the end of clause (v);

(2) by striking the period at the end of clause (vi) and inserting a semicolon; and

(3) by adding at the end the following:

''(vii) windshear detection equipment;''.

SEC. 123. ENHANCED VISION TECHNOLOGIES.

(a) STUDY.—The Administrator shall conduct a study of the feasibility of requiring United States airports to install enhanced vision technologies to replace or enhance conventional landing light systems over the 10-year period following the date of completion of such study.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under subsection (a), together with such recommendations as the Administrator considers appropriate.

(c) INCLUSION OF INSTALLATION AS AIRPORT DEVELOPMENT.—Section 47102 is amended—

(1) in paragraph (3)(B) (as amended by this Act) by adding at the end the following:

''(viii) enhanced vision technologies that are certified by the Administrator of the Federal Aviation Administration and that are intended to replace or enhance conventional landing light systems; and''; and

(2) by adding at the end the following:

''(21) ENHANCED VISION TECHNOLOGIES.—The term 'enhanced vision technologies' means laser guidance, ultraviolet guidance, infrared, and cold cathode technologies.''.

(d) CERTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall transmit to Congress a schedule for deciding whether or not to certify laser guidance equipment for use as approach lighting at United States airports and of cold cathode lighting equipment for use as runway and taxiway lighting at United States airports and as lighting at United States heliports.

SEC. 124. PAVEMENT MAINTENANCE.

(a) REPEAL OF PILOT PROGRAM.—

(1) IN GENERAL.—Section 47132 is repealed.

(2) CONFORMING AMENDMENT.—The analysis for chapter 471 is amended by striking the item relating to section 47132.

(b) ELIGIBILITY AS AIRPORT DEVELOPMENT.—Section 47102(3) is amended by adding at the end the following:

''(H) routine work to preserve and extend the useful life of runways, taxiways, and aprons at airports that are not primary airports, under guidelines issued by the Administrator.''.

SEC. 125. COMPETITION PLANS.

(a) IN GENERAL.—Section 47106 is amended by adding at the end the following:

''(f) COMPETITION PLANS.—

''(1) PROHIBITION.—Beginning in fiscal year 2001, no passenger facility fee may be approved for a covered airport under section 40117 and no grant may be made under this subchapter for a covered airport unless the airport has submitted to the Secretary a written competition plan in accordance with this subsection.

''(2) CONTENTS.—A competition plan under this subsection shall include information on the availability of airport gates and related facilities, leasing and sub-leasing arrangements, gate-use requirements, patterns of air service, gate-assignment policy, financial constraints, airport controls over air- and ground-side capacity, whether the airport intends to build or acquire gates that would be used as common facilities, and airfare levels (as compiled by the Department of Transportation) compared to other large airports.

''(3) COVERED AIRPORT DEFINED.—In this subsection, the term 'covered airport' means a commercial service airport—

''(A) that has more than .25 percent of the total number of passenger boardings each year at all such airports; and

''(B) at which one or two air carriers control more than 50 percent of the passenger boardings.''.

(b) CROSS REFERENCE.—Section 40117 is amended by adding at the end the following:

''(j) COMPETITION PLANS.—Beginning in fiscal year 2001, no eligible agency may impose a passenger facility fee under this section with respect to a covered airport (as such term is defined in section 47106(f)) unless the agency has submitted to the Secretary a written competition plan in accordance with such section. This subsection does not apply to passenger facility fees in effect before the date of the enactment of this subsection.''.

SEC. 126. MATCHING SHARE.

Section 47109(a) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

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

''(2) not more than 90 percent for a project funded by a grant issued to and administered by a State under section 47128, relating to the State block grant program;'';

(3) by striking ''and'' at the end of paragraph (3) (as so redesignated);

(4) by striking the period at the end of paragraph (4) (as so redesignated) and inserting ''; and''; and

(5) by adding at the end the following:

''(5) 100 percent in fiscal year 2001 for any project—

''(A) at an airport other than a primary airport; or

''(B) at a primary airport having less than .05 percent of the total number of passenger boardings each year at all commercial service airports.''.

SEC. 127. LETTERS OF INTENT.

Section 47110(e) is amended—

(1) by striking paragraph (2)(C) and inserting the following:

''(C) that meets the criteria of section 47115(d) and, if for a project at a commercial service airport having at least 0.25 percent of the boardings each year at all such airports, the Secretary decides will enhance system-wide airport capacity significantly.''; and

(2) by striking paragraph (5) and inserting the following:

''(5) LETTERS OF INTENT.—The Secretary may not require an eligible agency to impose a passenger facility fee under section 40117 in order to obtain a letter of intent under this section.''.

SEC. 128. GRANTS FROM SMALL AIRPORT FUND.

(a) SET-ASIDE FOR MEETING SAFETY TERMS IN AIRPORT OPERATING CERTIFICATES.—Section 47116 is amended by adding at the end the following:

''(e) SET-ASIDE FOR MEETING SAFETY TERMS IN AIRPORT OPERATING CERTIFICATES.—In the first fiscal year beginning after the effective date of regulations issued to carry out section 44706(b) with respect to airports described in section 44706(a)(2), and in each of the next 4 fiscal years, the lesser of $15,000,000 or 20 percent of the amounts that would otherwise be distributed to sponsors of airports under subsection (b)(2) shall be used to assist the airports in meeting the terms established by the regulations. If the Secretary publishes in the Federal Register a finding that all the terms established by the regulations have been met, this subsection

shall cease to be effective as of the date of such publication.''.

(b) NOTIFICATION OF SOURCE OF GRANT.—Section 47116 is further amended by adding at the end the following:

''(f) NOTIFICATION OF SOURCE OF GRANT.—Whenever the Secretary makes a grant under this section, the Secretary shall notify the recipient of the grant, in writing, that the source of the grant is from the small airport fund.''.

(c) TECHNICAL AMENDMENTS.—Section 47116(d) is amended—

(1) by striking ''In making'' and inserting the following:

''(1) CONSTRUCTION OF NEW RUNWAYS.—In making'';

(2) by adding at the end the following:

''(2) AIRPORT DEVELOPMENT FOR TURBINE POWERED AIRCRAFT.—In making grants to sponsors described in subsection (b)(1), the Secretary shall give priority consideration to airport development projects to support operations by turbine powered aircraft, if the non-Federal share of the project is at least 40 percent.''; and

(3) by aligning the remainder of paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (2) of this subsection).

SEC. 129. DISCRETIONARY USE OF UNUSED APPORTIONMENTS.

Section 47117(f) (as redesignated by section 104(j) of this Act) is amended to read as follows:

''(f) DISCRETIONARY USE OF APPORTIONMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), if the Secretary finds that all or part of an amount of an apportionment under section 47114 is not required during a fiscal year to fund a grant for which the apportionment may be used, the Secretary may use during such fiscal year the amount not so required to make grants for any purpose for which grants may be made under section 48103. The finding may be based on the notifications that the Secretary receives under section 47105(f) or on other information received from airport sponsors.

''(2) RESTORATION OF APPORTIONMENTS.—

''(A) IN GENERAL.—If the fiscal year for which a finding is made under paragraph (1) with respect to an apportionment is not the last fiscal year of availability of the apportionment under subsection (b), the Secretary shall restore to the apportionment an amount equal to the amount of the apportionment used under paragraph (1) for a discretionary grant whenever a sufficient amount is made available under section 48103.

''(B) PERIOD OF AVAILABILITY.—If restoration under this paragraph is made in the fiscal year for which the finding is made or the succeeding fiscal year, the amount restored shall be subject to the original period of availability of the apportionment under subsection (b). If the restoration is made thereafter, the amount restored shall remain available in accordance with subsection (b) for the original period of availability of the apportionment, plus the number of fiscal years during which a sufficient amount was not available for the restoration.

''(3) NEWLY AVAILABLE AMOUNTS.—

''(A) RESTORED AMOUNTS TO BE UNAVAILABLE FOR DISCRETIONARY GRANTS.—Of an amount newly available under section 48103 of this title, an amount equal to the amounts restored under paragraph (2) shall not be available for discretionary grant obligations under section 47115.

''(B) USE OF REMAINING AMOUNTS.—Subparagraph (A) does not impair the Secretary's authority under paragraph (1), after a restoration under paragraph (2), to apply all or part of a restored amount that is not required to fund a grant under an apportionment to fund discretionary grants.

''(4) LIMITATIONS ON OBLIGATIONS APPLY.—Nothing in this subsection shall be construed to authorize the Secretary to incur grant obligations under section 47104 for a fiscal year in an amount greater than the amount made available under section 48103 for such obligations for such fiscal year.''.

SEC. 130. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.

(a) IN GENERAL.—Section 47118 is amended—

(1) in subsection (a) by striking ''12'' and inserting ''15 for fiscal year 2000 and 20 for each fiscal year thereafter'';

(2) by striking subsection (c) and redesignating subsections (d) through (f) as subsections (c) through (e), respectively;

(3) in subsection (c) (as so redesignated)—

(A) by striking ''47117(e)(1)(E)'' and inserting ''47117(e)(1)(B)'';

(B) by striking ''5-fiscal-year periods'' and inserting ''periods, each not to exceed 5 fiscal years,''; and

(C) by striking ''each such subsequent 5-fiscal-year period'' and inserting ''each such subsequent period''; and

(4) by adding at the end the following:

''(f) DESIGNATION OF GENERAL AVIATION AIRPORT.—Notwithstanding any other provision of this section, 1 airport of the airports designated under subsection (a) for fiscal year 2000 and 3 airports for each fiscal year thereafter shall be general aviation airports that were former military installations closed or realigned under a section referred to in subsection (a)(1).''.

(b) TERMINAL BUILDING FACILITIES.—Section 47118(d) (as redesignated by subsection (a)(2) of this section) is amended by striking ''$5,000,000'' and inserting ''$7,000,000''.

(c) ELIGIBILITY OF AIR CARGO TERMINALS.—Section 47118(e) (as redesignated by subsection (a)(2) of this section) is amended—

(1) in subsection heading by striking ''AND HANGARS'' and inserting ''HANGARS, AND AIR CARGO TERMINALS'';

(2) by striking ''$4,000,000'' and inserting ''$7,000,000''; and

(3) by inserting after ''hangars'' the following: ''and air cargo terminals of an area that is 50,000 square feet or less''.

SEC. 131. CONTRACT TOWER COST-SHARING.

Section 47124(b) is amended by adding at the end the following:

''(3) CONTRACT AIR TRAFFIC CONTROL TOWER PILOT PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a pilot program to contract for air traffic control services at Level I air traffic control towers, as defined by the Administrator of the Federal Aviation Administration, that do not qualify for the Contract Tower program established under subsection (a) and continued under paragraph (1) (hereafter in this paragraph referred to as the 'Contract Tower Program').

''(B) PROGRAM COMPONENTS.—In carrying out the pilot program established under subparagraph (A), the Administrator shall—

''(i) utilize for purposes of cost-benefit analyses, current, actual, site-specific data, forecast estimates, or airport master plan data provided by a facility owner or operator and verified by the Administrator;

''(ii) approve for participation only facilities willing to fund a pro rata share of the operating costs of the air traffic control tower to achieve a one-to-one benefit-to-cost ratio, as required for eligibility under the Contract Tower Program; and

''(iii) approve for participation no more than two facilities willing to fund up to 50 percent, but not less than 25 percent, of construction costs for an air traffic control tower built by the airport operator and for each of such facilities the Federal share of construction cost does not exceed $1,100,000.

''(C) PRIORITY.—In selecting facilities to participate in the program under this paragraph, the Administrator shall give priority to the following:

''(i) Air traffic control towers that are participating in the Contract Tower Program but have been notified that they will be terminated from such program because the Administration has determined that the benefit-to-cost ratio for their continuation in such program is less than 1.0.

''(ii) Air traffic control towers that the Administrator determines have a benefit-to-cost ratio of at least .85.

''(iii) Air traffic control towers of the Federal Aviation Administration that are closed as a result of the air traffic controllers strike in 1981.

''(iv) Air traffic control towers that are located at airports or points at which an air carrier is receiving compensation under the essential air service program under this chapter.

''(v) Air traffic control towers located at airports that are prepared to assume partial responsibility for maintenance costs.

''(vi) Air traffic control towers that are located at airports with safety or operational problems related to topography, weather, runway configuration, or mix of aircraft.

''(D) COSTS EXCEEDING BENEFITS.—If the costs of operating an air traffic tower under the pilot program established under this paragraph exceed the benefits, the airport sponsor or State or local government having jurisdiction over the airport shall pay the portion of the costs that exceed such benefit.

''(E) FUNDING.—Of the amounts appropriated pursuant to section 106(k), not to exceed $6,000,000 per fiscal year may be used to carry out this paragraph.''.

SEC. 132. INNOVATIVE USE OF AIRPORT GRANT FUNDS.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by adding at the end the following:

''§ 47135. Innovative financing techniques

''(a) IN GENERAL.—The Secretary of Transportation may approve applications for not more than 25 airport development projects for which grants received under this subchapter may be used for innovative financing techniques. Such projects shall be located at airports that each year have less than .25 percent of the total number of passenger boardings each year at all commercial service airports.

''(b) PURPOSE.—The purpose of grants made under this section shall be to provide information on the benefits and difficulties of using innovative financing techniques for airport development projects.

''(c) LIMITATIONS.—

''(1) NO GUARANTEES.—In no case shall the implementation of an innovative financing technique under this section be used in a manner giving rise to a direct or indirect guarantee of any airport debt instrument by the United States Government.

''(2) TYPES OF TECHNIQUES.—In this section, innovative financing techniques are limited to—

''(A) payment of interest;

''(B) commercial bond insurance and other credit enhancement associated with airport bonds for eligible airport development; and

''(C) flexible non-Federal matching requirements.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is amended by adding at the end the following:

''47135. Innovative financing techniques.''.

SEC. 133. AVIATION SECURITY PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding the following new section:

"§ 47136. Aviation security program

''(a) GENERAL AUTHORITY.—To improve security at public airports in the United States, the Secretary of Transportation shall carry out not less than one project to test and evaluate innovative aviation security systems and related technology.

''(b) PRIORITY.—In carrying out this section, the Secretary shall give the highest priority to a request from an eligible sponsor for a grant to undertake a project that—

''(1) evaluates and tests the benefits of innovative aviation security systems or related technology, including explosives detection systems, for the purpose of improving aviation security, including aircraft physical security, access control, and passenger and baggage screening; and

''(2) provides testing and evaluation of airport security systems and technology in an operational, test bed environment.

''(c) MATCHING SHARE.—Notwithstanding section 47109, the United States Government's share of allowable project costs for a project under this section shall be 100 percent.

''(d) TERMS AND CONDITIONS.—The Secretary may establish such terms and conditions as the Secretary determines appropriate for carrying out a project under this section, including terms and conditions relating to the form and content of a proposal for a project, project assurances, and schedule of payments.

''(e) ELIGIBLE SPONSOR DEFINED.—In this section, the term 'eligible sponsor' means a nonprofit corporation composed of a consortium of public and private persons, including a sponsor of a primary airport, with the necessary engineering and technical expertise to successfully conduct the testing and evaluation of airport and aircraft related security systems.

''(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts made available to the Secretary under section 47115 in a fiscal year, the Secretary shall make available not less than $5,000,000 for the purpose of carrying out this section.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is further amended by adding at the end the following:

''47136. Aviation security program.''.

SEC. 134. INHERENTLY LOW-EMISSION AIRPORT VEHICLE PILOT PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

"§ 47137. Inherently low-emission airport vehicle pilot program

''(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 10 public-use airports under which the sponsors of such airports may use funds made available under section 48103 for use at such airports to carry out inherently low-emission vehicle activities. Notwithstanding any other provision of this subchapter, inherently low-emission vehicle activities shall for purposes of the pilot program be treated as eligible for assistance under this subchapter.

''(b) LOCATION IN AIR QUALITY NONATTAINMENT AREAS.—A public-use airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(d)).

''(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the pilot program.

''(d) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The sponsor of a public-use airport carrying out inherently low-emission vehicle activities under the pilot program may use not to exceed 10 percent of the amounts made available for expenditure at the airport in a fiscal year under the pilot program to receive technical assistance in carrying out such activities.

''(2) ELIGIBLE CONSORTIUM.—To the maximum extent practicable, a sponsor shall use an eligible consortium (as defined in section 5506 of this title) in the region of the airport to receive technical assistance described in paragraph (1).

''(e) UNITED STATES GOVERNMENT'S SHARE.—Notwithstanding any other provision of this subchapter, the United States Government's share of the costs of a project carried out under the pilot program shall be 50 percent.

''(f) MAXIMUM AMOUNT.—Not more than $2,000,000 may be expended under the pilot program at any single public-use airport.

''(g) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this section, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing an evaluation of the effectiveness of the pilot program.

''(h) INHERENTLY LOW-EMISSION VEHICLE ACTIVITY DEFINED.—In this section, the term 'inherently low-emission vehicle activity' means—

''(1) the construction of infrastructure facilities necessary for the use of vehicles that are certified as inherently low-emission vehicles under title 40 of the Code of Federal Regulations, that are labeled in accordance with section 88.312–93(c) of such title, and that are located or primarily used at public-use airports;

''(2) the payment of that portion of the cost of acquiring such vehicles that exceeds the cost of acquiring other vehicles that would be used for the same purpose; or

''(3) the acquisition of technological equipment necessary for the use of vehicles described in paragraph (1).''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is further amended by adding at the end the following:

''47137. Inherently low-emission airport vehicle pilot program.''.

SEC. 135. TECHNICAL AMENDMENTS.

(a) CONTINUATION OF PROJECT FUNDING.—Section 47108 is amended by adding at the end the following:

''(e) CHANGE IN AIRPORT STATUS.—In the event that the status of a primary airport changes to a nonprimary airport at a time when a terminal development project under a multiyear agreement under subsection (a) is not yet completed, the project shall remain eligible for funding from discretionary funds under section 47115 at the funding level and under the terms provided by the agreement, subject to the availability of funds.''.

(b) PASSENGER FACILITY FEE WAIVER FOR CERTAIN CLASS OF CARRIERS OR FOR SERVICE TO AIRPORTS IN ISOLATED COMMUNITIES.—Section 40117(i) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following:

''(3) may permit a public agency to request that collection of a passenger facility fee be waived for—

''(A) passengers enplaned by any class of air carrier or foreign air carrier if the number of passengers enplaned by the carrier in the class constitutes not more than 1 percent of the total number of passengers enplaned annually at the airport at which the fee is imposed; or

''(B) passengers traveling to an airport—

''(i) that has fewer than 2,500 passenger boardings each year and receives scheduled passenger service; and

''(ii) in a community which has a population of less than 10,000 and is not connected by a land highway to the land-connected National Highway System within a State.''.

SEC. 136. CONVEYANCES OF AIRPORT PROPERTY FOR PUBLIC AIRPORTS.

(a) PROJECT GRANT ASSURANCES.—Section 47107(h) is amended by inserting ''(including an assurance with respect to disposal of land by an airport owner or operator under subsection (c)(2)(B) without regard to whether or not the assurance or grant was made before December 29, 1987)'' after ''1987''.

(b) CONVEYANCES OF UNITED STATES GOVERNMENT LAND.—Section 47125(a) is amended by adding at the end the following: ''The Secretary may only release an option of the United States for a reversionary interest under this subsection after providing notice and an opportunity for public comment. The Secretary shall publish in the Federal Register any decision of the Secretary to release a reversionary interest and the reasons for the decision.''.

(c) REQUESTS BY PUBLIC AGENCIES.—Section 47151 is amended by adding at the end the following:

''(d) REQUESTS BY PUBLIC AGENCIES.—Except with respect to a request made by another department, agency, or instrumentality of the executive branch of the United States Government, such a department, agency, or instrumentality shall give priority consideration to a request made by a public agency (as defined in section 47102) for surplus property described in subsection (a) for use at a public airport.''.

(d) NOTICE AND PUBLIC COMMENT; PUBLICATION OF DECISIONS.—Section 47153(a) is amended—

(1) in paragraph (1) by inserting '', after providing notice and an opportunity for public comment,'' after ''if the Secretary decides''; and

(2) by adding at the end the following:

''(3) PUBLICATION OF DECISIONS.—The Secretary shall publish in the Federal Register any decision to waive a term under paragraph (1) and the reasons for the decision.''.

(e) CONSIDERATIONS.—Section 47153 is amended by adding at the end the following:

''(c) CONSIDERATIONS.—In deciding whether to waive a term required by section 47152 or add another term, the Secretary shall consider the current and future needs of the users of the airport.''.

(f) REFERENCES TO GIFTS.—Chapter 471 is amended—

(1) in section 47151—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1) by striking ''give'' and inserting ''convey to''; and

(ii) in paragraph (2) by striking ''gift'' and inserting ''conveyance'';

(B) in subsection (b)—

(i) by striking ''giving'' and inserting ''conveying''; and

(ii) by striking ''gift'' and inserting ''conveyance''; and

(C) in subsection (c)—

(i) in the subsection heading by striking ''GIVEN'' and inserting ''CONVEYED''; and

(ii) by striking ''given'' and inserting ''conveyed'';

(2) in section 47152—

(A) in the section heading by striking ''**gifts**'' and inserting ''**conveyances**''; and

(B) in the matter preceding paragraph (1) by striking ''gift'' and inserting ''conveyance'';

(3) in section 47153(a)(1)—

(A) by striking ''gift'' each place it appears and inserting ''conveyance''; and

(B) by striking ''given'' and inserting ''conveyed''; and

(4) in the analysis for such chapter by striking the item relating to section 47152 and inserting the following:

''47152. Terms of conveyances.''.

SEC. 137. INTERMODAL CONNECTIONS.

(a) AIRPORT IMPROVEMENT POLICY.—Section 47101(a)(5) is amended to read as follows:

''(5) to encourage the development of intermodal connections between airports and other transportation modes and systems to promote economic development in a way that will serve States and local communities efficiently and effectively;''.

(b) AIRPORT DEVELOPMENT DEFINED.—Section 47102(3) is further amended by adding at the end the following:

''(I) constructing, reconstructing, or improving an airport, or purchasing capital equipment for an airport, for the purpose of transferring passengers, cargo, or baggage between the airport and ground transportation modes.''.

SEC. 138. STATE BLOCK GRANT PROGRAM.

Section 47128(a) is amended by striking ''9 qualified'' and inserting ''10 qualified''.

SEC. 139. ENGINEERED MATERIALS ARRESTING SYSTEMS.

(a) ELIGIBILITY.—Section 47102(3)(B) (as amended by this Act) is amended by adding at the end the following:

''(ix) engineered materials arresting systems as described in the Advisory Circular No. 150/5220–22 published by the Federal Aviation Administration on August 21, 1998.''.

(b) RULEMAKING.—The Administrator shall initiate a rulemaking proceeding to consider revisions to part 139 of title 14, Code of Federal Regulations, to improve runway safety through the use of engineered materials arresting systems, longer runways, and such other techniques as the Administrator considers appropriate.

Subtitle C—Miscellaneous

SEC. 151. TREATMENT OF CERTAIN FACILITIES AS AIRPORT-RELATED PROJECTS.

Section 40117(a)(3)(E) is amended—

(1) by striking ''and'' and inserting a comma; and

(2) by striking the period at the end and inserting the following: ''(including structural foundations and floor systems, exterior building walls and load-bearing interior columns or walls, windows, door and roof systems, and building utilities (including heating, air conditioning, ventilation, plumbing, and electrical service)), and aircraft fueling facilities adjacent to the gate.''.

SEC. 152. TERMINAL DEVELOPMENT COSTS.

(a) WITH RESPECT TO PASSENGER FACILITY CHARGES.—Section 40117(a)(3) is further amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(2) by inserting after subparagraph (B) the following:

''(C) for costs of terminal development referred to in subparagraph (B) incurred after August 1, 1986, at an airport that did not have more than .25 percent of the total annual passenger boardings in the United States in the most recent calendar year for which data is available and at which total passenger boardings declined by at least 16 percent between calendar year 1989 and calendar year 1997;''.

(b) REPAYING BORROWED MONEY.—Section 47119(a) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''0.05'' and inserting ''0.25''; and

(B) by striking ''between January 1, 1992, and October 31, 1992,'' and inserting ''between August 1, 1986, and September 30, 1990, or between June 1, 1991, and October 31, 1992,''; and

(2) in paragraph (1)(B) by striking ''an airport development project outside the terminal area at that airport'' and inserting ''any needed airport development project affecting safety, security, or capacity''.

(c) NONHUB AIRPORTS.—Section 47119(c) is amended by striking ''0.05'' and inserting ''0.25''.

(d) NONPRIMARY COMMERCIAL SERVICE AIRPORTS.—Section 47119 is amended by adding at the end the following:

''(d) DETERMINATION OF PASSENGER BOARDING AT COMMERCIAL SERVICE AIRPORT.—For the purpose of determining whether an amount may be distributed for a fiscal year from the discretionary fund in accordance with subsection (b)(2)(A) to a commercial service airport, the Secretary shall make the determination of whether or not a public airport is a commercial service airport on the basis of the number of passenger boardings and type of air service at the public airport in the calendar year that includes the first day of such fiscal year or the preceding calendar year, whichever is more beneficial to the airport.''.

SEC. 153. GENERAL FACILITIES AUTHORITY.

(a) CONTINUATION OF ILS INVENTORY PROGRAM.—Section 44502(a)(4)(B) is amended—

(1) by striking ''each of fiscal years 1995 and 1996'' and inserting ''each of fiscal years 2000 through 2002''; and

(2) by inserting ''under new or existing contracts'' after ''including acquisition''.

(b) LORAN-C NAVIGATION FACILITIES.—Section 44502(a) is amended by adding at the end the following:

''(5) MAINTENANCE AND UPGRADE OF LORAN-C NAVIGATION FACILITIES.—The Secretary shall maintain and upgrade Loran-C navigation facilities throughout the transition period to satellite-based navigation.''.

SEC. 154. DENIAL OF AIRPORT ACCESS TO CERTAIN AIR CARRIERS.

Section 44706 is amended by adding at the end the following:

''(g) INCLUDED CHARTER AIR TRANSPORTATION.—For the purposes of subsection (a)(2), a scheduled passenger operation includes charter air transportation for which the general public is provided in advance a schedule containing the departure location, departure time, and arrival location of the flights.

''(h) AUTHORITY TO PRECLUDE SCHEDULED PASSENGER OPERATIONS.—The Administrator shall permit an airport that will be subject to certification under subsection (a)(2) to preclude scheduled passenger operations (including public charter operations described in subsection (g)) at the airport if the airport notifies the Administrator, in writing, that it does not intend to obtain an airport operating certificate.''.

SEC. 155. CONSTRUCTION OF RUNWAYS.

Notwithstanding any provision of law that specifically restricts the number of runways at a single international airport, the Secretary of Transportation may obligate funds made available under chapters 471 and 481 of title 49, United States Code, for any project to construct a new runway at such airport, unless this section is expressly repealed.

SEC. 156. USE OF RECYCLED MATERIALS.

(a) STUDY.—The Administrator shall conduct a study of the use of recycled materials (including recycled pavements, waste materials, and byproducts) in pavement used for runways, taxiways, and aprons and the specification standards in tests necessary for the use of recycled materials in such pavement. The primary focus of the study shall be on the long term physical performance, safety implications, and environmental benefits of using recycled materials in aviation pavement.

(b) CONTRACTING.—The Administrator may carry out the study under this section by entering into a contract with a university of higher education with expertise necessary to carry out the study.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section together with recommendations concerning the use of recycled materials in aviation pavement.

(d) FUNDING.—Of the amounts appropriated pursuant to section 106(k), not to exceed $1,500,000 in the aggregate may be used to carry out this section.

SEC. 157. AIRCRAFT NOISE PRIMARILY CAUSED BY MILITARY AIRCRAFT.

Section 47504(c) is amended by adding at the end the following:

''(6) AIRCRAFT NOISE PRIMARILY CAUSED BY MILITARY AIRCRAFT.—The Administrator may make a grant under this subsection for a project even if the purpose of the project is to mitigate the effect of noise primarily caused by military aircraft at an airport.''.

SEC. 158. TIMELY ANNOUNCEMENT OF GRANTS.

The Secretary of Transportation shall announce the making of grants with funds made available under section 48103 of title 49, United States Code, in a timely fashion after receiving necessary documentation for the making of such grants from the Administrator.

TITLE II—AIRLINE SERVICE IMPROVEMENTS

Subtitle A—Service to Airports Not Receiving Sufficient Service

SEC. 201. ACCESS TO HIGH DENSITY AIRPORTS.

(a) PHASEOUT OF SLOT RULE FOR O'HARE, LAGUARDIA, AND KENNEDY AIRPORTS.—Section 41714 is amended by adding at the end the following:

''(j) PHASEOUT OF SLOT RULE FOR O'HARE, LAGUARDIA, AND KENNEDY AIRPORTS.—

''(1) O'HARE AIRPORT.—The slot rule shall be of no force and effect at O'Hare International Airport—

''(A) effective March 1, 2000—

''(i) with respect to a regional jet aircraft providing air transportation between O'Hare International Airport and a small hub or nonhub airport—

''(I) if the operator of the regional jet aircraft was not providing such air transportation during the week of June 15, 1999; or

''(II) if the level of air transportation to be provided between such airports by the operator of the regional jet aircraft during any week will exceed the level of air transportation provided by such operator between such airports during the week of June 15, 1999; and

''(ii) with respect to any aircraft providing foreign air transportation;

''(B) effective March 1, 2001, with respect to any aircraft operating before 2:45 post meridiem and after 8:15 post meridiem; and

''(C) effective March 1, 2002, with respect to any aircraft.

''(2) LAGUARDIA AND KENNEDY.—The slot rule shall be of no force and effect at LaGuardia Airport or John F. Kennedy International Airport—

''(A) effective March 1, 2000, with respect to a regional jet aircraft providing air transportation between LaGuardia Airport or John F. Kennedy International Airport and a small hub or nonhub airport—

''(I) if the operator of the regional jet aircraft was not providing such air transportation during the week of June 15, 1999; or

''(II) if the level of air transportation to be provided between such airports by the operator of the regional jet aircraft during any week will exceed the level of air transportation provided by such operator between such airports during the week of June 15, 1999; and

''(B) effective January 1, 2007, with respect to any aircraft.''.

(b) ADDITIONAL EXEMPTIONS FROM SLOT RULE.—Section 41714 is amended by striking subsections (e) and (f) and inserting the following:

''(e) ADDITIONAL EXEMPTIONS FROM SLOT RULE.—

''(1) SLOT EXEMPTIONS FOR AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—

''(A) IN GENERAL.—Notwithstanding chapter 491, the Secretary may by order grant exemptions from the slot rule for Ronald Reagan Washington National Airport and O'Hare International Airport to enable air carriers to provide nonstop air transportation using jet aircraft that comply with the stage 3 noise levels of part 36 of title 14, Code of Federal Regulations, between the airport and a small hub or nonhub airport that the Secretary determines has (i) insufficient air carrier service to and from Reagan National Airport or O'Hare International Airport, as the case may be, or (ii) unreasonably high airfares.

''(B) NUMBER OF SLOT EXEMPTIONS TO BE GRANTED.—

''(i) REAGAN NATIONAL.—

''(I) MAXIMUM NUMBER OF EXEMPTIONS.—No more than 2 exemptions from the slot rule per hour and no more than 6 exemptions from the slot rule per day may be granted under this paragraph for Ronald Reagan Washington National Airport.

''(II) MAXIMUM DISTANCE OF FLIGHTS.—An exemption from the slot rule may be granted under this paragraph for Ronald Reagan Washington National Airport only if the flight utilizing the exemption begins or ends within 1,250 miles of such airport and a stage 3 aircraft is used for such flight.

''(ii) O'HARE AIRPORT.—20 exemptions from the slot rule per day shall be granted under this paragraph for O'Hare International Airport.

''(2) SLOT EXEMPTIONS AT O'HARE FOR NEW ENTRANT AIR CARRIERS.—

''(A) IN GENERAL.—The Secretary shall grant 30 exemptions from the slot rule to enable new entrant air carriers to provide air transportation at O'Hare International Airport using stage 3 aircraft.

''(B) PRIORITY CONSIDERATION.—In granting exemptions under this paragraph, the Secretary shall give priority consideration to an application from an air carrier that, as of June 15, 1999, operated or held fewer than 20 slots at O'Hare International Airport.

''(3) INSUFFICIENT APPLICATIONS.—If, on the 180th day following the date of the enactment of the Aviation Investment and Reform Act for the 21st Century, the Secretary has not granted all of the exemptions from the slot rule made available under this subsection at an airport because an insufficient number of eligible applicants have submitted applications for the exemptions, the Secretary may grant the remaining exemptions at the airport to any air carrier applying for the exemptions for the provision of any type of air transportation. An exemption granted under paragraph (1) or (2) pursuant to this paragraph may be reclaimed by the Secretary for issuance in accordance with the terms of paragraph (1) or (2), as the case may be, if subsequent applications under paragraph (1) or (2), as the case maybe, so warrant.

''(f) REQUIREMENTS RELATING TO ADDITIONAL SLOT EXEMPTIONS.—

''(1) APPLICATIONS.—An air carrier interested in obtaining an exemption from the slot rule under subsection (e) shall submit to the Secretary an application for the exemption. No application may be submitted to the Secretary under subsection (e) before the last day of the 30-day period beginning on the date of the enactment of the Aviation Investment and Reform Act for the 21st Century.

''(2) PERIOD OF EFFECTIVENESS.—An exemption from the slot rule granted under subsection (e) shall remain in effect only while the air carrier for whom the exemption is granted continues to provide the air transportation for which the exemption is granted.

''(3) TREATMENT OF CERTAIN COMMUTER AIR CARRIERS.—The Secretary shall treat all commuter air carriers that have cooperative agreements, including code share agreements with other air carriers, equally for determining eligibility for exemptions from the slot rule under subsection (e) regardless of the form of the corporate relationship between the commuter air carrier and the other air carrier.''.

(c) DEFINITIONS.—

(1) IN GENERAL.—Section 41714(h) is amended by adding at the end the following:

''(5) NONHUB AIRPORT.—The term 'nonhub airport' means an airport that each year has less than .05 percent of the total annual boardings in the United States.

''(6) REGIONAL JET AIRCRAFT.—The term 'regional jet aircraft' means a 2-engine jet aircraft with a design capacity of 70 or fewer seats, manufactured after January 1, 1992, that has an effective perceived noise level on takeoff not exceeding 83 decibels when measured according to the procedures described in part 36 of title 14, Code of Federal Regulations.

''(7) SLOT RULE.—The term 'slot rule' means the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations.

''(8) SMALL HUB AIRPORT.—The term 'small hub airport' means an airport that each year has at least .05 percent, but less than .25 percent, of the total annual boardings in the United States.

''(9) UNREASONABLY HIGH AIRFARE.—The term 'unreasonably high airfare', as used with respect to an airport, means that the airfare listed in the table entitled 'Top 1,000 City-Pair Market Summarized by City', contained in the Domestic Airline Fares Consumer Report of the Department of Transportation, for one or more markets for which the airport is a part of has an average yield listed in such table that is more than 19 cents.''.

(2) REGULATORY DEFINITION OF LIMITED INCUMBENT CARRIER.—The Secretary shall modify the definition of the term ''limited incumbent carrier'' in subpart S of part 93 of title 14, Code of Federal Regulations, to require an air carrier or commuter operator to hold or operate fewer than 20 slots (instead of 12 slots) to meet the criteria of the definition. For purposes of this section, such modification shall be treated as in effect on the date of the enactment of this Act.

(d) PROHIBITION ON SLOT WITHDRAWALS.—Section 41714(b) is amended—

(1) in paragraph (2)—

(A) by inserting ''at O'Hare International Airport'' after ''a slot''; and

(B) by striking ''if the withdrawal'' and all that follows before the period; and

(2) by striking paragraph (4) and inserting the following:

''(4) CONVERSION OF SLOTS.—Effective March 1, 2000, slots at O'Hare International Airport allocated to an air carrier as of June 15, 1999, to provide foreign air transportation shall be made available to such carrier to provide interstate or intrastate air transportation.''.

(e) CONFORMING AMENDMENTS.—Section 41714(c) is amended—

(1) by striking ''SLOTS FOR NEW ENTRANTS.—'' and all that follows through ''If the'' and inserting ''SLOTS FOR NEW ENTRANTS.—If the''; and

(2) by striking paragraph (2).

(f) AMENDMENTS REFLECTING PHASEOUT OF SLOT RULE FOR CERTAIN AIRPORTS.—Effective January 1, 2007, section 41714 is amended—

(1) by striking subsections (a), (b), (c), (e), (f), (g), (h), and (i);

(2) by redesignating subsections (d) and (j) as subsections (a) and (b), respectively;

(3) in the heading for subsection (a) (as so redesignated) by striking ''SPECIAL RULES FOR''; and

(4) by adding at the end the following:

''(c) DEFINITIONS.—

''(1) NONHUB AIRPORT.—The term 'nonhub airport' means an airport that each year has less than .05 percent of the total annual boardings in the United States.

''(2) REGIONAL JET AIRCRAFT.—The term 'regional jet aircraft' means a 2-engine jet aircraft with a design capacity of 70 or fewer seats, manufactured after January 1, 1992, that has an effective perceived noise level on takeoff not exceeding 83 decibels when measured according to the procedures described in part 36 of title 14, Code of Federal Regulations.

''(3) SLOT.—The term 'slot' means a reservation for an instrument flight rule takeoff or landing by an air carrier or an aircraft in air transportation.''.

''(4) SLOT RULE.—The term 'slot rule' means the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports).

''(5) SMALL HUB AIRPORT.—The term 'small hub airport' means an airport that each year has at least .05 percent, but less than .25 percent, of the total annual boardings in the United States.

''(6) UNREASONABLY HIGH AIRFARE.—The term 'unreasonably high airfare', as used with respect to an airport, means that the airfare listed in the table entitled 'Top 1,000 City-Pair Market Summarized by City', contained in the Domestic Airline Fares Consumer Report of the Department of Transportation, for one or more markets for which the airport is a part of has an average yield listed in such table that is more than 19 cents.''.

SEC. 202. FUNDING FOR AIR CARRIER SERVICE TO AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.

(a) FUNDING FOR AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—Chapter 417 is amended by adding at the end the following:

''§ 41743. Airports not receiving sufficient service

''(a) TYPES OF ASSISTANCE.—The Secretary of Transportation may use amounts made available under this section—

''(1) to provide assistance to an air carrier to subsidize service to and from an underserved airport for a period not to exceed 3 years;

''(2) to provide assistance to an underserved airport to obtain jet aircraft service (and to promote passenger use of that service) to and from the underserved airport; and

''(3) to provide assistance to an underserved airport to implement such other measures as the Secretary, in consultation with such airport, considers appropriate to improve air service both in terms of the cost of such service to consumers and the availability of such service, including improving air service through marketing and promotion of air service and enhanced utilization of airport facilities.

''(b) PRIORITY CRITERIA FOR ASSISTING AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—In providing assistance to airports under subsection (a), the Secretary shall give priority to those airports for which a community will provide, from local sources (other than airport revenues), a portion of the cost of the activity to be assisted.

''(c) DEFINITIONS.—In this section, the following definitions apply:

''(1) UNDERSERVED AIRPORT.—The term 'underserved airport' means a nonhub airport or small hub airport (as such terms are defined in section 41731) that—

''(A) the Secretary determines is not receiving sufficient air carrier service; or

''(B) has unreasonably high airfares.

''(2) UNREASONABLY HIGH AIRFARE.—The term 'unreasonably high airfare', as used with respect to an airport, means that the airfare listed in the table entitled 'Top 1,000 City-Pair Market Summarized by City', contained in the Domestic Airline Fares Consumer Report of the Department of Transportation, for one or more markets for which the airport is a part of has an average yield listed in such table that is more than 19 cents.

''(d) AUTHORITY TO MAKE AGREEMENTS AND INCUR OBLIGATIONS.—

''(1) IN GENERAL.—The Secretary may make agreements and incur obligations from the Airport and Airway Trust Fund to provide assistance under this section. An agreement by the Secretary under this subsection is a contractual obligation of the Government to pay the Government's share of the compensation. Contract authority made available by this paragraph shall be subject to an obligation limitation.

''(2) AMOUNTS MADE AVAILABLE.—There shall be available to the Secretary out of the Fund not more than $25,000,000 for each of fiscal years 2000 through 2004 to incur obligations under this section. Amounts made available under this section shall remain available until expended.''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by adding at the end the following:

''41743. Airports not receiving sufficient service.''.

SEC. 203. WAIVER OF LOCAL CONTRIBUTION.

Section 41736(b) is amended by adding at the end the following:

''Paragraph (4) shall not apply to any place for which a proposal was approved or that was designated as eligible under this section in the period beginning on October 1, 1991, and ending on December 31, 1997.''.

SEC. 204. POLICY FOR AIR SERVICE TO RURAL AREAS.

Section 40101(a) is amended by adding at the end the following:

''(16) ensuring that consumers in all regions of the United States, including those in small communities and rural and remote areas, have access to affordable, regularly scheduled air service.''.

SEC. 205. DETERMINATION OF DISTANCE FROM HUB AIRPORT.

The Secretary of Transportation shall not deny assistance with respect to a place under subchapter II of chapter 417 of title 49, United States Code, solely on the basis that the place is located within 70 highway miles of a hub airport (as defined by section 41731 of such title) if the most commonly used highway route between the place and the hub airport exceeds 70 miles.

Subtitle B—Regional Air Service Incentive Program

SEC. 211. ESTABLISHMENT OF REGIONAL AIR SERVICE INCENTIVE PROGRAM.

(a) IN GENERAL.—Chapter 417 is amended by adding at the end the following:

''SUBCHAPTER III—REGIONAL AIR SERVICE INCENTIVE PROGRAM

''§ 41761. Purpose

''The purpose of this subchapter is to improve service by jet aircraft to underserved markets by providing assistance, in the form of Federal credit instruments, to commuter air carriers that purchase regional jet aircraft for use in serving those markets.

''§ 41762. Definitions

''In this subchapter, the following definitions apply:

''(1) AIR CARRIER.—The term 'air carrier' means any air carrier holding a certificate of public convenience and necessity issued by the Secretary of Transportation under section 41102.

''(2) AIRCRAFT PURCHASE.—The term 'aircraft purchase' means the purchase of commercial transport aircraft, including spare parts normally associated with the aircraft.

''(3) CAPITAL RESERVE SUBSIDY AMOUNT.—The term 'capital reserve subsidy amount' means the amount of budget authority sufficient to cover estimated long-term cost to the United States Government of a Federal credit instrument, calculated on a net present value basis, excluding administrative costs and any incidental effects on government receipts or outlays in accordance with provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

''(4) COMMUTER AIR CARRIER.—The term 'commuter air carrier' means an air carrier that primarily operates aircraft designed to have a maximum passenger seating capacity of 75 or less in accordance with published flight schedules.

''(5) FEDERAL CREDIT INSTRUMENT.—The term 'Federal credit instrument' means a secured loan, loan guarantee, or line of credit authorized to be made under this subchapter.

''(6) FINANCIAL OBLIGATION.—The term 'financial obligation' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of an aircraft purchase, other than a Federal credit instrument.

''(7) LENDER.—The term 'lender' means any non-Federal qualified institutional buyer (as defined by section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation) known as Rule 144A(a) of the Security and Exchange Commission and issued under the Security Act of 1933 (15 U.S.C. 77a et seq.)), including—

''(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

''(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

''(8) LINE OF CREDIT.—The term 'line of credit' means an agreement entered into by the Secretary with an obligor under section 41763(d) to provide a direct loan at a future date upon the occurrence of certain events.

''(9) LOAN GUARANTEE.—The term 'loan guarantee' means any guarantee or other pledge by the Secretary under section 41763(c) to pay all or part of any of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

''(10) NEW ENTRANT AIR CARRIER.—The term 'new entrant air carrier' means an air carrier that has been providing air transportation according to a published schedule for less than 5 years, including any person that has received authority from the Secretary to provide air transportation but is not providing air transportation.

''(11) NONHUB AIRPORT.—The term 'nonhub airport' means an airport that each year has less than .05 percent of the total annual boardings in the United States.

''(12) OBLIGOR.—The term 'obligor' means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

''(13) REGIONAL JET AIRCRAFT.—The term 'regional jet aircraft' means a civil aircraft—

''(A) powered by jet propulsion; and

''(B) designed to have a maximum passenger seating capacity of not less than 30 nor more than 75.

''(14) SECURED LOAN.—The term 'secured loan' means a direct loan funded by the Secretary in connection with the financing of an aircraft purchase under section 41763(b).

''(15) SMALL HUB AIRPORT.—The term 'small hub airport' means an airport that each year has at least .05 percent, but less than .25 percent, of the total annual boardings in the United States.

''(16) UNDERSERVED MARKET.—The term 'underserved market' means a passenger air transportation market (as defined by the Secretary) that—

''(A) is served (as determined by the Secretary) by a nonhub airport or a small hub airport;

''(B) is not within a 40-mile radius of an airport that each year has at least .25 percent of the total annual boardings in the United States; and

''(C) the Secretary determines does not have sufficient air service.

''§ 41763. Federal credit instruments

''(a) IN GENERAL.—Subject to this section, the Secretary of Transportation may enter into agreements with one or more obligors to make available Federal credit instruments, the proceeds of which shall be used to finance aircraft purchases.

''(b) SECURED LOANS.—

''(1) TERMS AND LIMITATIONS.—

''(A) IN GENERAL.—A secured loan under this section with respect to an aircraft purchase shall be on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

''(B) MAXIMUM AMOUNT.—No secured loan may be made under this section—

''(i) that extends to more than 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts, to be purchased; or

''(ii) that, when added to the remaining balance on any other Federal credit instruments made under this subchapter, provides more than $100,000,000 of outstanding credit to any single obligor.

''(C) FINAL PAYMENT DATE.—The final payment on the secured loan shall not be due later than 18 years after the date of execution of the loan agreement.

''(D) SUBORDINATION.—The secured loan may be subordinate to claims of other holders of obligations in the event of bankruptcy, insolvency, or liquidation of the obligor as determined appropriate by the Secretary.

''(E) FEES.—The Secretary, subject to appropriations, may establish fees at a level sufficient to cover all or a portion of the costs to the United States Government of making a secured loan under this section. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available upon deposit until expended.

''(2) REPAYMENT.—

''(A) SCHEDULE.—The Secretary shall establish a repayment schedule for each secured loan under this section based on the

projected cash flow from aircraft revenues and other repayment sources.

''(B) COMMENCEMENT.—Scheduled loan repayments of principal and interest on a secured loan under this section shall commence no later than 3 years after the date of execution of the loan agreement.

''(3) PREPAYMENT.—

''(A) USE OF EXCESS REVENUE.—After satisfying scheduled debt service requirements on all financial obligations and secured loans and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing financial obligations, the secured loan may be prepaid at anytime without penalty.

''(B) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from proceeds of refinancing from non-Federal funding sources.

''(c) LOAN GUARANTEES.—

''(1) IN GENERAL.—A loan guarantee under this section with respect to a loan made for an aircraft purchase shall be made in such form and on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

''(2) MAXIMUM AMOUNT.—No loan guarantee shall be made under this section—

''(A) that extends to more than the unpaid interest and 50 percent of the unpaid principal on any loan;

''(B) that, for any loan or combination of loans, extends to more than 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts, to be purchased with the loan or loan combination;

''(C) on any loan with respect to which terms permit repayment more than 15 years after the date of execution of the loan; or

''(D) that, when added to the remaining balance on any other Federal credit instruments made under this subchapter, provides more than $100,000,000 of outstanding credit to any single obligor.

''(3) FEES.—The Secretary, subject to appropriations, may establish fees at a level sufficient to cover all or a portion of the costs to the United States Government of making a loan guarantee under this section. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available upon deposit until expended.

''(d) LINES OF CREDIT.—

''(1) IN GENERAL.—Subject to the requirements of this subsection, the Secretary may enter into agreements to make available lines of credit to one or more obligors in the form of direct loans to be made by the Secretary at future dates on the occurrence of certain events for any aircraft purchase selected under this section.

''(2) TERMS AND LIMITATIONS.—

''(A) IN GENERAL.—A line of credit under this subsection with respect to an aircraft purchase shall be on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

''(B) MAXIMUM AMOUNT.—

''(i) TOTAL AMOUNT.—The amount of any line of credit shall not exceed 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts.

''(ii) 1–YEAR DRAWS.—The amount drawn in any year shall not exceed 20 percent of the total amount of the line of credit.

''(C) DRAWS.—Any draw on the line of credit shall represent a direct loan.

''(D) PERIOD OF AVAILABILITY.—The line of credit shall be available not more than 5 years after the aircraft purchase date.

''(E) RIGHTS OF THIRD-PARTY CREDITORS.—

''(i) AGAINST UNITED STATES GOVERNMENT.—A third-party creditor of the obligor shall not have any right against the United States Government with respect to any draw on the line of credit.

''(ii) ASSIGNMENT.—An obligor may assign the line of credit to one or more lenders or to a trustee on the lender's behalf.

''(F) SUBORDINATION.—A direct loan under this subsection may be subordinate to claims of other holders of obligations in the event of bankruptcy, insolvency, or liquidation of the obligor as determined appropriate by the Secretary.

''(G) FEES.—The Secretary, subject to appropriations, may establish fees at a level sufficient to cover all of a portion of the costs to the United States Government of providing a line of credit under this subsection. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available upon deposit until expended.

''(3) REPAYMENT.—

''(A) SCHEDULE.—The Secretary shall establish a repayment schedule for each direct loan under this subsection.

''(B) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a direct loan under this subsection shall commence no later than 3 years after the date of the first draw on the line of credit and shall be repaid, with interest, not later than 18 years after the date of the first draw.

''(e) RISK ASSESSMENT.—Before entering into an agreement under this section to make available a Federal credit instrument, the Secretary, in consultation with the Director of the Office of Management and Budget, shall determine an appropriate capital reserve subsidy amount for the Federal credit instrument based on such credit evaluations as the Secretary deems necessary.

''(f) CONDITIONS.—Subject to subsection (h), the Secretary may only make a Federal credit instrument available under this section if the Secretary finds that—

''(1) the aircraft to be purchased with the Federal credit instrument is a regional jet aircraft needed to improve the service and efficiency of operation of a commuter air carrier or new entrant air carrier;

''(2) the commuter air carrier or new entrant air carrier enters into a legally binding agreement that requires the carrier to use the aircraft to provide service to underserved markets; and

''(3) the prospective earning power of the commuter air carrier or new entrant air carrier, together with the character and value of the security pledged, including the collateral value of the aircraft being acquired and any other assets or pledges used to secure the Federal credit instrument, furnish—

''(A) reasonable assurances of the air carrier's ability and intention to repay the Federal credit instrument within the terms established by the Secretary—

''(i) to continue its operations as an air carrier; and

''(ii) to the extent that the Secretary determines to be necessary, to continue its operations as an air carrier between the same route or routes being operated by the air carrier at the time of the issuance of the Federal credit instrument; and

''(B) reasonable protection to the United States.

''(g) LIMITATION ON COMBINED AMOUNT OF FEDERAL CREDIT INSTRUMENTS.—The Secretary shall not allow the combined amount of Federal credit instruments available for any aircraft purchase under this section to exceed—

''(1) 50 percent of the cost of the aircraft purchase; or

''(2) $100,000,000 for any single obligor.

''(h) REQUIREMENT.—Subject to subsection (i), no Federal credit instrument may be made under this section for the purchase of any regional jet aircraft that does not comply with the stage 3 noise levels of part 36 of title 14 of the Code of Federal Regulations, as in effect on January 1, 1999.

''(i) OTHER LIMITATIONS.—No Federal credit instrument shall be made by the Secretary under this section for the purchase of a regional jet aircraft unless the commuter air carrier or new entrant air carrier enters into a legally binding agreement that requires the carrier to provide scheduled passenger air transportation to the underserved market for which the aircraft is purchased for a period of not less than 36 consecutive months after the date that aircraft is placed in service.

''§ 41764. Use of Federal facilities and assistance

''(a) USE OF FEDERAL FACILITIES.—To permit the Secretary of Transportation to make use of such expert advice and services as the Secretary may require in carrying out this subchapter, the Secretary may use available services and facilities of other agencies and instrumentalities of the United States Government—

''(1) with the consent of the appropriate Federal officials; and

''(2) on a reimbursable basis.

''(b) ASSISTANCE.—The head of each appropriate department or agency of the United States Government shall exercise the duties and powers of that head in such manner as to assist in carrying out the policy specified in section 41761.

''(c) OVERSIGHT.—The Secretary shall make available to the Comptroller General of the United States such information with respect to any Federal credit instrument made under this subchapter as the Comptroller General may require to carry out the duties of the Comptroller General under chapter 7 of title 31, United States Code.

''§ 41765. Administrative expenses

''In carrying out this subchapter, the Secretary shall use funds made available by appropriations to the Department of Transportation for the purpose of administration, in addition to the proceeds of any fees collected under this subchapter, to cover administrative expenses of the Federal credit instrument program under this subchapter.

''§ 41766. Funding.

''Of the amounts appropriated under section 106(k) for each of fiscal years 2001 through 2004, such sums as may be necessary may be used to carry out this subchapter, including administrative expenses.

''§ 41767. Termination

''(a) AUTHORITY TO ISSUE FEDERAL CREDIT INSTRUMENTS.—The authority of the Secretary of Transportation to issue Federal credit instruments under section 41763 shall terminate on the date that is 5 years after the date of the enactment of this subchapter.

''(b) CONTINUATION OF AUTHORITY TO ADMINISTER PROGRAM FOR EXISTING FEDERAL CREDIT INSTRUMENTS.—On and after the termination date, the Secretary shall continue to administer the program established under this subchapter for Federal credit instruments issued under this subchapter before the termination date until all obligations associated with such instruments have been satisfied.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by adding at the end the following:

''SUBCHAPTER III—REGIONAL AIR SERVICE INCENTIVE PROGRAM

''Sec.
''41761. Purpose.
''41762. Definitions.
''41763. Federal credit instruments.
''41764. Use of Federal facilities and assistance.
''41765. Administrative expenses.
''41766. Funding.
''41767. Termination.''.

TITLE III—FAA MANAGEMENT REFORM

SEC. 301. AIR TRAFFIC CONTROL SYSTEM DEFINED.

Section 40102(a) is amended—

(1) by redesignating paragraphs (5) through (41) as paragraphs (6) through (42), respectively; and

(2) by inserting after paragraph (4) the following:

''(5) 'air traffic control system' means the combination of elements used to safely and efficiently monitor, direct, control, and guide aircraft in the United States and United States-assigned airspace, including—

''(A) allocated electromagnetic spectrum and physical, real, personal, and intellectual property assets making up facilities, equipment, and systems employed to detect, track, and guide aircraft movement;

''(B) laws, regulations, orders, directives, agreements, and licenses;

''(C) published procedures that explain required actions, activities, and techniques used to ensure adequate aircraft separation; and

''(D) trained personnel with specific technical capabilities to satisfy the operational, engineering, management, and planning requirements for air traffic control.''.

SEC. 302. AIR TRAFFIC CONTROL OVERSIGHT BOARD.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Chapter 1 is amended by adding at the end the following:

''§ 113. Air Traffic Control Oversight Board

''(a) ESTABLISHMENT.—There is established within the Department of Transportation an 'Air Traffic Control Oversight Board' (in this section referred to as the 'Oversight Board').

''(b) MEMBERSHIP.—

''(1) COMPOSITION.—The Oversight Board shall be composed of nine members, as follows:

''(A) Six members shall be individuals who are not otherwise Federal officers or employees and who are appointed by the President, by and with the advice and consent of the Senate.

''(B) One member shall be the Secretary of Transportation or, if the Secretary so designates, the Deputy Secretary of the Transportation.

''(C) One member shall be the Administrator of the Federal Aviation Administration.

''(D) One member shall be an individual who is appointed by the President, by and with the advice and consent of the Senate, from among individuals who are the leaders of their respective unions of air traffic control system employees.

''(2) QUALIFICATIONS AND TERMS.—

''(A) QUALIFICATIONS.—Members of the Oversight Board described in paragraph (1)(A) shall—

''(i) have a fiduciary responsibility to represent the public interest;

''(ii) be citizens of the United States; and

''(iii) be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas:

''(I) Management of large service organizations.

''(II) Customer service.

''(III) Management of large procurements.

''(IV) Information and communications technology.

''(V) Organizational development.

''(VI) Labor relations.

At least three members of the Oversight Board appointed under paragraph (1)(A) should have knowledge of, or a background in, aviation. At least one of such members should have a background in managing large organizations successfully. In the aggregate, such members should collectively bring to bear expertise in all of the areas described in subclauses (I) through (VI) of clause (iii).

''(B) PROHIBITIONS.—No member of the Oversight Board described in paragraph (1)(A) may—

''(i) have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise;

''(ii) engage in another business related to aviation or aeronautics; or

''(iii) be a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.

''(C) TERMS FOR AIR TRAFFIC CONTROL REPRESENTATIVES.—A member appointed under paragraph (1)(D) shall be appointed for a term of 3 years, except that the term of such individual shall end whenever the individual no longer meets the requirements of paragraph (1)(D).

''(D) TERMS FOR NONFEDERAL OFFICERS OR EMPLOYEES.—A member appointed under paragraph (1)(A) shall be appointed for a term of 5 years, except that of the members first appointed under paragraph (1)(A)—

''(i) two members shall be appointed for a term of 3 years;

''(ii) two members shall be appointed for a term of 4 years; and

''(iii) two members shall be appointed for a term of 5 years.

''(E) REAPPOINTMENT.—An individual may not be appointed under paragraph (1)(A) to more than two 5-year terms on the Oversight Board.

''(F) VACANCY.—Any vacancy on the Oversight Board shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

''(3) ETHICAL CONSIDERATIONS.—

''(A) FINANCIAL DISCLOSURE.—During the entire period that an individual appointed under subparagraph (A) or (D) of paragraph (1) is a member of the Oversight Board, such individual shall be treated as serving as an officer or employee referred to in section 101(f) of the Ethics in Government Act of 1978 for purposes of title I of such Act, except that section 101(d) of such Act shall apply without regard to the number of days of service in the position.

''(B) RESTRICTIONS ON POST-EMPLOYMENT.—For purposes of section 207(c) of title 18, an individual appointed under subparagraph (A) or (D) of paragraph (1) shall be treated as an employee referred to in section 207(c)(2)(A)(i) of such title during the entire period the individual is a member of the Board, except that subsections (c)(2)(B) and (f) of section 207 of such title shall not apply.

''(C) WAIVER.—At the time the President nominates an individual for appointment as a member of the Oversight Board under paragraph (1)(D), the President may waive for the term of the member any appropriate provision of chapter 11 of title 18, to the extent such waiver is necessary to allow the member to participate in the decisions of the Board while continuing to serve as a full-time Federal employee or a representative of employees. Any such waiver shall not be effective unless a written intent of waiver to exempt such member (and actual waiver language) is submitted to the Senate with the nomination of such member.

''(4) QUORUM.—Five members of the Oversight Board shall constitute a quorum. A majority of members present and voting shall be required for the Oversight Board to take action.

''(5) REMOVAL.—Any member of the Oversight Board appointed under subparagraph (A) or (D) of paragraph (1) may be removed for cause by the President.

''(6) CLAIMS.—

''(A) IN GENERAL.—A member of the Oversight Board appointed under subparagraph (A) or (D) of paragraph (1) shall have no personal liability under Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member of the Oversight Board.

''(B) EFFECT ON OTHER LAW.—This paragraph shall not be construed—

''(i) to affect any other immunity or protection that may be available to a member of the Oversight Board under applicable law with respect to such transactions;

''(ii) to affect any other right or remedy against the United States under applicable law; or

''(iii) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

''(c) GENERAL RESPONSIBILITIES.—

''(1) OVERSIGHT.—The Oversight Board shall oversee the Federal Aviation Administration in its administration, management, conduct, direction, and supervision of the air traffic control system.

''(2) CONFIDENTIALITY.—The Oversight Board shall ensure that appropriate confidentiality is maintained in the exercise of its duties.

''(d) SPECIFIC RESPONSIBILITIES.—The Oversight Board shall have the following specific responsibilities:

''(1) STRATEGIC PLANS.—To review, approve, and monitor achievements under a strategic plan of the Federal Aviation Administration for the air traffic control system, including the establishment of—

''(A) a mission and objectives;

''(B) standards of performance relative to such mission and objectives, including safety, efficiency, and productivity; and

''(C) annual and long-range strategic plans.

''(2) MODERNIZATION AND IMPROVEMENT.—To review and approve—

''(A) methods of the Federal Aviation Administration to accelerate air traffic control modernization and improvements in aviation safety related to air traffic control; and

''(B) procurements of air traffic control equipment by the Federal Aviation Administration in excess of $100,000,000.

''(3) OPERATIONAL PLANS.—To review the operational functions of the Federal Aviation Administration, including—

''(A) plans for modernization of the air traffic control system;

''(B) plans for increasing productivity or implementing cost-saving measures; and

''(C) plans for training and education.

''(4) MANAGEMENT.—To—

''(A) review and approve the Administrator's appointment of a Chief Operating Officer under section 106(r);

''(B) review the Administrator's selection, evaluation, and compensation of senior executives of the Federal Aviation Administration who have program management responsibility over significant functions of the air traffic control system;

''(C) review and approve the Administrator's plans for any major reorganization of the Federal Aviation Administration that would impact on the management of the air traffic control system;

''(D) review and approve the Administrator's cost accounting and financial management structure and technologies to help ensure efficient and cost-effective air traffic control operation; and

''(E) review the performance and cooperation of managers responsible for major acquisition projects, including the ability of the managers to meet schedule and budget targets.

''(5) BUDGET.—To—

''(A) review and approve the budget request of the Federal Aviation Administration related to the air traffic control system prepared by the Administrator;

''(B) submit such budget request to the Secretary of Transportation; and

''(C) ensure that the budget request supports the annual and long-range strategic plans.

The Secretary shall submit the budget request referred to in paragraph (5)(B) for any fiscal year to the President who shall submit such request, without revision, to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, together with the President's annual budget request for the Federal Aviation Administration for such fiscal year.

''(e) REPORTING OF OVERTURNING OF BOARD DECISIONS.—If the Secretary or Administrator overturns a decision of the Oversight Board, the Secretary or Administrator, as appropriate shall report such action to the President, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

''(f) BOARD PERSONNEL MATTERS.—

''(1) COMPENSATION OF MEMBERS.—

''(A) IN GENERAL.—Each member of the Oversight Board who—

''(i) appointed under subsection (b)(1)(A); or

''(ii) appointed under subsection (b)(1)(D) and is not otherwise a Federal officer or employee,

shall be compensated at a rate of $30,000 per year. All other members shall serve without compensation for such service.

''(B) CHAIRPERSON.—Notwithstanding subparagraph (A), the chairperson of the Oversight Board shall be compensated at a rate of $50,000 per year.

''(2) TRAVEL EXPENSES.—

''(A) IN GENERAL.—The members of the Oversight Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, to attend meetings of the Oversight Board and, with the advance approval of the chairperson of the Oversight Board, while otherwise away from their homes or regular places of business for purposes of duties as a member of the Oversight Board.

''(B) REPORT.—The Oversight Board shall include in its annual report under subsection (g)(3)(A) information with respect to the travel expenses allowed for members of the Oversight Board under this paragraph.

''(3) STAFF.—

''(A) IN GENERAL.—The chairperson of the Oversight Board may appoint and terminate any personnel that may be necessary to enable the Board to perform its duties.

''(B) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairperson of the Oversight Board, a Federal agency shall detail a United States Government employee to the Oversight Board without reimbursement. Such detail shall be without interruption or loss of civil service status or privilege.

''(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Oversight Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

''(g) ADMINISTRATIVE MATTERS.—

''(1) CHAIR.—

''(A) TERM.—The members of the Oversight Board shall elect for a 2-year term a chairperson from among the members appointed under subsection (b)(1)(A).

''(B) POWERS.—Except as otherwise provided by a majority vote of the Oversight Board, the powers of the chairperson shall include—

''(i) establishing committees;

''(ii) setting meeting places and times;

''(iii) establishing meeting agendas; and

''(iv) developing rules for the conduct of business.

''(2) MEETINGS.—The Oversight Board shall meet at least quarterly and at such other times as the chairperson determines appropriate.

''(3) REPORTS.—

''(A) ANNUAL.—The Oversight Board shall each year report with respect to the conduct of its responsibilities under this title to the President, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

''(B) ADDITIONAL REPORT.—Upon a determination by the Oversight Board under subsection (c)(1) that the organization and operation of the Federal Aviation Administration's air traffic control system are not allowing the Federal Aviation Administration to carry out its mission, the Oversight Board shall report such determination to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(C) COMPTROLLER GENERAL'S REPORT.—Not later than April 30, 2004, the Comptroller General of the United States shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the success of the Oversight Board in improving the performance of the air traffic control system.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 is amended by adding at the end the following:

''113. Air Traffic Control Oversight Board.''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) INITIAL NOMINATIONS TO AIR TRAFFIC CONTROL OVERSIGHT BOARD.—The President shall submit the initial nominations of the air traffic control oversight board to the Senate not later than 3 months after the date of the enactment of this Act.

(3) EFFECT ON ACTIONS PRIOR TO APPOINTMENT OF OVERSIGHT BOARD.—Nothing in this section shall be construed to invalidate the actions and authority of the Federal Aviation Administration prior to the appointment of the members of the Air Traffic Control Oversight Board.

SEC. 303. CHIEF OPERATING OFFICER.

Section 106 is amended by adding at the end the following:

''(r) CHIEF OPERATING OFFICER.—

''(1) IN GENERAL.—

''(A) APPOINTMENT.—There shall be a Chief Operating Officer for the air traffic control system to be appointed by the Administrator, with approval of the Air Traffic Control Oversight Board established by section 113. The Chief Operating Officer shall report directly to the Administrator and shall be subject to the authority of the Administrator.

''(B) QUALIFICATIONS.—The Chief Operating Officer shall have a demonstrated ability in management and knowledge of or experience in aviation.

''(C) TERM.—The Chief Operating Officer shall be appointed for a term of 5 years.

''(D) REMOVAL.—The Chief Operating Officer shall serve at the pleasure of the Administrator, except that the Administrator shall make every effort to ensure stability and continuity in the leadership of the air traffic control system.

''(E) VACANCY.—Any individual appointed to fill a vacancy in the position of Chief Operating Officer occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

''(2) ANNUAL PERFORMANCE AGREEMENT.—The Administrator and the Chief Operating Officer, in consultation with the Air Traffic Control Oversight Board, shall enter into an annual performance agreement that sets forth measurable organization and individual goals for the Chief Operating Officer in key operational areas. The agreement shall be subject to review and renegotiation on an annual basis.

''(3) ANNUAL PERFORMANCE REPORT.—The Chief Operating Officer shall prepare and submit to the Secretary of Transportation and Congress an annual management report containing such information as may be prescribed by the Secretary.''.

SEC. 304. FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL.

(a) MEMBERSHIP.—Section 106(p)(2)(C) is amended to read as follows:

''(C) 13 members representing aviation interests, appointed by—

''(i) in the case of initial appointments to the Council, the President by and with the advice and consent of the Senate; and

''(ii) in the case of subsequent appointments to the Council, the Secretary of Transportation.''.

(b) TERMS OF MEMBERS.—Section 106(p)(6)(A)(i) is amended by striking ''by the President''.

SEC. 305. ENVIRONMENTAL STREAMLINING.

(a) COORDINATED ENVIRONMENTAL REVIEW PROCESS.—

(1) DEVELOPMENT AND IMPLEMENTATION.—The Secretary shall develop and implement a coordinated environmental review process for aviation infrastructure projects that require—

(A) the preparation of an environmental impact statement or environmental assessment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), except that the Secretary may decide not to apply this section to the preparation of an environmental assessment under such Act; or

(B) the conduct of any other environmental review, analysis, opinion, or issuance of an environmental permit, license, or approval by operation of Federal law.

(2) MEMORANDUM OF UNDERSTANDING.—

(A) IN GENERAL.—The coordinated environmental review process for each project shall ensure that, whenever practicable (as specified in this section), all environmental reviews, analyses, opinions, and any permits, licenses, or approvals that must be issued or made by any Federal agency for the project concerned shall be conducted concurrently and completed within a cooperatively determined time period. Such process for a project or class of project may be incorporated into a memorandum of understanding between the Department of Transportation and Federal agencies (and, where appropriate, State agencies).

(B) ESTABLISHMENT OF TIME PERIODS.—In establishing the time period referred to in subparagraph (A), and any time periods for review within such period, the Department and all such agencies shall take into account their respective resources and statutory commitments.

(b) ELEMENTS OF COORDINATED ENVIRONMENTAL REVIEW PROCESS.—For each project, the coordinated environmental review process established under this section shall provide, at a minimum, for the following elements:

(1) FEDERAL AGENCY IDENTIFICATION.—The Secretary shall, at the earliest possible time, identify all potential Federal agencies that—

(A) have jurisdiction by law over environmental-related issues that may be affected by the project and the analysis of which would be part of any environmental document required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(B) may be required by Federal law to independently—

(i) conduct an environmental-related review or analysis; or

(ii) determine whether to issue a permit, license, or approval or render an opinion on the environmental impact of the project.

(2) TIME LIMITATIONS AND CONCURRENT REVIEW.—The Secretary and the head of each Federal agency identified under paragraph (1)—

(A)(i) shall jointly develop and establish time periods for review for—

(I) all Federal agency comments with respect to any environmental review documents required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the project; and

(II) all other independent Federal agency environmental analyses, reviews, opinions, and decisions on any permits, licenses, and approvals that must be issued or made for the project,

whereby each such Federal agency's review shall be undertaken and completed within such established time periods for review; or

(ii) may enter into an agreement to establish such time periods for review with respect to a class of project; and

(B) shall ensure, in establishing such time periods for review, that the conduct of any such analysis, review, opinion, and decision is undertaken concurrently with all other environmental reviews for the project, including the reviews required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); except that such review may not be concurrent if the affected Federal agency can demonstrate that such concurrent review would result in a significant adverse impact to the environment or substantively alter the operation of Federal law or would not be possible without information developed as part of the environmental review process.

(3) FACTORS TO BE CONSIDERED.—Time periods for review established under this section shall be consistent with the time periods established by the Council on Environmental Quality under sections 1501.8 and 1506.10 of title 40, Code of Federal Regulations.

(4) EXTENSIONS.—The Secretary shall extend any time periods for review under this section if, upon good cause shown, the Secretary and any Federal agency concerned determine that additional time for analysis and review is needed as a result of new information that has been discovered that could not reasonably have been anticipated when the Federal agency's time periods for review were established. Any memorandum of understanding shall be modified to incorporate any mutually agreed-upon extensions.

(c) DISPUTE RESOLUTION.—When the Secretary determines that a Federal agency which is subject to a time period for its environmental review or analysis under this section has failed to complete such review, analysis, opinion, or decision on issuing any permit, license, or approval within the established time period or within any agreed-upon extension to such time period, the Secretary may, after notice and consultation with such agency, close the record on the matter before the Secretary. If the Secretary finds, after timely compliance with this section, that an environmental issue related to the project that an affected Federal agency has jurisdiction over by operation of Federal law has not been resolved, the Secretary and the head of the Federal agency shall resolve the matter not later than 30 days after the date of the finding by the Secretary.

(d) PARTICIPATION OF STATE AGENCIES.—For any project eligible for assistance under chapter 471 of title 49, United States Code, a State, by operation of State law, may require that all State agencies that have jurisdiction by State or Federal law over environmental-related issues that may be affected by the project, or that are required to issue any environmental-related reviews, analyses, opinions, or determinations on issuing any permits, licenses, or approvals for the project, be subject to the coordinated environmental review process established under this section unless the Secretary determines that a State's participation would not be in the public interest. For a State to require State agencies to participate in the review process, all affected agencies of the State shall be subject to the review process.

(e) ASSISTANCE TO AFFECTED FEDERAL AGENCIES.—

(1) IN GENERAL.—The Secretary may approve a request by a State or other recipient of assistance under chapter 471 of title 49, United States Code, to provide funds made available from the Airport and Airway Trust Fund to the State or recipient for an aviation project subject to the coordinated environmental review process established under this section to affected Federal agencies to provide the resources necessary to meet any time limits established under this section.

(2) AMOUNTS.—Such requests under paragraph (1) shall be approved only—

(A) for the additional amounts that the Secretary determines are necessary for the affected Federal agencies to meet the time limits for environmental review; and

(B) if such time limits are less than the customary time necessary for such review.

(f) JUDICIAL REVIEW AND SAVINGS CLAUSE.—

(1) JUDICIAL REVIEW.—Nothing in this section shall affect the reviewability of any final Federal agency action in a court of the United States or in the court of any State.

(2) SAVINGS CLAUSE.—Nothing in this section shall affect the applicability of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal environmental statute or affect the responsibility of any Federal officer to comply with or enforce any such statute.

(g) FEDERAL AGENCY DEFINED.—In this section, the term ''Federal agency'' means any Federal agency or any State agency carrying out affected responsibilities required by operation of Federal law.

SEC. 306. CLARIFICATION OF REGULATORY APPROVAL PROCESS.

Section 106(f)(3)(B)(i) is amended—

(1) by striking ''$100,000,000'' each place it appears and inserting ''$250,000,000'';

(2) by striking ''Air Traffic Management System Performance Improvement Act of 1996'' and inserting ''Aviation Investment and Reform Act for the 21st Century'';

(3) in subclause (I)—

(A) by inserting ''substantial and'' before ''material''; and

(B) by inserting ''or'' after the semicolon at the end; and

(4) by striking subclauses (II), (III), and (IV) and inserting the following:

''(II) raise novel or significant legal or policy issues arising out of legal mandates that may substantially and materially affect other transportation modes.''.

SEC. 307. INDEPENDENT STUDY OF FAA COSTS AND ALLOCATIONS.

(a) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct the assessments described in this section. To conduct the assessments, the Inspector General may use the staff and resources of the Inspector General or contract with one or more independent entities.

(2) ASSESSMENT OF ADEQUACY AND ACCURACY OF FAA COST DATA AND ATTRIBUTIONS.—

(A) IN GENERAL.—The Inspector General shall conduct an assessment to ensure that the method for calculating the overall costs of the Federal Aviation Administration and attributing such costs to specific users is appropriate, reasonable, and understandable to the users.

(B) COMPONENTS.—In conducting the assessment under this paragraph, the Inspector General shall assess the following:

(i) The Federal Aviation Administration's cost input data, including the reliability of the Federal Aviation Administration's source documents and the integrity and reliability of the Federal Aviation Administration's data collection process.

(ii) The Federal Aviation Administration's system for tracking assets.

(iii) The Federal Aviation Administration's bases for establishing asset values and depreciation rates.

(iv) The Federal Aviation Administration's system of internal controls for ensuring the consistency and reliability of reported data.

(v) The Federal Aviation Administration's definition of the services to which the Federal Aviation Administration ultimately attributes its costs.

(vi) The cost pools used by the Federal Aviation Administration and the rationale for and reliability of the bases which the Federal Aviation Administration proposes to use in allocating costs of services to users.

(C) REQUIREMENTS FOR ASSESSMENT OF COST POOLS.—In carrying out subparagraph (B)(vi), the Inspector General shall—

(i) review costs that cannot reliably be attributed to specific Federal Aviation Administration services or activities (called ''common and fixed costs'' in the Federal Aviation Administration Cost Allocation Study) and consider alternative methods for allocating such costs; and

(ii) perform appropriate tests to assess relationships between costs in the various cost pools and activities and services to which the costs are attributed by the Federal Aviation Administration.

(3) COST EFFECTIVENESS.—

(A) IN GENERAL.—The Inspector General shall assess the progress of the Federal Aviation Administration in cost and performance management, including use of internal and external benchmarking in improving the performance and productivity of the Federal Aviation Administration.

(B) ANNUAL REPORTS.—Not later than December 31, 2000, and annually thereafter until December 31, 2004, the Inspector General shall transmit to Congress an updated report containing the results of the assessment conducted under this paragraph.

(C) INFORMATION TO BE INCLUDED IN FAA FINANCIAL REPORT.—The Administrator shall include in the annual financial report of the Federal Aviation Administration information on the performance of the Administration sufficient to permit users and others to make an informed evaluation of the progress of the Administration in increasing productivity.

(b) FUNDING.—Of the amounts appropriated pursuant to section 106(k) of title 49, United States Code, for fiscal year 2000, not to exceed $1,500,000 may be used to carry out this section.

SEC. 308. FAILURE TO MEET RULEMAKING DEADLINE.

Section 106(f)(3)(A) is amended by adding at the end the following: ''If the Administrator does not meet a deadline specified in this subparagraph, the Administrator shall transmit to Congress notification of the missed deadline, including an explanation for missing the deadline and a projected date on which the action that was subject to the deadline will be taken.''.

SEC. 309. FEDERAL PROCUREMENT INTEGRITY ACT.

Section 348(b)(2) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (49 U.S.C. 40110 note; 109 Stat. 460) is amended by striking the period and inserting the following: '', other than section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423); except that subsections (f) and (g) of such section 27 shall not apply to the Federal Aviation Administration's acquisition management system. Within 90 days following the date of the enactment of the Aviation Investment and Reform Act for the 21st Century, the Administrator of the Federal Aviation Administration shall adopt definitions for the acquisition management system that are consistent with the purpose and intent of this section and that will allow the application of the criminal, civil and administrative remedies provided. The Administrator shall have the authority to take an adverse personnel action provided in subsection (e)(3)(A)(iv) of such section 27, but shall take any such actions in accordance with the procedures contained in the Federal Aviation Administration's personnel management system.''.

TITLE IV—FAMILY ASSISTANCE

SEC. 401. RESPONSIBILITIES OF NATIONAL TRANSPORTATION SAFETY BOARD.

(a) PROHIBITION ON UNSOLICITED COMMUNICATIONS.—

(1) IN GENERAL.—Section 1136(g)(2) is amended—

(A) by striking ''transportation,'' and inserting ''transportation and in the event of an accident involving a foreign air carrier that occurs within the United States,'';

(B) by inserting after ''attorney'' the following: ''(including any associate, agent, employee, or other representative of an attorney)''; and

(C) by striking ''30th day'' and inserting ''45th day''.

(2) ENFORCEMENT.—Section 1151 is amended by inserting ''1136(g)(2),'' before ''or 1155(a)'' each place it appears.

(b) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—Section 1136(g) is amended by adding at the end the following:

''(3) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—No State or political subdivision may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.''.

(c) INCLUSION OF NONREVENUE PASSENGERS IN FAMILY ASSISTANCE COVERAGE.—Section 1136(h)(2) is amended to read as follows:

''(2) PASSENGER.—The term 'passenger' includes—

''(A) an employee of an air carrier or foreign air carrier aboard an aircraft; and

''(B) any other person aboard the aircraft without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the flight.''.

(d) LIMITATION ON STATUTORY CONSTRUCTION.—Section 1136 is amended by adding at the end the following:

''(i) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.''.

SEC. 402. AIR CARRIER PLANS.

(a) CONTENTS OF PLANS.—

(1) FLIGHT RESERVATION INFORMATION.—Section 41113(b) is amended by adding at the end the following:

''(14) An assurance that, upon request of the family of a passenger, the air carrier will inform the family of whether the passenger's name appeared on a preliminary passenger manifest for the flight involved in the accident.''.

(2) TRAINING OF EMPLOYEES AND AGENTS.—Section 41113(b) is further amended by adding at the end the following:

''(15) An assurance that the air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.''.

(3) CONSULTATION ON CARRIER RESPONSE NOT COVERED BY PLAN.—Section 41113(b) is further amended by adding at the end the following:

''(16) An assurance that the air carrier, in the event that the air carrier volunteers assistance to United States citizens within the United States in the case of an aircraft accident outside the United States involving major loss of life, the air carrier will consult with the Board and the Department of State on the provision of the assistance.''.

(4) SUBMISSION OF UPDATED PLANS.—The amendments made by paragraphs (1), (2), and (3) shall take effect on the 180th day following the date of the enactment of this Act. On or before such 180th day, each air carrier holding a certificate of public convenience and necessity under section 41102 of title 49, United States Code, shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board an updated plan under section 41113 of such title that meets the requirement of the amendments made by paragraphs (1), (2), and (3).

(5) CONFORMING AMENDMENTS.—Section 41113 is amended—

(A) in subsection (a) by striking ''Not later than 6 months after the date of the enactment of this section, each air carrier'' and inserting ''Each air carrier''; and

(B) in subsection (c) by striking ''After the date that is 6 months after the date of the enactment of this section, the Secretary'' and inserting ''The Secretary''.

(b) LIMITATION ON LIABILITY.—Section 41113(d) is amended by inserting '', or in providing information concerning a flight reservation,'' before ''pursuant to a plan''.

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Section 41113 is amended by adding at the end the following:

''(f) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.''.

SEC. 403. FOREIGN AIR CARRIER PLANS.

(a) INCLUSION OF NONREVENUE PASSENGERS IN FAMILY ASSISTANCE COVERAGE.—Section 41313(a)(2) is amended to read as follows:

''(2) PASSENGER.—The term 'passenger' has the meaning given such term by section 1136 of this title.''.

(b) ACCIDENTS FOR WHICH PLAN IS REQUIRED.—Section 41313(b) is amended by striking ''significant'' and inserting ''major''.

(c) CONTENTS OF PLANS.—

(1) IN GENERAL.—Section 41313(c) is amended by adding at the end the following:

''(15) TRAINING OF EMPLOYEES AND AGENTS.—An assurance that the foreign air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

''(16) CONSULTATION ON CARRIER RESPONSE NOT COVERED BY PLAN.—An assurance that the foreign air carrier, in the event that the foreign air carrier volunteers assistance to United States citizens within the United States in the case of an aircraft accident outside the United States involving major loss of life, the foreign air carrier will consult with the Board and the Department of State on the provision of the assistance.''.

(2) SUBMISSION OF UPDATED PLANS.—The amendment made by paragraph (1) shall take effect on the 180th day following the date of the enactment of this Act. On or before such 180th day, each foreign air carrier providing foreign air transportation under chapter 413 of title 49, United States Code, shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board an updated plan under section 41313 of such title that meets the requirement of the amendment made by paragraph (1).

SEC. 404. APPLICABILITY OF DEATH ON THE HIGH SEAS ACT.

(a) IN GENERAL.—Section 40120(a) is amended by inserting ''(including the Act entitled 'An Act relating to the maintenance of actions for death on the high seas and other navigable waters', approved March 30, 1920, commonly known as the Death on the High Seas Act (46 U.S.C. App. 761–767; 41 Stat. 537–538))'' after ''United States''.

(b) APPLICABILITY.—The amendment made by subsection (a) applies to civil actions commenced after the date of the enactment of this Act and to civil actions that are not adjudicated by a court of original jurisdiction or settled on or before such date of the enactment.

TITLE V—SAFETY

SEC. 501. CARGO COLLISION AVOIDANCE SYSTEMS DEADLINES.

(a) IN GENERAL.—The Administrator shall require by regulation that, no later than December 31, 2002, equipment be installed, on each cargo aircraft with a maximum certificated takeoff weight in excess of 15,000 kilograms, that provides protection from mid-air collisions using technology that provides—

(1) cockpit based collision detection and conflict resolution guidance, including display of traffic; and

(2) a margin of safety of at least the same level as provided by the collision avoidance system known as TCAS–II.

(b) EXTENSION OF DEADLINE.—The Administrator may extend the deadline established by subsection (a) by not more than 2 years if the Administrator finds that the extension is needed to promote—

(1) a safe and orderly transition to the operation of a fleet of cargo aircraft equipped with collision avoidance equipment; or

(2) other safety or public interest objectives.

SEC. 502. RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.

Section 44936(f) is amended—

(1) in paragraph (1)(B) by inserting ''(except a branch of the United States Armed Forces, the National Guard, or a reserve component of the United States Armed Forces)'' after ''person'' the first place it appears;

(2) in paragraph (1)(B)(ii) by striking ''individual'' the first place it appears and inserting ''individual's performance as a pilot'';

(3) in paragraph (14)(B) by inserting ''or from a foreign government or entity that employed the individual'' after ''exists''; and

(4) by adding at the end the following:

''(15) ELECTRONIC ACCESS TO FAA RECORDS.—For the purpose of increasing timely and efficient access to Federal Aviation Administration records described in paragraph (1), the Administrator may allow, under terms established by the Administrator, a designated individual to have electronic access to a specified database containing information about such records.''.

SEC. 503. WHISTLEBLOWER PROTECTION FOR FAA EMPLOYEES.

Section 347(b)(1) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (49 U.S.C. 106 note; 109 Stat. 460) is amended by inserting before the semicolon at the end the following: '', including the provisions for investigation and enforcement as provided in chapter 12 of title 5, United States Code''.

SEC. 504. SAFETY RISK MITIGATION PROGRAMS.

Section 44701 is further amended by adding at the end the following:

''(g) SAFETY RISK MANAGEMENT PROGRAM GUIDELINES.—The Administrator shall issue guidelines and encourage the development of air safety risk mitigation programs throughout the aviation industry, including self-audits and self-disclosure programs.''.

SEC. 505. FLIGHT OPERATIONS QUALITY ASSURANCE RULES.

Not later than 30 days after the date of the enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to develop procedures to protect air carriers and their employees from civil enforcement actions under the program known as Flight Operations Quality Assurance. Not later than 1 year after the last day of the period for public comment provided for in the notice of proposed rulemaking, the Administrator shall issue a final rule establishing such procedures.

SEC. 506. SMALL AIRPORT CERTIFICATION.

Not later than 60 days after the date of the enactment of this Act, the Administrator shall issue a notice of proposed rulemaking on implementing section 44706(a)(2) of title 49, United States Code, relating to issuance of airport operating certificates for small scheduled passenger air carrier operations. Not later than 1 year after the last day of the period for public comment provided for in the notice of proposed rulemaking, the Administrator shall issue a final rule on implementing such program.

SEC. 507. LIFE-LIMITED AIRCRAFT PARTS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

''§ 44725. Life-limited aircraft parts

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require the safe disposition of life-limited parts removed from an aircraft. The rulemaking proceeding shall ensure that the disposition deter installation on an aircraft of a life-limited part that has reached or exceeded its life limits.

''(b) SAFE DISPOSITION.—For the purposes of this section, safe disposition includes any of the following methods:

''(1) The part may be segregated under circumstances that preclude its installation on an aircraft.

''(2) The part may be permanently marked to indicate its used life status.

''(3) The part may be destroyed in any manner calculated to prevent reinstallation in an aircraft.

''(4) The part may be marked, if practicable, to include the recordation of hours, cycles, or other airworthiness information. If the parts are marked with cycles or hours of usage, that information must be updated every time the part is removed from service or when the part is retired from service.

''(5) Any other method approved by the Administrator.

''(c) DEADLINES.—In conducting the rulemaking proceeding under subsection (a), the Administrator shall—

''(1) not later than 180 days after the date of the enactment of this section, issue a notice of proposed rulemaking; and

''(2) not later than 180 days after the close of the comment period on the proposed rule, issue a final rule.

''(d) PRIOR-REMOVED LIFE-LIMITED PARTS.—No rule issued under subsection (a) shall require the marking of parts removed before the effective date of the rules issued under subsection (a), nor shall any such rule forbid the installation of an otherwise airworthy life-limited part.''.

(b) CIVIL PENALTY.—Section 46301(a)(3) is amended—

(1) in subparagraph (A) by striking ''or'' at the end;

(2) in subparagraph (B) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(C) a violation of section 44725, relating to the safe disposal of life-limited aircraft parts;''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 447 is further amended by adding at the end the following:

''44725. Life-limited aircraft parts.''.

SEC. 508. FAA MAY FINE UNRULY PASSENGERS.

(a) IN GENERAL.—Chapter 463 is amended—

(1) by redesignating section 46316 as section 46317; and

(2) by inserting after section 46315 the following:

''§ 46316. Interference with cabin or flight crew

''(a) CIVIL PENALTY.—An individual who interferes with the duties or responsibilities of the flight crew or cabin crew of a civil aircraft, or who poses an imminent threat to the safety of the aircraft or other individuals on the aircraft, is liable to the United States Government for a civil penalty of not more than $25,000.

''(b) BAN ON FLYING.—If the Secretary finds that an individual has interfered with the duties or responsibilities of the flight crew or cabin crew of a civil aircraft in a way that poses an imminent threat to the safety of the aircraft or individuals aboard the aircraft, the individual may be banned by the Secretary for a period of 1 year from flying on any aircraft operated by an air carrier.

''(c) REGULATIONS.—The Secretary shall issue regulations to carry out subsection (b), including establishing procedures for imposing bans on flying, implementing such bans, and providing notification to air carriers of the imposition of such bans.''.

(b) COMPROMISE AND SETOFF.—Section 46301(f)(1)(A)(i) is amended by inserting ''46316,'' before ''or 47107(b)''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 463 is amended by striking the item relating to section 46316 and inserting after the item relating to section 46315 the following:

''46316. Interference with cabin or flight crew.

''46317. General criminal penalty when specific penalty not provided.''.

SEC. 509. REPORT ON AIR TRANSPORTATION OVERSIGHT SYSTEM.

Not later than March 1, 2000, and annually thereafter for the next 5 years, the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the progress of the Federal Aviation Administration in implementing the air transportation oversight system. At a minimum, the report shall indicate—

(1) any funding or staffing constraints that would adversely impact the Administration's ability to fully develop and implement such system;

(2) progress in integrating the aviation safety data derived from such system's inspections with existing aviation data of the Administration in the safety performance analysis system of the Administration; and

(3) the Administration's efforts in collaboration with the aviation industry to develop and validate safety performance measures and appropriate risk weightings for the air transportation oversight system.

SEC. 510. AIRPLANE EMERGENCY LOCATORS.

(a) REQUIREMENT.—Section 44712(b) is amended to read as follows:

''(b) NONAPPLICATION.—Subsection (a) does not apply to—

''(1) aircraft when used in scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;

''(2) aircraft when used in training operations conducted entirely within a 50-mile radius of the airport from which the training operations begin;

''(3) aircraft when used in flight operations related to the design and testing, manufacture, preparation, and delivery of aircraft;

''(4) aircraft when used in research and development if the aircraft holds a certificate from the Administrator of the Federal Aviation Administration to carry out such research and development;

''(5) aircraft when used in showing compliance with regulations crew training, exhibition, air racing, or market surveys;

''(6) aircraft when used in the aerial application of a substance for an agricultural purpose;

''(7) aircraft with a maximum payload capacity of more than 7,500 pounds when used in air transportation; or

''(8) aircraft capable of carrying only one individual.''.

(b) COMPLIANCE.—Section 44712 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following:

''(c) COMPLIANCE.—An aircraft meets the requirement of subsection (a) if it is equipped with an emergency locator transmitter that transmits on the 121.5/243 megahertz frequency or the 406 megahertz frequency, or with other equipment approved by the Secretary for meeting the requirement of subsection (a).''.

(c) EFFECTIVE DATE; REGULATIONS.—

(1) REGULATIONS.—The Secretary of Transportation shall issue regulations under section 44712(b) of title 49, United States Code, as amended by this section not later than January 1, 2002.

(2) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2002.

SEC. 511. LANDFILLS INTERFERING WITH AIR COMMERCE.

(a) FINDINGS.—Congress finds that—

(1) collisions between aircraft and birds have resulted in fatal accidents;

(2) bird strikes pose a special danger to smaller aircraft;

(3) landfills near airports pose a potential hazard to aircraft operating there because they attract birds;

(4) even if the landfill is not located in the approach path of the airport's runway, it still poses a hazard because of the birds' ability to fly away from the landfill and into the path of oncoming planes;

(5) while certain mileage limits have the potential to be arbitrary, keeping landfills at least 6 miles away from an airport, especially an airport served by small planes, is an appropriate minimum requirement for aviation safety; and

(6) closure of existing landfills (due to concerns about aviation safety) should be avoided because of the likely disruption to those who use and depend on such landfills.

(b) LIMITATION ON CONSTRUCTION.—Section 44718(d) is amended to read as follows:

''(d) LIMITATION ON CONSTRUCTION OF LANDFILLS.—

''(1) IN GENERAL.—No person shall construct or establish a landfill within 6 miles of an airport primarily served by general aviation aircraft or aircraft designed for 60 passengers or less unless the State aviation agency of the State in which the airport is located requests that the Administrator of the Federal Aviation Administration exempt the landfill from this prohibition and the Administrator, in response to such a request, determines that the landfill would not have an adverse impact on aviation safety.

''(2) LIMITATION ON APPLICABILITY.—Paragraph (1) shall not apply to construction or establishment of a landfill if a permit relating to construction or establishment of such landfill was issued on or before June 1, 1999.''.

(c) CIVIL PENALTY FOR VIOLATIONS OF LIMITATION ON CONSTRUCTION OF LANDFILLS.—Section 46301(a)(3) is further amended by adding at the end the following:

''(D) a violation of section 41718(d), relating to limitation on construction of landfills; or''.

SEC. 512. AMENDMENT OF STATUTE PROHIBITING THE BRINGING OF HAZARDOUS SUBSTANCES ABOARD AN AIRCRAFT.

Section 46312 is amended—

(1) by striking ''A person'' and inserting ''(a) GENERAL.—A person''; and

(2) by adding at the end the following:

''(b) KNOWLEDGE OF REGULATIONS.—For purposes of subsection (a), knowledge by the person of the existence of a regulation or requirement related to the transportation of hazardous material prescribed by the Secretary under this part is not an element of an offense under this section but shall be considered in mitigation of the penalty.''.

SEC. 513. AIRPORT SAFETY NEEDS.

The Administrator shall initiate a rulemaking proceeding to consider revisions of part 139 of title 14, Code of Federal Regulations, to meet current and future airport safety needs—

(1) focusing, but not limited to, on the mission of rescue personnel, rescue operations response time, and extinguishing equipment; and

(2) taking into account the need for different requirements for airports depending on their size.

SEC. 514. LIMITATION ON ENTRY INTO MAINTENANCE IMPLEMENTATION PROCEDURES.

The Administrator may not enter into any maintenance implementation procedure through a bilateral aviation safety agreement unless the Administrator determines that the participating nations are inspecting repair stations so as to ensure their compliance with the standards of the Federal Aviation Administration.

SEC. 515. OCCUPATIONAL INJURIES OF AIRPORT WORKERS.

(a) STUDY.—The Administrator shall conduct a study to determine the number of persons working at airports who are injured or killed as a result of being struck by a moving vehicle while on an airport tarmac, the seriousness of the injuries to such persons, and whether or not reflective safety vests or other actions should be required to enhance the safety of such workers.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 516. AIRPORT DISPATCHERS.

(a) STUDY.—The Administrator shall conduct a study of the role of airport dispatchers in enhancing aviation safety. The study shall include an assessment of whether or not aircraft dispatchers should be required for those operations not presently requiring aircraft dispatcher assistance, operational control issues related to the aircraft dispatching function, and whether or not designation of positions within the Federal Aviation Administration for oversight of dispatchers would enhance aviation safety.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 517. IMPROVED TRAINING FOR AIRFRAME AND POWERPLANT MECHANICS.

The Administrator shall form a partnership with industry to develop a model program to improve the curriculum, teaching methods, and quality of instructors for training individuals that need certification as airframe and powerplant mechanics.

TITLE VI—WHISTLEBLOWER PROTECTION

SEC. 601. PROTECTION OF EMPLOYEES PROVIDING AIR SAFETY INFORMATION.

(a) GENERAL RULE.—Chapter 421 is amended by adding at the end the following:

''SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

''§ 42121. Protection of employees providing air safety information

''(a) DISCRIMINATION AGAINST AIRLINE EMPLOYEES.—No air carrier or contractor or subcontractor of an air carrier may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

''(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

''(3) testified or is about to testify in such a proceeding; or

''(4) assisted or participated or is about to assist or participate in such a proceeding.

''(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

''(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 90 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person named in the complaint and the Administrator of the Federal Aviation Administration of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

''(2) INVESTIGATION; PRELIMINARY ORDER.—

''(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary of Labor concludes that there is a reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

''(B) REQUIREMENTS.—

''(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(3) FINAL ORDER.—

''(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

''(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation to—

''(i) take affirmative action to abate the violation;

''(ii) reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

''(iii) provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing the complaint upon which the order was issued.

''(C) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney's fee not exceeding $5,000.

''(4) REVIEW.—

''(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

''(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

''(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

''(6) ENFORCEMENT OF ORDER BY PARTIES.—

''(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

''(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is appropriate.

''(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

''(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of an air carrier, contractor, or subcontractor who, acting without direction from such air carrier, contractor, or subcontractor (or such person's agent), deliberately causes a violation of any requirement relating to air carrier safety under this subtitle or any other law of the United States.

''(e) CONTRACTOR DEFINED.—In this section, the term 'contractor' means a company that performs safety-sensitive functions by contract for an air carrier.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 421 is amended by adding at the end the following:

''SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

''42121. Protection of employees providing air safety information.''.

SEC. 602. CIVIL PENALTY.

Section 46301(a)(1)(A) is amended by striking ''subchapter II of chapter 421'' and inserting ''subchapter II or III of chapter 421''.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. DUTIES AND POWERS OF ADMINISTRATOR.

Section 106(g)(1)(A) is amended by striking ''40113(a), (c), and (d),'' and all that follows through ''45302–45304,'' and inserting ''40113(a), 40113(c), 40113(d), 40113(e), 40114(a), and 40119, chapter 445 (except sections 44501(b), 44502(a)(2), 44502(a)(3), 44502(a)(4), 44503, 44506, 44509, 44510, 44514, and 44515), chapter 447 (except sections 44717, 44718(a), 44718(b), 44719, 44720, 44721(b), 44722, and 44723), chapter 449 (except sections 44903(d), 44904, 44905, 44907–44911, 44913, 44915, and 44931–44934), chapter 451, chapter 453, sections''.

SEC. 702. PUBLIC AIRCRAFT.

(a) RESTATEMENT OF DEFINITION OF PUBLIC AIRCRAFT WITHOUT SUBSTANTIVE CHANGE.—Section 40102(a)(38) (as redesignated by section 301 of this Act) is amended to read as follows:

''(38) 'public aircraft' means an aircraft—

''(A) used only for the United States Government, and operated under the conditions specified by section 40125(b) if owned by the Government;

''(B) owned by the United States Government, operated by any person for purposes related to crew training, equipment development, or demonstration, and operated under the conditions specified by section 40125(b);

''(C) owned and operated by the government of a State, the District of Columbia, a territory or possession of the United States, or a political subdivision of one of these governments, under the conditions specified by section 40125(c); or

''(D) exclusively leased for at least 90 continuous days by the government of a State, the District of Columbia, a territory or possession of the United States, or a political subdivision of one of these governments, under the conditions specified by section 40125(c).

''(E) owned by the armed forces or chartered to provide transportation to the armed forces under the conditions specified by section 40125(d).''.

(b) QUALIFICATIONS FOR PUBLIC AIRCRAFT STATUS.—

(1) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

''§ 40125. Qualifications for public aircraft status

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) COMMERCIAL PURPOSES.—The term 'commercial purposes' means the transportation of persons or property for compensation or hire, but does not include the operation of an aircraft by the armed forces for reimbursement when that reimbursement is required by Federal law or by one government on behalf of another government under a cost reimbursement agreement if the government on whose behalf the operation is conducted certifies to the Administrator of the Federal Aviation Administration that the operation is necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator is reasonably available to meet the threat.

''(2) GOVERNMENTAL FUNCTION.—The term 'governmental function' means an activity undertaken by a government, such as national defense, intelligence missions, firefighting, search and rescue, law enforcement (including transport of prisoners, detainees, and illegal aliens), aeronautical research, or biological or geological resource management.

''(3) QUALIFIED NON-CREWMEMBER.—The term 'qualified non-crewmember' means an individual, other than a member of the crew, aboard an aircraft—

''(A) operated by the armed forces or an intelligence agency of the United States Government; or

''(B) whose presence is required to perform, or is associated with the performance of, a governmental function.

''(4) ARMED FORCES.—The term 'armed forces' has the meaning given such term by section 101 of title 10, United States Code.

''(b) AIRCRAFT OWNED BY THE UNITED STATES.—An aircraft described in subparagraph (A) or (B) of section 40102(a)(38), if owned by the Government, qualifies as a public aircraft except when it is used for commercial purposes or to carry an individual other than a crewmember or a qualified non-crewmember.

''(c) AIRCRAFT OWNED BY STATE AND LOCAL GOVERNMENTS.—An aircraft described in subparagraph (C) or (D) of section 40102(a)(38) qualifies as a public aircraft except when it is used for commercial purposes or to carry an individual other than a crewmember or a qualified non-crewmember.

''(d) AIRCRAFT OWNED OR OPERATED BY THE ARMED FORCES.—An aircraft described in section 40102(38)(E) qualifies as a public aircraft if—

''(1) the aircraft is operated in accordance with title 10; or

''(2) the aircraft is chartered to provide transportation to the armed forces and the Secretary of Defense (or the Secretary of the department in which the Coast Guard is operating) designates the operation of the aircraft as being required in the national interest.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

''40125. Qualifications for public aircraft status.''.

(c) SAFETY OF PUBLIC AIRCRAFT.—

(1) STUDY.—The National Transportation Safety Board shall conduct a study to compare the safety of public aircraft and civil aircraft. In conducting the study, the Board shall review safety statistics on aircraft operations since 1993.

(2) REPORT.—Not later than 6 months after the date of the enactment of this Act, the National Transportation Safety Board shall transmit to Congress a report containing the results of the study conducted under paragraph (1).

SEC. 703. PROHIBITION ON RELEASE OF OFFEROR PROPOSALS.

Section 40110 is amended by adding at the end the following:

''(d) PROHIBITION ON RELEASE OF OFFEROR PROPOSALS.—

''(1) GENERAL RULE.—Except as provided in paragraph (2), a proposal in the possession or control of the Administrator may not be made available to any person under section 552 of title 5, United States Code.

''(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of a proposal of an offeror the disclosure of which is authorized by the Administrator pursuant to procedures published in the Federal Register. The Administrator shall provide an opportunity for public comment on the procedures for a period of not less than 30 days beginning on the date of such publication in order to receive and consider the views of all interested parties on the procedures. The procedures shall not take effect before the 60th day following the date of such publication.

''(3) PROPOSAL DEFINED.—In this subsection, the term 'proposal' means information contained in or originating from any proposal, including a technical, management, or cost proposal, submitted by an offeror in response to the requirements of a solicitation for a competitive proposal.''.

SEC. 704. MULTIYEAR PROCUREMENT CONTRACTS.

Section 40111 is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(2) by inserting after subsection (a) the following:

''(b) TELECOMMUNICATIONS SERVICES.—Notwithstanding section 1341(a)(1)(B) of title 31, the Administrator may make a contract of not more than 10 years for telecommunication services that are provided through the use of a satellite if the Administrator finds that the longer contract period would be cost beneficial.''.

SEC. 705. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) MEDIATION.—Section 40122(a)(2) is amended by adding at the end the following: ''The 60-day period shall not include any period during which Congress has adjourned sine die.''.

(b) RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.—Section 40122 is amended by adding at the end the following:

''(g) RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.—An employee of the Federal Aviation Administration who is the subject of a major adverse personnel action may contest the action either through any contractual grievance procedure that is applicable to the employee as a member of the collective bargaining unit or through the Administration's internal process relating to review of major adverse personnel actions of the Administration, known as Guaranteed Fair Treatment or under section 347(c) of the Department of Transportation and Related Agencies Appropriations Act, 1996.

''(h) ELECTION OF FORUM.—Where a major adverse personnel action may be contested through more than one of the indicated forums (such as the contractual grievance procedure, the Federal Aviation Administration's internal process, or that of the Merit Systems Protection Board), an employee must elect the forum through which the matter will be contested. Nothing in this section is intended to allow an employee to contest an action through more than one forum unless otherwise allowed by law.

''(i) DEFINITION.—For purposes of this section, the term 'major adverse personnel action' means a suspension of more than 14 days, a reduction in pay or grade, a removal for conduct or performance, a nondisciplinary removal, a furlough of 30 days or less (but not including placement in a nonpay status as the result of a lapse of appropriations or an enactment by Congress), or a reduction in force action.''.

(c) APPLICABILITY OF MERIT SYSTEMS PROTECTION BOARD PROVISIONS.—Section 347(b) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (109 Stat. 460) is amended—

(1) by striking ''and'' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting ''; and''; and

(3) by adding at the end the following:

''(8) sections 1204, 1211–1218, 1221, and 7701–7703, relating to the Merit Systems Protection Board.''.

(d) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Section 347(c) of the Department of Transportation and Related Agencies Appropriations Act, 1996 is amended to read as follows:

''(c) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Under the new personnel management system developed and implemented under subsection (a), an employee of the Federal Aviation Administration may submit an appeal to the Merit Systems Protection Board and may seek judicial review of any resulting final orders or decisions of the Board from any action that was appealable to the Board under any law, rule, or regulation as of March 31, 1996.''.

SEC. 706. NONDISCRIMINATION IN AIRLINE TRAVEL.

(a) DISCRIMINATORY PRACTICES.—Section 41310(a) is amended to read as follows:

''(a) PROHIBITIONS.—

''(1) IN GENERAL.—An air carrier or foreign air carrier may not subject a person, place, port, or type of traffic in foreign air transportation to unreasonable discrimination.

''(2) DISCRIMINATION AGAINST PERSONS.—An air carrier or foreign air carrier may not subject a person in foreign air transportation to discrimination on the basis of race, color, national origin, religion, or sex.''.

(b) INTERSTATE AIR TRANSPORTATION.—Section 41702 is amended—

(1) by striking ''An air carrier'' and inserting ''(a) SAFE AND ADEQUATE AIR TRANSPORTATION.—An air carrier''; and

(2) by adding at the end the following:

''(b) DISCRIMINATION AGAINST PERSONS.—An air carrier may not subject a person in interstate air transportation to discrimination on the basis of race, color, national origin, religion, or sex.''.

(c) DISCRIMINATION AGAINST HANDICAPPED INDIVIDUALS BY FOREIGN AIR CARRIERS.—Section 41705 is amended—

(1) by inserting ''(a) GENERAL PROHIBITION.—'' before ''In providing''; and

(2) by adding at the end the following:

''(b) PROHIBITION APPLICABLE TO FOREIGN AIR CARRIERS.—Subject to section 40105(b), the prohibition on discrimination against an otherwise qualified individual set forth in subsection (a) shall apply to a foreign air carrier in providing foreign air transportation.''.

(d) CIVIL PENALTY FOR VIOLATIONS OF PROHIBITION ON DISCRIMINATION AGAINST THE HANDICAPPED.—Section 46301(a)(3) is further amended by adding at the end the following:

''(E) a violation of section 41705, relating to discrimination against handicapped individuals.''.

(e) INTERNATIONAL AVIATION STANDARDS FOR ACCOMMODATING THE HANDICAPPED.—The Secretary of Transportation shall work with appropriate international organizations and the aviation authorities of other nations to bring about the establishment of higher standards, if appropriate, for accommodating handicapped passengers in air transportation, particularly with respect to foreign air carriers that code share with domestic air carriers.

SEC. 707. JOINT VENTURE AGREEMENT.

Section 41716(a)(1) is amended by striking ''an agreement entered into by a major air carrier'' and inserting ''an agreement entered into between two or more major air carriers''.

SEC. 708. EXTENSION OF WAR RISK INSURANCE PROGRAM.

Section 44310 is amended by striking ''after'' and all that follows and inserting ''after December 31, 2004.''.

SEC. 709. GENERAL FACILITIES AND PERSONNEL AUTHORITY.

Section 44502(a) is further amended by adding at the end the following:

''(6) IMPROVEMENTS ON LEASED PROPERTIES.—The Administrator may make improvements to real property leased for no or nominal consideration for an air navigation facility, regardless of whether the cost of making the improvements exceeds the cost of leasing the real property, if—

''(A) the improvements primarily benefit the Government;

''(B) the improvements are essential for accomplishment of the mission of the Federal Aviation Administration; and

''(C) the interest of the Government in the improvements is protected.''.

SEC. 710. IMPLEMENTATION OF ARTICLE 83 BIS OF THE CHICAGO CONVENTION.

Section 44701 is amended by—

(1) redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) BILATERAL EXCHANGES OF SAFETY OVERSIGHT RESPONSIBILITIES.—

''(1) IN GENERAL.—Notwithstanding the provisions of this chapter, the Administrator, pursuant to Article 83 bis of the Convention on International Civil Aviation and by a bilateral agreement with the aeronautical authorities of another country, may exchange with that country all or part of their respective functions and duties with respect to registered aircraft under the following articles of the Convention: Article 12 (Rules of the Air); Article 31 (Certificates of Airworthiness); or Article 32a (Licenses of Personnel).

''(2) RELINQUISHMENT AND ACCEPTANCE OF RESPONSIBILITY.—The Administrator relinquishes responsibility with respect to the functions and duties transferred by the Administrator as specified in the bilateral agreement, under the Articles listed in paragraph (1) for United States-registered aircraft described in paragraph (4)(A) transferred abroad and accepts responsibility with respect to the functions and duties under those Articles for aircraft registered abroad and described in paragraph (4)(B) that are transferred to the United States.

''(3) CONDITIONS.—The Administrator may predicate, in the agreement, the transfer of functions and duties under this subsection on any conditions the Administrator deems necessary and prudent, except that the Administrator may not transfer responsibilities for United States registered aircraft described in paragraph (4)(A) to a country that the Administrator determines is not in compliance with its obligations under international law for the safety oversight of civil aviation.

''(4) REGISTERED AIRCRAFT DEFINED.—In this subsection, the term 'registered aircraft' means—

''(A) aircraft registered in the United States and operated pursuant to an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in another country; or

''(B) aircraft registered in a foreign country and operated under an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in the United States.''.

SEC. 711. PUBLIC AVAILABILITY OF AIRMEN RECORDS.

Section 44703 is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

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

''(c) PUBLIC INFORMATION.—

''(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of law, the information contained in the records of contents of any airman certificate issued under this section that is limited to an airman's name, address, and ratings held shall be made available to the public after the 120th day following the date of the enactment of the Aviation Investment and Reform Act for the 21st Century.

''(2) OPPORTUNITY TO WITHHOLD INFORMATION.—Before making any information concerning an airman available to the public under paragraph (1), the airman shall be given an opportunity to elect that the information not be made available to the public.

''(3) DEVELOPMENT AND IMPLEMENTATION OF PROGRAM.—Not later than 60 days after the date of the enactment of the Aviation Investment and Reform Act for the 21st Century, the Administrator shall develop and implement, in cooperation with representatives of the aviation industry, a one-time written notification to airmen to set forth the implications of making information concerning an airman available to the public under paragraph (1) and to carry out paragraph (2).''.

SEC. 712. APPEALS OF EMERGENCY REVOCATIONS OF CERTIFICATES.

Section 44709(e) is amended to read as follows:

''(e) EFFECTIVENESS OF ORDERS PENDING APPEAL.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if a person files an appeal with the Board under section (d), the order of the Administrator is stayed.

''(2) EMERGENCIES.—If the Administrator advises the Board that an emergency exists and safety in air commerce or air transportation requires the order to be effective immediately, the order is effective, except that a person filing an appeal under subsection (d) may file a written petition to the Board for an emergency stay on the issues of the appeal that are related to the existence of the emergency. The Board shall have 10 days to review the materials. If any two members of the Board determine that sufficient grounds exist to grant a stay, an emergency stay shall be granted. If an emergency stay is granted, the Board must meet within 15 days of the granting of the stay to make a final disposition of the issues related to the existence of the emergency.

''(3) FINAL DISPOSITION OF APPEAL.—In all cases, the Board shall make a final disposition of the merits of the appeal not later than 60 days after the Administrator advises the Board of the order.''.

SEC. 713. GOVERNMENT AND INDUSTRY CONSORTIA.

Section 44903 is amended by adding at the end the following:

''(f) GOVERNMENT AND INDUSTRY CONSORTIA.—The Administrator may establish at individual airports such consortia of government and aviation industry representatives as the Administrator may designate to provide advice on matters related to aviation security and safety. Such consortia shall not be considered Federal advisory committees.''.

SEC. 714. PASSENGER MANIFEST.

Section 44909(a)(2) is amended by striking ''shall'' and inserting ''should''.

SEC. 715. COST RECOVERY FOR FOREIGN AVIATION SERVICES.

Section 45301 is amended—

(1) by striking subsection (a)(2) and inserting the following:

''(2) Services (other than air traffic control services) provided to a foreign government or to any entity obtaining services outside the United States, except that the Administrator shall not impose fees in any manner for production-certification related service performed outside the United States pertaining to aeronautical products manufactured outside the United States.''; and

(2) by adding at the end the following:

''(d) PRODUCTION-CERTIFICATION RELATED SERVICE DEFINED.—In this section, the term 'production-certification related service' has the meaning given that term in appendix C of part 187 of title 14, Code of Federal Regulations.''.

SEC. 716. TECHNICAL CORRECTIONS TO CIVIL PENALTY PROVISIONS.

Section 46301 is amended—

(1) in subsection (a)(1)(A) by striking ''46302, 46303, or'';

(2) in subsection (d)(7)(A) by striking ''an individual'' the first place it appears and inserting ''a person''; and

(3) in subsection (g) by inserting ''or the Administrator'' after ''Secretary''.

SEC. 717. WAIVER UNDER AIRPORT NOISE AND CAPACITY ACT.

(a) WAIVERS FOR AIRCRAFT NOT COMPLYING WITH STAGE 3 NOISE LEVELS.—Section 47528(b)(1) is amended in the first sentence by inserting ''or foreign air carrier'' after ''air carrier''.

(b) EXEMPTION FOR AIRCRAFT MODIFICATION OR DISPOSAL.—Section 47528 is amended—

(1) in subsection (a) by inserting ''or (f)'' after ''(b)''; and

(2) by adding at the end the following:

''(f) AIRCRAFT MODIFICATION OR DISPOSAL.—After December 31, 1999, the Secretary may provide a procedure under which a person may operate a stage 1 or stage 2 aircraft in nonrevenue service to or from an airport in the United States in order to—

''(1) sell the aircraft outside the United States;

''(2) sell the aircraft for scrapping; or

''(3) obtain modifications to the aircraft to meet stage 3 noise levels.''.

(c) LIMITED OPERATION OF CERTAIN AIRCRAFT.—Section 47528(e) is amended by adding at the end the following:

''(4) An air carrier operating stage 2 aircraft under this subsection may operate stage 2 aircraft to or from the 48 contiguous States on a nonrevenue basis in order to—

''(A) perform maintenance (including major alterations) or preventative maintenance on aircraft operated, or to be operated, within the limitations of paragraph (2)(B); or

''(B) conduct operations within the limitations of paragraph (2)(B).''.

SEC. 718. METROPOLITAN WASHINGTON AIRPORT AUTHORITY.

(a) EXTENSION OF APPLICATION APPROVALS.—Section 49108 is amended by striking ''2001'' and inserting ''2004''.

(b) ELIMINATION OF DEADLINE FOR APPOINTMENT OF MEMBERS TO BOARD OF DIRECTORS.—Section 49106(c)(6) is amended by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

SEC. 719. ACQUISITION MANAGEMENT SYSTEM.

Section 348 of the Department of Transportation and Related Agencies Appropriations Act, 1996 (49 U.S.C. 106 note; 109 Stat. 460) is amended by striking subsection (c) and inserting the following:

''(c) CONTRACTS EXTENDING INTO A SUBSEQUENT FISCAL YEAR.—Notwithstanding subsection (b)(3), the Administrator may enter into contracts for procurement of severable services that begin in one fiscal year and end in another if (without regard to any option to extend the period of the contract) the contract period does not exceed 1 year.''.

SEC. 720. CENTENNIAL OF FLIGHT COMMISSION.

(a) MEMBERSHIP.—

(1) APPOINTMENT.—Section 4(a)(5) of the Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3487) is amended by inserting '', or his designee,'' after ''prominence''.

(2) STATUS.—Section 4 of such Act (112 Stat. 3487) is amended by adding at the end the following:

''(g) STATUS.—The members of the Commission described in paragraphs (1), (3), (4), and (5) of subsection (a) shall not be considered to be officers or employees of the United States.''.

(b) DUTIES.—Section 5(a)(7) of such Act (112 Stat. 3488) is amended to read as follows:

''(7) as a nonprimary purpose, publish popular and scholarly works related to the history of aviation or the anniversary of the centennial of powered flight.''.

(c) CONFLICTS OF INTEREST.—Section 6 of such Act (112 Stat. 3488–3489) is amended by adding at the end the following:

''(e) CONFLICTS OF INTEREST.—At its second business meeting, the Commission shall adopt a policy to protect against possible conflicts of interest involving its members and employees. The Commission shall consult with the Office of Government Ethics in the development of such a policy and shall recognize the status accorded its members under section 4(g).''.

(d) EXECUTIVE DIRECTOR.—The first sentence of section 7(a) of such Act (112 Stat. 3489) is amended by striking the period at the end and inserting the following: ''or represented on the First Flight Centennial Advisory Board under subparagraphs (A) through (E) of section 12(b)(1).''.

(e) EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS, SEALS, AND MARKS.—

(1) USE OF FUNDS.—Section 9(d) of such Act (112 Stat. 3490) is amended by striking the period at the end and inserting the following: '', except that the Commission may transfer any portion of such funds that is in excess of the funds necessary to carry out such duties to any Federal agency or the National Air and Space Museum of the Smithsonian Institution to be used for the sole purpose of commemorating the history of aviation or the centennial of powered flight.''.

(2) DUTIES TO BE CARRIED OUT BY ADMINISTRATOR OF NASA.—Section 9 of such Act (112 Stat. 3490) is amended by adding at the end the following:

''(f) DUTIES TO BE CARRIED OUT BY ADMINISTRATOR OF NASA.—The duties of the Commission under this section shall be carried out by the Administrator of the National Aeronautics and Space Administration, in consultation with the Commission.''.

SEC. 721. AIRCRAFT SITUATIONAL DISPLAY DATA.

(a) IN GENERAL.—A memorandum of agreement between the Administrator and any person that directly obtains aircraft situational display data from the Federal Aviation Administration shall require that—

(1) the person demonstrate to the satisfaction of the Administrator that such person is capable of selectively blocking the display of any aircraft-situation-display-to-industry derived data related to any identified aircraft registration number; and

(2) the person agree to block selectively the aircraft registration numbers of any aircraft owner or operator upon the Administration's request.

(b) EXISTING MEMORANDA TO BE CONFORMED.—The Administrator shall conform any memoranda of agreement, in effect on the date of the enactment of this Act, between the Administration and a person under which that person obtains aircraft situational display data to incorporate the requirements of subsection (a) within 30 days after that date.

SEC. 722. ELIMINATION OF BACKLOG OF EQUAL EMPLOYMENT OPPORTUNITY COMPLAINTS.

(a) HIRING OF ADDITIONAL PERSONNEL.—For fiscal year 2000, the Secretary of Transportation may hire or contract for such additional personnel as may be necessary to eliminate the backlog of pending equal employment opportunity complaints to the Department of Transportation and to ensure that investigations of complaints are completed not later than 180 days after the date of initiation of the investigation.

(b) FUNDING.—Of the amounts appropriated pursuant to section 106(k) of title 49, United States Code, for fiscal year 2000, $2,000,000 may be used to carry out this section.

SEC. 723. NEWPORT NEWS, VIRGINIA.

(a) AUTHORITY TO GRANT WAIVERS.—Notwithstanding section 16 of the Federal Airport Act (as in effect on May 14, 1947) or section 47125 of title 49, United States Code, the Secretary shall, subject to section 47153 of such title (as in effect on June 1, 1998), and subsection (b) of this section, waive with respect to airport property parcels that, according to the Federal Aviation Administration approved airport layout plan for Newport News/Williamsburg International Airport, are no longer required for airport purposes from any term contained in the deed of conveyance dated May 14, 1947, under which the United States conveyed such property to the Peninsula Airport Commission for airport purposes of the Commission.

(b) CONDITIONS.—Any waiver granted by the Secretary under subsection (a) shall be subject to the following conditions:

(1) The Peninsula Airport Commission shall agree that, in leasing or conveying any interest in the property with respect to which waivers are granted under subsection (a), the Commission will receive an amount that is equal to the fair lease value or the fair market value, as the case may be (as determined pursuant to regulations issued by the Secretary).

(2) Peninsula Airport Commission shall use any amount so received only for the development, improvement, operation, or maintenance of Newport News/Williamsburg International Airport.

SEC. 724. GRANT OF EASEMENT, LOS ANGELES, CALIFORNIA.

The City of Los Angeles Department of Airports may grant an easement to the California Department of Transportation to lands required to provide sufficient right-of-way to facilitate the construction of the California State Route 138 bypass, as proposed by the California Department of Transportation.

SEC. 725. REGULATION OF ALASKA GUIDE PILOTS.

(a) IN GENERAL.—Beginning on the date of the enactment of this Act, flight operations conducted by Alaska guide pilots shall be regulated under the general operating and flight rules contained in part 91 of title 14, Code of Federal Regulations.

(b) RULEMAKING PROCEEDING.—

(1) IN GENERAL.—The Administrator shall conduct a rulemaking proceeding and issue a final rule to modify the general operating and flight rules referred to in subsection (a) by establishing special rules applicable to the flight operations conducted by Alaska guide pilots.

(2) CONTENTS OF RULES.—A final rule issued by the Administrator under paragraph (1) shall require Alaska guide pilots—

(A) to operate aircraft inspected no less often than after 125 hours of flight time;

(B) to participate in an annual flight review, as described in section 61.56 of title 14, Code of Federal Regulations;

(C) to have at least 500 hours of flight time as a pilot;

(D) to have a commercial rating, as described subpart F of part 61 of such title;

(E) to hold at least a second-class medical certificate, as described in subpart C of part 67 of such title;

(F) to hold a current letter of authorization issued by the Administrator; and

(G) to take such other actions as the Administrator determines necessary for safety.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) LETTER OF AUTHORIZATION.—The term ''letter of authorization'' means a letter issued by the Administrator once every 5 years to an Alaska guide pilot certifying that the pilot is in compliance with general operating and flight rules applicable to the pilot. In the case of a multi-pilot operation, at the election of the operating entity, a letter of authorization may be issued by the Administrator to the entity or to each Alaska guide pilot employed by the entity.

(2) ALASKA GUIDE PILOT.—The term ''Alaska guide pilot'' means a pilot who—

(A) conducts aircraft operations over or within the State of Alaska;

(B) operates single engine, fixed wing aircraft on floats, wheels, or skis, providing commercial hunting, fishing, or other guide services and related accommodations in the form of camps or lodges; and

(C) transports clients by such aircraft incidental to hunting, fishing, or other guide services, or uses air transport to enable guided clients to reach hunting or fishing locations.

SEC. 726. AIRCRAFT REPAIR AND MAINTENANCE ADVISORY PANEL.

(a) ESTABLISHMENT OF PANEL.—The Secretary of Transportation—

(1) shall establish an Aircraft Repair and Maintenance Advisory Panel to review issues related to the use and oversight of aircraft and aviation component repair and maintenance facilities (in this section referred to as ''aircraft repair facilities'') located within, or outside of, the United States; and

(2) may seek the advice of the panel on any issue related to methods to increase safety by improving the oversight of aircraft repair facilities.

(b) MEMBERSHIP.—The panel shall consist of—

(1) nine members appointed by the Secretary as follows:

(A) three representatives of labor organizations representing aviation mechanics;

(B) one representative of cargo air carriers;

(C) one representative of passenger air carriers;

(D) one representative of aircraft repair facilities;

(E) one representative of aircraft manufacturers;

(F) one representative of on-demand passenger air carriers and corporate aircraft operations; and

(G) one representative of regional passenger air carriers;

(2) one representative from the Department of Commerce, designated by the Secretary of Commerce;

(3) one representative from the Department of State, designated by the Secretary of State; and

(4) one representative from the Federal Aviation Administration, designated by the Administrator.

(c) RESPONSIBILITIES.—The panel shall—

(1) determine the amount and type of work that is being performed by aircraft repair facilities located within, and outside of, the United States; and

(2) provide advice and counsel to the Secretary with respect to the aircraft and aviation component repair work performed by aircraft repair facilities and air carriers, staffing needs, and any balance of trade or safety issues associated with that work.

(d) DOT TO REQUEST INFORMATION FROM AIR CARRIERS AND REPAIR FACILITIES.—

(1) COLLECTION OF INFORMATION.—The Secretary, by regulation, shall require air carriers, foreign air carriers, domestic repair facilities, and foreign repair facilities to submit such information as the Secretary may require in order to assess balance of trade and safety issues with respect to work performed on aircraft used by air carriers, foreign air carriers, United States corporate operators, and foreign corporate operators.

(2) DRUG AND ALCOHOL TESTING INFORMATION.—Included in the information the Secretary requires under paragraph (1) shall be information on the existence and administration of employee drug and alcohol testing programs in place at the foreign repair facilities, if applicable. The Secretary, if necessary, shall work with the International Civil Aviation Organization to increase the number and improve the administration of employee drug and alcohol testing programs at the foreign repair facilities.

(3) DESCRIPTION OF WORK DONE.—Included in the information the Secretary requires under paragraph (1) shall be information on the amount and type of work performed on aircraft registered in and outside of the United States.

(e) DOT TO FACILITATE COLLECTION OF INFORMATION ABOUT AIRCRAFT MAINTENANCE.—The Secretary shall facilitate the collection of information from the National Transportation Safety Board, the Federal Aviation Administration, and other appropriate agencies regarding maintenance performed by aircraft repair facilities.

(f) DOT TO MAKE INFORMATION AVAILABLE TO PUBLIC.—The Secretary shall make any relevant information received under subsection (c) available to the public, consistent with the authority to withhold trade secrets or commercial, financial, and other proprietary information under section 552 of title 5, United States Code.

(g) TERMINATION.—The panel established under subsection (a) shall terminate on the earlier of—

(1) the date that is 2 years after the date of the enactment of this Act; or

(2) December 31, 2001.

(h) DEFINITIONS.—The definitions contained in section 40102 of title 49, United States Code, shall apply to this section.

SEC. 727. OPERATIONS OF AIR TAXI INDUSTRY.

(a) STUDY.—The Administrator, in consultation with the National Transportation Safety Board and other interested persons, shall conduct a study of air taxi operators regulated under part 135 of title 14, Code of Federal Regulations.

(b) CONTENTS.—The study shall include an analysis of the size and type of the aircraft fleet, relevant aircraft equipment, hours

flown, utilization rates, safety record by various categories of use and aircraft type, sales revenues, and airports served by the air taxi fleet.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

SEC. 728. SENSE OF THE CONGRESS CONCERNING COMPLETION OF COMPREHENSIVE NATIONAL AIRSPACE REDESIGN.

It is the sense of the Congress that, as soon as is practicable, the Administrator should complete and begin implementation of the comprehensive national airspace redesign that is being conducted by the Administrator.

SEC. 729. COMPLIANCE WITH REQUIREMENTS.

Notwithstanding any other provision of law, in order to avoid unnecessary duplication of expense and effort, the Secretary of Transportation may authorize the use, in whole or in part, of a completed environmental assessment or environmental impact study for new construction projects on the air operations area of an airport, if the completed assessment or study was for a project at the airport that is substantially similar in nature to the new project. Any such authorized use shall meet all requirements of Federal law for the completion of such an assessment or study.

SEC. 730. AIRCRAFT NOISE LEVELS AT AIRPORTS.

(a) DEVELOPMENT OF NEW STANDARDS.—The Secretary of Transportation shall continue to work to develop a new standard for aircraft and aircraft engines that will lead to a further reduction in aircraft noise levels.

(b) REPORT.—Not later than March 1, 2000, and annually thereafter, the Secretary shall transmit to Congress a report regarding the application of new standards or technologies to reduce aircraft noise levels.

SEC. 731. FAA CONSIDERATION OF CERTAIN STATE PROPOSALS.

The Administrator is encouraged to consider any proposal with a regional consensus submitted by a State aviation authority regarding the expansion of existing airport facilities or the introduction of new airport facilities.

SEC. 732. CINCINNATI-MUNICIPAL BLUE ASH AIRPORT.

(a) APPROVAL OF SALE.—To maintain the efficient utilization of airports in the high-growth Cincinnati local airport system, and to ensure that the Cincinnati-Municipal Blue Ash Airport continues to operate to relieve congestion at Cincinnati-Northern Kentucky International Airport and to provide greater access to the general aviation community beyond the expiration of the City of Cincinnati's grant obligations, the Secretary of Transportation may approve the sale of Cincinnati-Municipal Blue Ash Airport from the City of Cincinnati to the City of Blue Ash upon a finding that the City of Blue Ash meets all applicable requirements for sponsorship and if the City of Blue Ash agrees to continue to maintain and operate Blue Ash Airport, as generally contemplated and described within the Blue Ash Master Plan Update dated November 30, 1998, for a period of 20 years from the date existing grant assurance obligations of the City of Cincinnati expire.

(b) TREATMENT OF PROCEEDS FROM SALE.—The proceeds from the sale approved under subsection (a) shall not be considered to be airport revenue for purposes of section 47107 and 47133 of title 49, United States Code, grant obligations of the City of Cincinnati, or regulations and policies of the Federal Aviation Administration.

SEC. 733. AIRCRAFT AND AIRCRAFT PARTS FOR USE IN RESPONDING TO OIL SPILLS.

(a) AUTHORITY TO SELL.—

(1) IN GENERAL.—Notwithstanding section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and subject to subsections (b) and (c), the Secretary of Defense may, during the period beginning June 15, 1999, and ending September 30, 2002, sell aircraft and aircraft parts referred to in paragraph (2) to a person or governmental entity that contracts to deliver oil dispersants by air in order to disperse oil spills, and that has been approved by the Secretary of the Department in which the Coast Guard is operating for the delivery of oil dispersants by air in order to disperse oil spills.

(2) COVERED AIRCRAFT AND AIRCRAFT PARTS.—The aircraft and aircraft parts that may be sold under paragraph (1) are aircraft and aircraft parts of the Department of Defense that are determined by the Secretary of Defense to be—

(A) excess to the needs of the Department;

(B) acceptable for commercial sale; and

(C) with respect to aircraft, 10 years old or older.

(b) CONDITIONS OF SALE.—Aircraft and aircraft parts sold under subsection (a)—

(1) may be used only for oil spill spotting, observation, and dispersant delivery; and

(2) may not be flown outside of or removed from the United States, except for the purpose of fulfilling an international agreement to assist in oil spill dispersing efforts or for other purposes that are jointly approved by the Secretary of Defense and the Secretary of Transportation.

(c) CERTIFICATION OF PERSONS AND ENTITIES.—The Secretary of Defense may sell aircraft and aircraft parts to a person or governmental entity under subsection (a) only if the Secretary of Transportation certifies to the Secretary of Defense, in writing, before the sale, that the person or governmental entity is capable of meeting the terms and conditions of a contract to deliver oil spill dispersants by air.

(d) REGULATIONS.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Transportation and the Administrator of General Services, shall issue regulations relating to the sale of aircraft and aircraft parts under this section.

(2) CONTENTS.—The regulations shall—

(A) ensure that the sale of the aircraft and aircraft parts is made at a fair market value as determined by the Secretary of Defense, and, to the extent practicable, on a competitive basis;

(B) require a certification by the purchaser that the aircraft and aircraft parts will be used in accordance with the conditions set forth in subsection (b);

(C) establish appropriate means of verifying and enforcing the use of the aircraft and aircraft parts by the purchaser and other users in accordance with the conditions set forth in subsection (b) or pursuant to subsection (e); and

(D) ensure, to the maximum extent practicable, that the Secretary of Defense consults with the Administrator of General Services and with the heads of other appropriate departments and agencies of the Federal Government regarding alternative uses for such aircraft and aircraft parts before the sale of such aircraft and aircraft parts under this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Defense may require such other terms and conditions in connection with each sale of aircraft and aircraft parts under this section as the Secretary of Defense considers appropriate for such sale. Such terms and conditions shall meet the requirements of regulations issued under subsection (d).

(f) REPORT.—Not later than March 31, 2002, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Secretary of Defense's exercise of authority under this section. The report shall set forth—

(1) the number and types of aircraft sold under this section, and the terms and conditions under which the aircraft were sold;

(2) the persons or entities to which the aircraft were sold; and

(3) an accounting of the current use of the aircraft sold.

(g) CONSTRUCTION.—Nothing in this section may be construed as affecting the authority of the Administrator of the Federal Aviation Administration under any other provision of law.

(h) PROCEEDS FROM SALE.—The net proceeds of any amounts received by the Secretary of Defense from the sale of aircraft and aircraft parts under this section shall be deposited into the general fund of the Treasury as miscellaneous receipts.

SEC. 734. DISCRIMINATORY PRACTICES BY COMPUTER RESERVATIONS SYSTEMS OUTSIDE THE UNITED STATES.

(a) ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN CRS SYSTEMS.—Section 41310 is amended by adding at the end the following:

''(g) ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN CRS SYSTEMS.—The Secretary of Transportation may take such actions as the Secretary considers are in the public interest to eliminate an activity of a foreign air carrier that owns or markets a computer reservations system, or of a computer reservations system firm whose principal offices are located outside the United States, when the Secretary, on the initiative of the Secretary or on complaint, decides that the activity, with respect to airline service—

''(1) is an unjustifiable or unreasonable discriminatory, predatory, or anticompetitive practice against a computer reservations system firm whose principal offices are located inside the United States; or

''(2) imposes an unjustifiable or unreasonable restriction on access of such a computer reservations system to a foreign market.''.

(b) COMPLAINTS BY CRS FIRMS.—Section 41310 is amended—

(1) in subsection (d)(1)—

(A) by striking ''air carrier'' in the first sentence and inserting ''air carrier, computer reservations system firm,'';

(B) by striking ''subsection (c)'' and inserting ''subsection (c) or (g)''; and

(C) by striking ''air carrier'' in subparagraph (B) and inserting ''air carrier or computer reservations system firm''; and

(2) in subsection (e)(1) by inserting ''or a computer reservations system firm is subject when providing services with respect to airline service'' before the period at the end of the first sentence.

SEC. 735. ALKALI SILICA REACTIVITY DISTRESS.

(a) IN GENERAL.—The Administrator may make a grant to, or enter into a cooperative agreement with, a nonprofit organization for the conduct of a study on the impact of alkali silica reactivity distress on airport runways and taxiways and the use of lithium salts and other alternatives for mitigation and prevention of such distress.

(b) REPORT.—Not later than 18 months after making a grant, or entering into a cooperative agreement, under subsection (a) the Administrator shall transmit a report to Congress on the results of the study.

SEC. 736. PROCUREMENT OF PRIVATE ENTERPRISE MAPPING, CHARTING, AND GEOGRAPHIC INFORMATION SYSTEMS.

The Administrator shall consider procuring mapping, charting, and geographic information systems necessary to carry out the duties of the Administrator under title 49, United States Code, from private enterprises, if the Administrator determines that such procurement furthers the mission of the Federal Aviation Administration and is cost effective.

SEC. 737. LAND USE COMPLIANCE REPORT.

Section 47131 is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding at the end the following:

''(5) a detailed statement listing airports that are not in compliance with grant assurances or other requirements with respect to airport lands and including the circumstances of such noncompliance, the timelines for corrective action, and the corrective action the Secretary intends to take to bring the airport sponsor into compliance.''.

SEC. 738. NATIONAL TRANSPORTATION DATA CENTER OF EXCELLENCE.

Of the amounts made available pursuant to section 5117(b)(6)(B) of the Transportation Equity Act for the 21st Century (23 U.S.C. 502 note; 112 Stat. 450), not to exceed $1,000,000 for each of fiscal years 2000 and 2001 may be made available by the Secretary of Transportation to establish, at an Army depot that has been closed or realigned, a national transportation data center of excellence that will—

(1) serve as a satellite facility for the central data repository that is hosted by the computer center of the Transportation Administrative Service; and

(2) analyze transportation data collected by the Federal Government, States, cities, and the transportation industry.

SEC. 739. MONROE REGIONAL AIRPORT LAND CONVEYANCE.

The Secretary of Transportation shall waive all terms contained in the 1949 deed of conveyance under which the United States conveyed certain property then constituting Selman Field, Louisiana, to the City of Monroe, Louisiana, subject to the following conditions:

(1) The city agrees that in conveying any interest in such property the city will receive an amount for such interest that is equal to the fair market value for such interest.

(2) The amount received by the city for such conveyance shall be used by the city—

(A) for the development, improvement, operation, or maintenance of a public airport; or

(B) for the development or improvement of the city's airport industrial park co-located with the Monroe Regional Airport to the extent that such development or improvement will result in an increase, over time, in the amount the industrial park will pay to the airport to an amount that is greater than the amount the city received for such conveyance.

SEC. 740. AUTOMATED WEATHER FORECASTING SYSTEMS.

(a) CONTRACT FOR STUDY.—The Administrator shall contract with the National Academy of Sciences to conduct a study of the effectiveness of the automated weather forecasting systems of covered flight service stations solely with regard to providing safe and reliable airport operations.

(b) COVERED FLIGHT SERVICE STATIONS.—In this section, the term ''covered flight service station'' means a flight service station where automated weather observation constitutes the entire observation and no additional weather information is added by a human weather observer.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to the Congress a report on the results of the study.

SEC. 741. NOISE STUDY OF SKY HARBOR AIRPORT, PHOENIX, ARIZONA.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a study on recent changes to the flight patterns of aircraft using Sky Harbor Airport in Phoenix, Arizona, and the effects of such changes on the noise contours in the Phoenix, Arizona, region.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the enactment of this section, the Administrator shall submit a report to Congress containing the results of the study conducted under subsection (a) and recommendations for measures to mitigate aircraft noise over populated areas in the Phoenix, Arizona, region.

(2) AVAILABILITY TO THE PUBLIC.—The Administrator shall make the report described in paragraph (1) available to the public.

SEC. 742. NONMILITARY HELICOPTER NOISE.

(a) IN GENERAL.—The Secretary of Transportation shall conduct a study—

(1) on the effects of nonmilitary helicopter noise on individuals; and

(2) to develop recommendations for the reduction of the effects of nonmilitary helicopter noise.

(b) CONSIDERATION OF VIEWS.—In conducting the study under this section, the Secretary shall consider the views of representatives of the helicopter industry and representatives of organizations with an interest in reducing nonmilitary helicopter noise.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study under this section.

TITLE VIII—NATIONAL PARKS AIR TOUR MANAGEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the ''National Parks Air Tour Management Act of 1999''.

SEC. 802. FINDINGS.

Congress finds that—

(1) the Federal Aviation Administration has sole authority to control airspace over the United States;

(2) the Federal Aviation Administration has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights of public and tribal lands;

(3) the National Park Service has the responsibility of conserving the scenery and natural and historic objects and wildlife in national parks and of providing for the enjoyment of the national parks in ways that leave the national parks unimpaired for future generations;

(4) the protection of tribal lands from aircraft overflights is consistent with protecting the public health and welfare and is essential to the maintenance of the natural and cultural resources of Indian tribes;

(5) the National Parks Overflights Working Group, composed of general aviation, commercial air tour, environmental, and Native American representatives, recommended that the Congress enact legislation based on the Group's consensus work product; and

(6) this title reflects the recommendations made by that Group.

SEC. 803. AIR TOUR MANAGEMENT PLANS FOR NATIONAL PARKS.

(a) IN GENERAL.—Chapter 401 is further amended by adding at the end the following:

''§ 40126. Overflights of national parks

''(a) IN GENERAL.—

''(1) GENERAL REQUIREMENTS.—A commercial air tour operator may not conduct commercial air tour operations over a national park (including tribal lands) except—

''(A) in accordance with this section;

''(B) in accordance with conditions and limitations prescribed for that operator by the Administrator; and

''(C) in accordance with any applicable air tour management plan for the park.

''(2) APPLICATION FOR OPERATING AUTHORITY.—

''(A) APPLICATION REQUIRED.—Before commencing commercial air tour operations over a national park (including tribal lands), a commercial air tour operator shall apply to the Administrator for authority to conduct the operations over the park.

''(B) COMPETITIVE BIDDING FOR LIMITED CAPACITY PARKS.—Whenever an air tour management plan limits the number of commercial air tour operations over a national park during a specified time frame, the Administrator, in cooperation with the Director, shall issue operation specifications to commercial air tour operators that conduct such operations. The operation specifications shall include such terms and conditions as the Administrator and the Director find necessary for management of commercial air tour operations over the park. The Administrator, in cooperation with the Director, shall develop an open competitive process for evaluating proposals from persons interested in providing commercial air tour operations over the park. In making a selection from among various proposals submitted, the Administrator, in cooperation with the Director, shall consider relevant factors, including—

''(i) the safety record of the person submitting the proposal or pilots employed by the person;

''(ii) any quiet aircraft technology proposed to be used by the person submitting the proposal;

''(iii) the experience of the person submitting the proposal with commercial air tour operations over other national parks or scenic areas;

''(iv) the financial capability of the company;

''(v) any training programs for pilots provided by the person submitting the proposal; and

''(vi) responsiveness of the person submitting the proposal to any relevant criteria developed by the National Park Service for the affected park.

''(C) NUMBER OF OPERATIONS AUTHORIZED.—In determining the number of authorizations to issue to provide commercial air tour operations over a national park, the Administrator, in cooperation with the Director, shall take into consideration the provisions of the air tour management plan, the number of existing commercial air tour operators and current level of service and equipment provided by any such operators, and the financial viability of each commercial air tour operation.

''(D) COOPERATION WITH NPS.—Before granting an application under this paragraph, the Administrator, in cooperation with the Director, shall develop an air tour management plan in accordance with subsection (b) and implement such plan.

''(3) EXCEPTION.—

''(A) IN GENERAL.—If a commercial air tour operator secures a letter of agreement from the Administrator and the superintendent

for the national park that describes the conditions under which the commercial air tour operation will be conducted, then notwithstanding paragraph (1), the commercial air tour operator may conduct such operations over the national park under part 91 of title 14, Code of Federal Regulations, if such activity is permitted under part 119 of such title.

''(B) LIMIT ON EXCEPTIONS.—Not more than five flights in any 30-day period over a single national park may be conducted under this paragraph.

''(4) SPECIAL RULE FOR SAFETY REQUIREMENTS.—Notwithstanding subsection (d), an existing commercial air tour operator shall apply, not later than 90 days after the date of the enactment of this section, for operating authority under part 119, 121, or 135 of title 14, Code of Federal Regulations. A new entrant commercial air tour operator shall apply for such authority before conducting commercial air tour operations over a national park (including tribal lands). The Administrator shall act on any such application for a new entrant and issue a decision on the application not later than 24 months after it is received or amended.

''(b) AIR TOUR MANAGEMENT PLANS.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Administrator, in cooperation with the Director, shall establish an air tour management plan for any national park (including tribal lands) for which such a plan is not in effect whenever a person applies for authority to conduct a commercial air tour operation over the park. The air tour management plan shall be developed by means of a public process in accordance with paragraph (4).

''(B) OBJECTIVE.—The objective of any air tour management plan shall be to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tours upon the natural and cultural resources, visitor experiences, and tribal lands.

''(2) ENVIRONMENTAL DETERMINATION.—In establishing an air tour management plan under this subsection, the Administrator and the Director shall each sign the environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) (including a finding of no significant impact, an environmental assessment, and an environmental impact statement) and the record of decision for the air tour management plan.

''(3) CONTENTS.—An air tour management plan for a national park—

''(A) may limit or prohibit commercial air tour operations;

''(B) may establish conditions for the conduct of commercial air tour operations, including commercial air tour operation routes, maximum or minimum altitudes, time-of-day restrictions, restrictions for particular events, maximum number of flights per unit of time, intrusions on privacy on tribal lands, and mitigation of adverse noise, visual, or other impacts;

''(C) may apply to all commercial air tour operations;

''(D) shall include incentives (such as preferred commercial air tour operation routes and altitudes and relief from flight caps and curfews) for the adoption of quiet aircraft technology by commercial air tour operators conducting commercial air tour operations over the park;

''(E) shall provide a system for allocating opportunities to conduct commercial air tours if the air tour management plan includes a limitation on the number of commercial air tour operations for any time period; and

''(F) shall justify and document the need for measures taken pursuant to subparagraphs (A) through (E) and include such justifications in the record of decision.

''(4) PROCEDURE.—In establishing an air tour management plan for a national park (including tribal lands), the Administrator and the Director shall—

''(A) hold at least one public meeting with interested parties to develop the air tour management plan;

''(B) publish the proposed plan in the Federal Register for notice and comment and make copies of the proposed plan available to the public;

''(C) comply with the regulations set forth in sections 1501.3 and 1501.5 through 1501.8 of title 40, Code of Federal Regulations (for purposes of complying with the regulations, the Federal Aviation Administration shall be the lead agency and the National Park Service is a cooperating agency); and

''(D) solicit the participation of any Indian tribe whose tribal lands are, or may be, overflown by aircraft involved in a commercial air tour operation over the park, as a cooperating agency under the regulations referred to in subparagraph (C).

''(5) JUDICIAL REVIEW.—An air tour management plan developed under this subsection shall be subject to judicial review.

''(6) AMENDMENTS.—The Administrator, in cooperation with the Director, may make amendments to an air tour management plan. Any such amendments shall be published in the Federal Register for notice and comment. A request for amendment of an air tour management plan shall be made in such form and manner as the Administrator may prescribe.

''(c) DETERMINATION OF COMMERCIAL AIR TOUR OPERATION STATUS.—In making a determination of whether a flight is a commercial air tour operation, the Administrator may consider—

''(1) whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;

''(2) whether a narrative that referred to areas or points of interest on the surface below the route of the flight was provided by the person offering the flight;

''(3) the area of operation;

''(4) the frequency of flights conducted by the person offering the flight;

''(5) the route of flight;

''(6) the inclusion of sightseeing flights as part of any travel arrangement package offered by the person offering the flight;

''(7) whether the flight would have been canceled based on poor visibility of the surface below the route of the flight; and

''(8) any other factors that the Administrator considers appropriate.

''(d) INTERIM OPERATING AUTHORITY.—

''(1) IN GENERAL.—Upon application for operating authority, the Administrator shall grant interim operating authority under this subsection to a commercial air tour operator for commercial air tour operations over a national park (including tribal lands) for which the operator is an existing commercial air tour operator.

''(2) REQUIREMENTS AND LIMITATIONS.—Interim operating authority granted under this subsection—

''(A) shall provide annual authorization only for the greater of—

''(i) the number of flights used by the operator to provide such tours within the 12-month period prior to the date of the enactment of this section; or

''(ii) the average number of flights per 12-month period used by the operator to provide such tours within the 36-month period prior to such date of the enactment, and, for seasonal operations, the number of flights so used during the season or seasons covered by that 12-month period;

''(B) may not provide for an increase in the number of commercial air tour operations conducted during any time period by the commercial air tour operator above the number that the air tour operator was originally granted unless such an increase is agreed to by the Administrator and the Director;

''(C) shall be published in the Federal Register to provide notice and opportunity for comment;

''(D) may be revoked by the Administrator for cause;

''(E) shall terminate 180 days after the date on which an air tour management plan is established for the park or the tribal lands;

''(F) shall promote protection of national park resources, visitor experiences, and tribal lands;

''(G) shall promote safe operations of the commercial air tour;

''(H) shall promote the adoption of quiet technology, as appropriate; and

''(I) shall allow for modifications of the operation based on experience if the modification improves protection of national park resources and values and of tribal lands.

''(e) EXEMPTIONS.—

''(1) IN GENERAL.—Except as provided by paragraph (2), this section shall not apply to—

''(A) the Grand Canyon National Park;

''(B) tribal lands within or abutting the Grand Canyon National Park; or

''(C) any unit of the National Park System located in Alaska or any other land or water located in Alaska.

''(2) EXCEPTION.—This section shall apply to the Grand Canyon National Park if section 3 of Public Law 100–91 (16 U.S.C. 1a–1 note; 101 Stat. 674–678) is no longer in effect.

''(3) LAKE MEAD.—This section shall not apply to any air tour operator while flying over or near the Lake Mead National Recreation Area solely, as a transportation route, to conduct an air tour over the Grand Canyon National Park.

''(f) DEFINITIONS.—In this section, the following definitions apply:

''(1) COMMERCIAL AIR TOUR OPERATOR.—The term 'commercial air tour operator' means any person who conducts a commercial air tour operation.

''(2) EXISTING COMMERCIAL AIR TOUR OPERATOR.—The term 'existing commercial air tour operator' means a commercial air tour operator that was actively engaged in the business of providing commercial air tour operations over a national park at any time during the 12-month period ending on the date of the enactment of this section.

''(3) NEW ENTRANT COMMERCIAL AIR TOUR OPERATOR.—The term 'new entrant commercial air tour operator' means a commercial air tour operator that—

''(A) applies for operating authority as a commercial air tour operator for a national park; and

''(B) has not engaged in the business of providing commercial air tour operations over the national park (including tribal lands) in the 12-month period preceding the application.

''(4) COMMERCIAL AIR TOUR OPERATION.—The term 'commercial air tour operation' means any flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of any national park, or over tribal lands, during which the aircraft flies—

''(A) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action

to ensure the safe operation of the aircraft); or

''(B) less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary).

''(5) NATIONAL PARK.—The term 'national park' means any unit of the National Park System.

''(6) TRIBAL LANDS.—The term 'tribal lands' means Indian country (as that term is defined in section 1151 of title 18) that is within or abutting a national park.

''(7) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Aviation Administration.

''(8) DIRECTOR.—The term 'Director' means the Director of the National Park Service.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 401 is further amended by adding at the end the following:

''40126. Overflights of national parks.''.

SEC. 804. ADVISORY GROUP.

(a) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this Act, the Administrator and the Director of the National Park Service shall jointly establish an advisory group to provide continuing advice and counsel with respect to commercial air tour operations over and near national parks.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory group shall be composed of—

(A) a balanced group of—

(i) representatives of general aviation;

(ii) representatives of commercial air tour operators;

(iii) representatives of environmental concerns; and

(iv) representatives of Indian tribes;

(B) a representative of the Federal Aviation Administration; and

(C) a representative of the National Park Service.

(2) EX OFFICIO MEMBERS.—The Administrator (or the designee of the Administrator) and the Director (or the designee of the Director) shall serve as ex officio members.

(3) CHAIRPERSON.—The representative of the Federal Aviation Administration and the representative of the National Park Service shall serve alternating 1-year terms as chairman of the advisory group, with the representative of the Federal Aviation Administration serving initially until the end of the calendar year following the year in which the advisory group is first appointed.

(c) DUTIES.—The advisory group shall provide advice, information, and recommendations to the Administrator and the Director—

(1) on the implementation of this title and the amendments made by this title;

(2) on commonly accepted quiet aircraft technology for use in commercial air tour operations over national parks (including tribal lands), which will receive preferential treatment in a given air tour management plan;

(3) on other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) at request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park (including tribal lands).

(d) COMPENSATION; SUPPORT; FACA.—

(1) COMPENSATION AND TRAVEL.—Members of the advisory group who are not officers or employees of the United States, while attending conferences or meetings of the group or otherwise engaged in its business, or while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(2) ADMINISTRATIVE SUPPORT.—The Federal Aviation Administration and the National Park Service shall jointly furnish to the advisory group clerical and other assistance.

(3) NONAPPLICATION OF FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the advisory group.

SEC. 805. REPORTS.

(a) OVERFLIGHT FEE REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the effects overflight fees are likely to have on the commercial air tour operation industry. The report shall include, but shall not be limited to—

(1) the viability of a tax credit for the commercial air tour operators equal to the amount of any overflight fees charged by the National Park Service; and

(2) the financial effects proposed offsets are likely to have on Federal Aviation Administration budgets and appropriations.

(b) QUIET AIRCRAFT TECHNOLOGY REPORT.—Not later than 2 years after the date of the enactment of this Act, the Administrator and the Director shall jointly transmit a report to Congress on the effectiveness of this title in providing incentives for the development and use of quiet aircraft technology.

SEC. 806. METHODOLOGIES USED TO ASSESS AIR TOUR NOISE.

Any methodology adopted by a Federal agency to assess air tour noise in any unit of the national park system (including the Grand Canyon and Alaska) shall be based on reasonable scientific methods.

SEC. 807. EXEMPTIONS.

This title shall not apply to—

(1) any unit of the National Park System located in Alaska; or

(2) any other land or water located in Alaska.

SEC. 808. DEFINITIONS.

In this title, the following definitions apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) DIRECTOR.—The term ''Director'' means the Director of the National Park Service.

TITLE IX—TRUTH IN BUDGETING

SEC. 901. SHORT TITLE.

This title may be cited as the ''Truth in Budgeting Act''.

SEC. 902. BUDGETARY TREATMENT OF AIRPORT AND AIRWAY TRUST FUND.

Notwithstanding any other provision of law, the receipts and disbursements of the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986—

(1) shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(A) the budget of the United States Government as submitted by the President;

(B) the congressional budget (including allocations of budget authority and outlays provided therein); or

(C) the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government.

SEC. 903. SAFEGUARDS AGAINST DEFICIT SPENDING OUT OF AIRPORT AND AIRWAY TRUST FUND.

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

''§ 47138. Safeguards against deficit spending

''(a) ESTIMATES OF UNFUNDED AVIATION AUTHORIZATIONS AND NET AVIATION RECEIPTS.—Not later than March 31 of each year, the Secretary of Transportation, in consultation with the Secretary of the Treasury, shall estimate—

''(1) the amount which would (but for this section) be the unfunded aviation authorizations at the close of the first fiscal year that begins after that March 31; and

''(2) the net aviation receipts to be credited to the Airport and Airway Trust Fund during the fiscal year.

''(b) PROCEDURE IF EXCESS UNFUNDED AVIATION AUTHORIZATIONS.—If the Secretary of Transportation determines for any fiscal year that the amount described in subsection (a)(1) exceeds the amount described in subsection (a)(2), the Secretary shall determine the amount of such excess.

''(c) ADJUSTMENT OF AUTHORIZATIONS IF UNFUNDED AUTHORIZATIONS EXCEED RECEIPTS.—

''(1) DETERMINATION OF PERCENTAGE.—If the Secretary determines that there is an excess referred to in subsection (b) for a fiscal year, the Secretary shall determine the percentage which—

''(A) such excess, is of

''(B) the total of the amounts authorized to be appropriated from the Airport and Airway Trust Fund for the next fiscal year.

''(2) ADJUSTMENT OF AUTHORIZATIONS.—If the Secretary determines a percentage under paragraph (1), each amount authorized to be appropriated from the Airport and Airway Trust Fund for the next fiscal year shall be reduced by such percentage.

''(d) AVAILABILITY OF AMOUNTS PREVIOUSLY WITHHELD.—

''(1) ADJUSTMENT OF AUTHORIZATIONS.—If, after a reduction has been made under subsection (c)(2), the Secretary determines that the amount described in subsection (a)(1) does not exceed the amount described in subsection (a)(2) or that the excess referred to in subsection (b) is less than the amount previously determined, each amount authorized to be appropriated that was reduced under subsection (c)(2) shall be increased, by an equal percentage, to the extent the Secretary determines that it may be so increased without causing the amount described in subsection (a)(1) to exceed the amount described in subsection (a)(2) (but not by more than the amount of the reduction).

''(2) APPORTIONMENT.—The Secretary shall apportion amounts made available for apportionment by paragraph (1).

''(3) PERIOD OF AVAILABILITY.—Any funds apportioned under paragraph (2) shall remain available for the period for which they would be available if such apportionment took effect with the fiscal year in which they are apportioned under paragraph (2).

''(e) REPORTS.—Any estimate under subsection (a) and any determination under subsection (b), (c), or (d) shall be reported by the Secretary to Congress.

''(f) DEFINITIONS.—For purposes of this section, the following definitions apply:

''(1) NET AVIATION RECEIPTS.—The term 'net aviation receipts' means, with respect to any period, the excess of—

''(A) the receipts (including interest) of the Airport and Airway Trust Fund during such period, over

''(B) the amounts to be transferred during such period from the Airport and Airway Trust Fund under section 9502(d) of the Internal Revenue Code of 1986 (other than paragraph (1) thereof).

''(2) UNFUNDED AVIATION AUTHORIZATIONS.—The term 'unfunded aviation authorization' means, at any time, the excess (if any) of—

''(A) the total amount authorized to be appropriated from the Airport and Airway Trust Fund which has not been appropriated, over

''(B) the amount available in the Airport and Airway Trust Fund at such time to make such appropriation (after all other unliquidated obligations at such time which are payable from the Airport and Airway Trust Fund have been liquidated).''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is further amended by adding at the end the following:

''47138. Safeguards against deficit spending.''.

SEC. 904. ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.

When the President submits the budget under section 1105(a) of title 31, United States Code, for fiscal year 2001, the Director of the Office of Management and Budget shall, pursuant to section 251(b)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, calculate and the budget shall include appropriate reductions to the discretionary spending limits for each of fiscal years 2001 and 2002 set forth in section 251(c)(5)(A) and section 251(c)(6)(A) of that Act (as adjusted under section 251 of that Act) to reflect the discretionary baseline trust fund spending (without any adjustment for inflation) for the Federal Aviation Administration that is subject to section 902 of this Act for each of those two fiscal years.

SEC. 905. APPLICABILITY.

This title (including the amendments made by this Act) shall apply to fiscal years beginning after September 30, 2000.

TITLE X—ADJUSTMENT OF TRUST FUND AUTHORIZATIONS

SEC. 1001. ADJUSTMENT OF TRUST FUND AUTHORIZATIONS.

(a) IN GENERAL.—Part C of subtitle VII is amended by adding at the end the following:

''CHAPTER 483—ADJUSTMENT OF TRUST FUND AUTHORIZATIONS

''Sec.
''48301. Definitions.
''48302. Adjustments to align aviation authorizations with revenues.
''48303. Adjustment to AIP program funding.
''48304. Estimated aviation income.

''§ 48301. Definitions

''In this chapter, the following definitions apply:

''(1) BASE YEAR.—The term 'base year' means the second fiscal year before the fiscal year for which the calculation is being made.

''(2) AIP PROGRAM.—The term 'AIP program' means the programs for which amounts are made available under section 48103.

''(3) AVIATION INCOME.—The term 'aviation income' means the tax receipts credited to the Airport and Airway Trust Fund and any interest attributable to the Fund.

''§ 48302. Adjustment to align aviation authorizations with revenues

''(a) AUTHORIZATION OF APPROPRIATIONS.—Beginning with fiscal year 2003, if the actual level of aviation income for the base year is greater or less than the estimated aviation income level specified in section 48304 for the base year, the amounts authorized to be appropriated (or made available) for the fiscal year under each of sections 106(k), 48101, 48102, and 48103 are adjusted as follows:

''(1) If the actual level of aviation income for the base year is greater than the estimated aviation income level specified in section 48304 for the base year, the amount authorized to be appropriated (or made available) for such section is increased by an amount determined by multiplying the amount of the excess by the ratio for such section set forth in subsection (b).

''(2) If the actual level of aviation income for the base year is less than the estimated aviation income level specified in section 48304 for the base year, the amount authorized to be appropriated (or made available) for such section is decreased by an amount determined by multiplying the amount of the shortfall by the ratio for such section set forth in subsection (b).

''(b) RATIO.—The ratio referred to in subsection (a) with respect to section 106(k), 48101, 48102, or 48103, as the case may be, is the ratio that—

''(1) the amount authorized to be appropriated (or made available) under such section for the fiscal year; bears to

''(2) the total sum of amounts authorized to be appropriated (or made available) under all of such sections for the fiscal year.

''(c) PRESIDENT'S BUDGET.—When the President submits a budget for a fiscal year under section 1105 of title 31, United States Code, the Director of the Office of Management and Budget shall calculate and the budget shall report any increase or decrease in authorization levels resulting from this section.

''§ 48303. Adjustment to AIP program funding

''On the effective date of a general appropriations Act providing appropriations for a fiscal year beginning after September 30, 2000, for the Federal Aviation Administration, the amount made available for a fiscal year under section 48103 shall be increased by the amount, if any, by which—

''(1) the total sum of amounts authorized to be appropriated under all of sections 106(k), 48101, and 48102 for such fiscal year, including adjustments made under section 48302; exceeds

''(2) the amounts appropriated for programs funded under such sections for such fiscal year.

Any contract authority made available by this section shall be subject to an obligation limitation.

''§ 48304. Estimated aviation income

''For purposes of section 48302, the estimated aviation income levels are as follows:

''(1) $10,734,000,000 for fiscal year 2001.
''(2) $11,603,000,000 for fiscal year 2002.
''(3) $12,316,000,000 for fiscal year 2003.
''(4) $13,062,000,000 for fiscal year 2004.''.

(b) CONFORMING AMENDMENT.—The table of chapters for subtitle VII of such title is amended by inserting after the item relating to chapter 482 the following:

''483. ADJUSTMENT OF TRUST FUND AUTHORIZATIONS ..... 48301''.

SEC. 1002. BUDGET ESTIMATES.

Upon the enactment of this Act, the Director of the Office of Management and Budget shall not make any estimates under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 of changes in direct spending outlays and receipts for any fiscal year resulting from this title and title IX, including the amendments made by such titles.

SEC. 1003. SENSE OF THE CONGRESS ON FULLY OFFSETTING INCREASED AVIATION SPENDING.

It is the sense of the Congress that—

(1) air passengers and other users of the air transportation system pay aviation taxes into a trust fund dedicated solely to improve the safety, security, and efficiency of the aviation system;

(2) from fiscal year 2001 to fiscal year 2004, air passengers and other users will pay more than $14.3 billion more in aviation taxes into the Airport and Airway Trust Fund than the concurrent resolution on the budget for fiscal year 2000 provides from such Fund for aviation investment under historical funding patterns;

(3) the Aviation Investment and Reform Act for the 21st Century provides $14.3 billion of aviation investment above the levels assumed in that budget resolution for such fiscal years; and

(4) this increased funding will be fully offset by recapturing unspent aviation taxes and reducing the $778 billion general tax cut assumed in that budget resolution by the appropriate amount.

TITLE XI—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

SEC. 1101. EXTENSION OF EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking ''October 1, 1998'' and inserting ''October 1, 2004''; and

(2) by inserting before the semicolon at the end of subparagraph (A) the following ''or the provisions of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 providing for payments from the Airport and Airway Trust Fund or the Interim Federal Aviation Administration Authorization Act or section 6002 of the 1999 Emergency Supplemental Appropriations Act or the Aviation Investment and Reform Act for the 21st Century''.

(b) LIMITATION ON EXPENDITURE AUTHORITY.—Section 9502 of such Code is amended by adding at the end the following new subsection:

''(f) LIMITATION ON TRANSFERS TO TRUST FUND.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no amount may be appropriated or credited to the Airport and Airway Trust Fund on and after the date of any expenditure from the Airport and Airway Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

''(A) any provision of law which is not contained or referenced in this title or in a revenue Act; and

''(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

''(2) EXCEPTION FOR PRIOR OBLIGATIONS.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before October 1, 1999, in accordance with the provisions of this section.''.

The motion was agreed to.

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

The title of the Senate bill was amended so as to read: ''A bill to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.''.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to insist on the House amendment and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none and, without objection, appoints the following conferees:

From the Committee on Transportation and Infrastructure, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. SHUSTER, YOUNG of Alaska, PETRI, DUNCAN,

EWING, HORN, QUINN, EHLERS, BASS, PEASE, SWEENEY, OBERSTAR, RAHALL, LIPINSKI, DEFAZIO, COSTELLO, Ms. DANNER, Ms. E.B. JOHNSON of Texas, Ms. MILLENDER-MCDONALD, and Mr. BOSWELL.

From the Committee on the Budget, for consideration of titles IX and X of the House amendment, and modifications committed to conference: Messrs. CHAMBLISS, SHAYS and SPRATT.

From the Committee on Ways and Means, for consideration of title XI of the House amendment, and modifications committed to conference: Messrs. NUSSLE, HULSHOF, and RANGEL.

There was no objection.

The SPEAKER pro tempore. Without objection, House Resolution 276 is laid on the table.

There was no objection.

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AUTHORIZING ARCHITECT OF CAPITOL TO PERMIT TEMPORARY CONSTRUCTION AND OTHER WORK ON CAPITOL GROUNDS

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 167) authorizing the Architect of the Capitol to permit temporary construction and other work on the Capitol Grounds that may be necessary for construction of a building on Constitution Avenue Northwest between 2nd Street Northwest and Louisiana Avenue Northwest, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 1, strike out all after line 3 over to and including line 7 on page 2 and insert:

The Architect of the Capitol may permit temporary construction and other work on the Capitol Grounds as follows:

(1) As may be necessary for the demolition of the existing building of the Carpenters and Joiners of America and the construction of a new building of the Carpenters and Joiners of America on Constitution Avenue Northwest between 2nd Street Northwest and Louisiana Avenue Northwest in a manner consistent with the terms of this resolution. Such work may include activities resulting in temporary obstruction of the curbside parking lane on Louisiana Avenue Northwest between Constitution Avenue Northwest and 1st Street Northwest, adjacent to the side of the existing building of the Carpenters and Joiners of America on Louisiana Avenue Northwest. Such obstruction—

(A) shall be consistent with the terms of paragraphs (2) and (3);

(B) shall not extend in width more than 8 feet from the curb adjacent to the existing building of the Carpenters and Joiners of America; and

(C) shall extend in length along the curb of Louisiana Avenue Northwest adjacent to the existing building of the Carpenters and Joiners of America, from a point 56 feet from the intersection of the curbs of Constitution Avenue Northwest and Louisiana Avenue Northwest adjacent to the existing building of the Carpenters and Joiners of America to a point 40 feet from the intersection of the curbs of the Louisiana Avenue Northwest and 1st Street Northwest adjacent to the existing building of the Carpenters and Joiners of America.

(2) Such construction shall include a covered walkway for pedestrian access, including access for disabled individuals, on Constitution Avenue Northwest between 2nd Street Northwest and Louisiana Avenue Northwest, to be constructed within the existing sidewalk area on Constitution Avenue Northwest adjacent to the existing building of the Carpenters and Joiners of America, to be constructed in accordance with specifications approved by the Architect of the Capitol.

(3) Such construction shall ensure access to any existing fire hydrants by keeping clear a minimum radius of 3 feet around any fire hydrants, or according to health and safety requirements as approved by the Architect of the Capitol.

Page 3, after line 4, insert:

(c) No construction shall extend into the United States Capitol Grounds except as otherwise provided in section 1.

Mr. SHUSTER (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

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

There was no objection.

Mr. SHUSTER. Mr. Speaker, House Concurrent Resolution 167, as amended, would allow the Brotherhood of Carpenters and Joiners to commence the demolition of its headquarters building, located at 101 Constitution Avenue, by authorizing the Architect of the Capitol to permit the temporary closure of sidewalks and curbside parking along the front of the current structure.

The House considered this resolution Tuesday, and the other body more narrowly defined the conditions for these closures, as well as conditions for the continued services and access in the immediate vicinity of the construction site.

I support the measure and urge the House to accept these changes.

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the several pieces of legislation just considered.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 664

Mr. MALONEY of Connecticut. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 664.

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

There was no objection.

INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998 AMENDMENTS

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S.1546) to amend the International Religious Freedom Act of 1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to the Act, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1546

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

SECTION 1. ADMINISTRATIVE AUTHORITIES OF THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM.

(a) ESTABLISHMENT AND COMPOSITION.—Section 201 of the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.) is amended—

(1) in subsection (c)—

(A) by striking ''The'' and inserting ''(1) IN GENERAL.—The'';

(2) by inserting after the first sentence the following new sentences: ''The term of each member of the Commission appointed to the first two-year term of the Commission shall be considered to have begun on May 15, 1999, and shall end on May 14, 2001, regardless of the date of appointment to the Commission. The term of each member of the Commission appointed to the second two-year term of the Commission shall begin on May 15, 2001, and shall end on May 14, 2003, regardless of the date of appointment to the Commission. In the case in which a vacancy in the membership of the Commission is filled during a two-year term of the Commission, such membership on the Commission shall terminate at the end of that two-year term of the Commission.''; and

(3) by amending subsection (h) to read as follows:

''(h) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide to the Commission on a reimbursable basis (or, in the discretion of the Administrator, on a non-reimbursable basis) such administrative support services as the Commission may request to carry out the provisions of this title.''.

(b) POWERS OF THE COMMISSION.—The International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.) is amended—

(1) by striking section 202(f);

(2) by redesignating sections 203, 204, 205, and 206 as sections 205, 206, 207, and 209, respectively;

(3) by inserting after section 202 the following:

''SEC. 203. POWERS OF THE COMMISSION.

''(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out its duties under this title, hold hearings, sit and act at times and places in the United States, take testimony and receive evidence as the Commission considers advisable to carry out the purposes of this Act.

''(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such

information as the Commission considers necessary to carry out the provisions of this section. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission, subject to applicable law.

''(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

''(d) ADMINISTRATIVE PROCEDURES.—The Commission may adopt such rules and regulations, relating to administrative procedure, as may be reasonably necessary to enable it to carry out the provisions of this title.

''(e) VIEWS OF THE COMMISSION.—The Members of the Commission may speak in their capacity as private citizens. Statements on behalf of the Commission shall be issued in writing over the names of the Members. The Commission shall in its written statements clearly describe its statutory authority, distinguishing that authority from that of appointed or elected officials of the United States Government. Oral statements, where practicable, shall include a similar description.

''(f) TRAVEL.—The Members of the Commission may, with the approval of the Commission, conduct such travel as is necessary to carry out the purpose of this title. Each trip must be approved by a majority of the Commission. This provision shall not apply to the Ambassador-at-Large, whose travel shall not require approval by the Commission.

''SEC. 204. COMMISSION PERSONNEL MATTERS.

''(a) IN GENERAL.—The Commission may, without regard to the civil service laws and regulations, appoint and terminate an Executive Director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The decision to employ or terminate an Executive Director shall be made by an affirmative vote of at least six of the nine members of the Commission.

''(b) COMPENSATION.—The Commission 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 payable for level V of the Executive Schedule under section 5316 of such title.

''(c) PROFESSIONAL STAFF.—The Commission and the Executive Director shall hire Commission staff on the basis of professional and nonpartisan qualifications. Commissioners may not individually hire staff of the Commission. Staff shall serve the Commission as a whole and may not be assigned to the particular service of a single Commissioner or a specified group of Commissioners. This subsection does not prohibit staff personnel from assisting individual members of the Commission with particular needs related to their duties.

''(d) STAFF AND SERVICES OF OTHER FEDERAL AGENCIES.—

''(1) DEPARTMENT OF STATE.—The Secretary of State shall assist the Commission by providing on a reimbursable or non-reimbursable basis to the Commission such staff and administrative services as may be necessary and appropriate to perform its functions.

''(2) OTHER FEDERAL AGENCIES.—Upon the request of the Commission, the head of any Federal department or agency may detail, on a reimbursable or non-reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its functions under this title. The detail of any such personnel shall be without interruption or loss of civil service or Foreign Service status or privilege.

''(e) SECURITY CLEARANCES.—The Executive Director shall be required to obtain a security clearance. The Executive Director may request, on a needs-only basis and in order to perform the duties of the Commission, that other personnel of the Commission be required to obtain a security clearance. The level of clearance shall be the lowest necessary to appropriately perform the duties of the Commission.

''(f) COST.—The Commission shall reimburse all appropriate Government agencies for the cost of obtaining clearances for members of the commission, for the executive director, and for any other personnel.'';

(4) in section 207(a) (as redesignated by this Act), by striking all that follows ''3,000,000'' and inserting ''to carry out the provisions of this title.''; and

(5) by inserting after section 207 (as redesignated) the following:

''SEC. 208. STANDARDS OF CONDUCT AND DISCLOSURE.

''(a) COOPERATION WITH NONGOVERNMENTAL ORGANIZATIONS, THE DEPARTMENT OF STATE, AND CONGRESS.—The Commission shall seek to effectively and freely cooperate with all entities engaged in the promotion of religious freedom abroad, governmental and nongovernmental, in the performance of the Commission's duties under this title.

''(b) CONFLICT OF INTEREST AND ANTINEPOTISM.—

''(1) MEMBER AFFILIATIONS.—Except as provided in paragraph (3), in order to ensure the independence and integrity of the Commission, the Commission may not compensate any nongovernmental agency, project, or person related to or affiliated with any member of the Commission, whether in that member's direct employ or not. Staff employed by the Commission may not serve in the employ of any nongovernmental agency, project, or person related to or affiliated with any member of the Commission while employed by the Commission.

''(2) STAFF COMPENSATION.—Staff of the Commission may not receive compensation from any other source for work performed in carrying out the duties of the Commission while employed by the Commission.

''(3) EXCEPTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), paragraph (1) shall not apply to payments made for items such as conference fees or the purchase of periodicals or other similar expenses, if such payments would not cause the aggregate value paid to any agency, project, or person for a fiscal year to exceed $250.

''(B) LIMITATION.—Notwithstanding subparagraph (A), the Commission shall not give special preference to any agency, project, or person related to or affiliated with any member of the Commission.

''(4) DEFINITIONS.—In this subsection, the term ''affiliated'' means the relationship between a member of the Commission and—

''(A) an individual who holds the position of officer, trustee, partner, director, or employee of an agency, project, or person of which that member, or relative of that member of, the Commission is an officer, trustee, partner, director, or employee; or

''(B) a nongovernmental agency or project of which that member, or a relative of that member, of the Commission is an officer, trustee, partner, director, or employee.

''(c) CONTRACT AUTHORITY.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Commission may contract with and compensate Government agencies or persons for the conduct of activities necessary to the discharge of its functions under this title. Any such person shall be hired without interruption or loss of civil service or Foreign Service status or privilege. The Commission may not procure temporary and intermittent services under section 3109(b) of title 5, United States Code, or under other contracting authority other than that allowed under this title.

''(2) EXPERT STUDY.—In the case of a study requested under section 605 of this Act, the Commission may, subject to the availability of appropriations, contract with experts and shall provide the funds for such a study. The Commission shall not be required to provide the funds for that part of the study conducted by the Comptroller General of the United States.

''(d) GIFTS.—

''(1) IN GENERAL.—In order to preserve its independence, the Commission may not accept, use, or dispose of gifts or donations of services or property. An individual Commissioner or employee of the Commission may not, in his or her capacity as a Commissioner or employee, knowingly accept, use or dispose of gifts or donations of services or property, unless he or she in good faith believes such gifts or donations to have a value of less than $50 and a cumulative value during a calendar year of less than $100.

''(2) EXCEPTIONS.—This subsection shall not apply to the following:

''(A) Gifts provided on the basis of a personal friendship with a Commissioner or employee, unless the Commissioner or employee has reason to believe that the gift was provided because of the Commissioner's position and not because of the personal friendship.

''(B) Gifts provided on the basis of a family relationship.

''(C) The acceptance of training, invitations to attend or participate in conferences or such other events as are related to the conduct of the duties of the Commission, or food or refreshment associated with such activities.

''(D) Items of nominal value or gifts of estimated value of $10 or less.

''(E) De minimis gifts provided by a foreign leader or state, not exceeding a value of $260. Gifts believed by Commissioners to be in excess of $260, but which would create offense or embarrassment to the United States Government if refused, shall be accepted and turned over to the United States Government in accordance with the Foreign Gifts and Decorations Act of 1966 and the rules and regulations governing such gifts provided to Members of Congress.

''(F) Informational materials such as documents, books, videotapes, periodicals, or other forms of communications.

''(G) Goods or services provided by any agency or component of the Government of the United States, including any commission established under the authority of such Government.

''(e) ANNUAL FINANCIAL REPORT.—In addition to providing the reports required under section 202, the Commission shall provide, each year no later than January 1, to the Committees on International Relations and Appropriations of the House of Representatives, and to the Committees on Foreign Relations and Appropriations of the Senate, a financial report detailing and identifying its expenditures for the preceding fiscal year.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) (as redesignated) is amended by striking ''4 years after the initial appointment of all the Commissioners'' and inserting ''on May 14, 2003.''.

SEC. 2. TECHNICAL CORRECTIONS.

(a) PRESIDENTIAL ACTIONS.—Section 402(c) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(c)) is amended—

(1) in paragraph (1), in the text above subparagraph (A), by striking ''and (4)'' and inserting ''(4), and (5)''; and

(2) in paragraph (4)—

(A) by inserting ''UNDER THIS ACT'' after ''EXCEPTION FOR ONGOING PRESIDENTIAL ACTION'';

(B) by inserting ''and'' at the end of subparagraph (B);

(C) by striking at the end of subparagraph (C) ''; and'' and inserting a period; and

(D) in subparagraph (D), by striking ''(D) at'' and inserting ''(5) EXCEPTION FOR ONGOING, MULTIPLE, BROAD-BASED SANCTIONS IN RESPONSE TO HUMAN RIGHTS VIOLATIONS.—At''.

(b) CLERICAL CORRECTION.—Section 201(b)(1)(B)(iii) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(b)(1)(B)(iii)) is amended by striking ''three'' and inserting ''Three''.

Mr. CLEMENT. Mr. Speaker, I rise in support of S. 1546.

Mr. Speaker, I rise in support of this bill to provide administrative authorities to the United States Commission on International Religious Freedom.

The Senate has just passed this bill by unanimous consent. I thank Senator NICKLES and Senator LIEBERMAN for their leadership and for the opportunity to work so closely with them on this bill as we did last year.

I also want to thank our distinguished majority and minority leaders and the chairman and ranking minority member of the Committee on International Relations for enabling us to consider this bill so quickly.

The Commission on International Religious Freedom was established by a bill we passed after nearly 2 years of hard work, the International Religious Freedom Act.

The Commission's task is to make policy recommendations for the U.S. Government to address religious persecution around the world.

We have already appropriated the money for the Commission. This bill provides technical corrections and the necessary authority and guidelines for the Commission to use the funds we appropriated for them.

This Commission is unique, perhaps in the world, and we know that it will come under great scrutiny. We want its independence, its mandate and its integrity to be clear to the world.

For this reason, this bill creates clear guidelines about such matters as contracting and gifts. These are not meant to be burdensome but to ensure the Commission's independence.

I am proud of this Commission. I would like to take this opportunity to congratulate each of the nine commissioners and the Ambassador at Large for Religious Freedom, who also sits on the Commission.

I look forward to a close and productive working relationship so that we may help men, women, and children of all faiths who suffer for their religious beliefs around the world.

So I urge my colleagues to support the bill and to give the Commission on International Religious Freedom their full support and the authority the Commission needs to carry out its crucial work of promoting religious freedom around the world.

Mr. Speaker, I include the following for the RECORD:

Mr. Speaker, I rise in support of this bill to provide administrative authorities to the United States Commission on International Religious Freedom. The Senate has just passed this bill by unanimous consent, and I thank Senator NICKLES and LIEBERMAN for their leadership and for the opportunity to work so closely with them on this bill, as we did last year. I also thank our distinguished Majority and Minority leaders, and the Chairman and Ranking Minority Member of the International Relations Committee for enabling this bill to be considered so quickly.

I want to thank the experts of the Congressional Research Service who were so helpful as we sought to create a responsible, good structure for this Commission: Morton Rosenberg, Harold Relyea and Jack Maskell. Art Rynearson for the Senate Legislative Counsel, once again, provided gracious and expert service under a tight deadline.

This bill provides technical corrections and the necessary authority for the Commission to use the funds we appropriated for them. I am proud of this Commission. It was established by the International Religious Freedom Act, which took us nearly 2 years of hard work to pass, and we have great hopes for the work of these Commissioners.

I would like to take this opportunity to congratulate each of the nine Commissioners and the Ambassador at Large for Religious Freedom, who also sits on the Commission. I would also like to congratulate Rabbi David Saperstein, of the Religious Action Center, and Mike Young. Dean of the George Washington Law School, on their election as chair and co-chair of the Commission. They and the other Commissioners have already worked hard, and we hope this amendment will help them with the important task we have asked them to fulfill. I look forward to a close and productive working relationship so that we may help men, women and children of all faiths who suffer for their religious beliefs around the world.

The Commission is tasked with examining the difficult facts of religious persecution around the world and recommending policies for the US policy to address that persecution.

The Commission is unique, perhaps, in the world, and we know that it will come under great scrutiny. We want its independence, its mandate and its integrity to be clear to the world. For this reason, this bill creates clear guidelines about such matters as contracting and gifts. These are not meant to be burdensome, but to ensure the Commission's independence.

So I urge my colleagues to support this bill and to give the Commission on International Religious Freedom their full support and the authority the Commission needs to carry out its crucial work of promoting religious freedom around the world.

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

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

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman for pursuing the implementation of the Commission and providing them with the resources to continue their well-founded work that we adopted in the Committee on International Relations.

I thank the gentleman for his efforts.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999

Mr. TALENT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1568) to provide technical, financial, and procurement assistance to veteran owned small businesses, and for other purposes, with a Senate amendment thereto, and concur in the Senate.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans Entrepreneurship and Small Business Development Act of 1999''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—GENERAL PROVISIONS

Sec. 101. Findings.
Sec. 102. Purpose.
Sec. 103. Definitions.

TITLE II—VETERANS BUSINESS DEVELOPMENT

Sec. 201. Veterans business development in the Small Business Administration.
Sec. 202. National Veterans Business Development Corporation.
Sec. 203. Advisory Committee on Veterans Business Affairs.

TITLE III—TECHNICAL ASSISTANCE

Sec. 301. SCORE program.
Sec. 302. Entrepreneurial assistance.
Sec. 303. Business development and management assistance for military reservists' small businesses.

TITLE IV—FINANCIAL ASSISTANCE

Sec. 401. General business loan program.
Sec. 402. Assistance to active duty military reservists.
Sec. 403. Microloan program.
Sec. 404. Defense Economic Transition Loan Program.
Sec. 405. State development company program.

TITLE V—PROCUREMENT ASSISTANCE

Sec. 501. Subcontracting.
Sec. 502. Participation in Federal procurement.

TITLE VI—REPORTS AND DATA COLLECTION

Sec. 601. Reporting requirements.

Sec. 602. Report on small business and competition.
Sec. 603. Annual report of the Administrator.
Sec. 604. Data and information collection.
TITLE VII—MISCELLANEOUS PROVISIONS
Sec. 701. Administrator's order.
Sec. 702. Small Business Administration Office of Advocacy.
Sec. 703. Study of fixed-asset small business loans.

TITLE I—GENERAL PROVISIONS

SEC. 101. FINDINGS.

Congress finds the following:

(1) Veterans of the United States Armed Forces have been and continue to be vital to the small business enterprises of the United States.

(2) In serving the United States, veterans often faced great risks to preserve the American dream of freedom and prosperity.

(3) The United States has done too little to assist veterans, particularly service-disabled veterans, in playing a greater role in the economy of the United States by forming and expanding small business enterprises.

(4) Medical advances and new medical technologies have made it possible for service-disabled veterans to play a much more active role in the formation and expansion of small business enterprises in the United States.

(5) The United States must provide additional assistance and support to veterans to better equip them to form and expand small business enterprises, thereby enabling them to realize the American dream that they fought to protect.

SEC. 102. PURPOSE.

The purpose of this Act is to expand existing and establish new assistance programs for veterans who own or operate small businesses. This Act accomplishes this purpose by—

(1) expanding the eligibility for certain small business assistance programs to include veterans;

(2) directing certain departments and agencies of the United States to take actions that enhance small business assistance to veterans; and

(3) establishing new institutions to provide small business assistance to veterans or to support the institutions that provide such assistance.

SEC. 103. DEFINITIONS.

(a) SMALL BUSINESS ACT.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

''(q) DEFINITIONS RELATING TO VETERANS.—In this Act, the following definitions apply:

''(1) SERVICE-DISABLED VETERAN.—The term 'service-disabled veteran' means a veteran with a disability that is service-connected (as defined in section 101(16) of title 38, United States Code).

''(2) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—The term 'small business concern owned and controlled by service-disabled veterans' means a small business concern—

''(A) not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and

''(B) the management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.

''(3) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY VETERANS.—The term 'small business concern owned and controlled by veterans' means a small business concern—

''(A) not less than 51 percent of which is owned by one or more veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and

''(B) the management and daily business operations of which are controlled by one or more veterans.

''(4) VETERAN.—The term 'veteran' has the meaning given the term in section 101(2) of title 38, United States Code.''.

(b) APPLICABILITY TO THIS ACT.—In this Act, the definitions contained in section 3(q) of the Small Business Act, as added by this section, apply.

TITLE II—VETERANS BUSINESS DEVELOPMENT

SEC. 201. VETERANS BUSINESS DEVELOPMENT IN THE SMALL BUSINESS ADMINISTRATION.

(a) IN GENERAL.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) in the fifth sentence, by striking ''four Associate Administrators'' and inserting ''five Associate Administrators''; and

(2) by inserting after the fifth sentence the following: ''One such Associate Administrator shall be the Associate Administrator for Veterans Business Development, who shall administer the Office of Veterans Business Development established under section 32.''.

(b) OFFICE OF VETERANS BUSINESS DEVELOPMENT; ASSOCIATE ADMINISTRATOR.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 32 as section 34; and

(2) by inserting after section 31 the following:

''SEC. 32. VETERANS PROGRAMS.

''(a) OFFICE OF VETERANS BUSINESS DEVELOPMENT.—There is established in the Administration an Office of Veterans Business Development, which shall be administered by the Associate Administrator for Veterans Business Development (in this section referred to as the 'Associate Administrator') appointed under section 4(b)(1).

''(b) ASSOCIATE ADMINISTRATOR FOR VETERANS BUSINESS DEVELOPMENT.—The Associate Administrator—

''(1) shall be an appointee in the Senior Executive Service;

''(2) shall be responsible for the formulation, execution, and promotion of policies and programs of the Administration that provide assistance to small business concerns owned and controlled by veterans and small business concerns owned and controlled by service-disabled veterans. The Associate Administrator shall act as an ombudsman for full consideration of veterans in all programs of the Administration; and

''(3) shall report to and be responsible directly to the Administrator.''.

SEC. 202. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 32 (as added by this Act) the following:

''SEC. 33. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.

''(a) ESTABLISHMENT.—There is established a federally chartered corporation to be known as the National Veterans Business Development Corporation (in this section referred to as the 'Corporation') which shall be incorporated under the laws of the District of Columbia and which shall have the powers granted in this section.

''(b) PURPOSES OF THE CORPORATION.—The purposes of the Corporation shall be—

''(1) to expand the provision of and improve access to technical assistance regarding entrepreneurship for the Nation's veterans; and

''(2) to assist veterans, including service-disabled veterans, with the formation and expansion of small business concerns by working with and organizing public and private resources, including those of the Small Business Administration, the Department of Veterans Affairs, the Department of Labor, the Department of Commerce, the Department of Defense, the Service Corps of Retired Executives (described in section 8(b)(1)(B) of this Act), the Small Business Development Centers (described in section 21 of this Act), and the business development staffs of each department and agency of the United States.

''(c) BOARD OF DIRECTORS.—

''(1) IN GENERAL.—The management of the Corporation shall be vested in a Board of Directors composed of nine voting members and three nonvoting ex officio members.

''(2) APPOINTMENT OF VOTING MEMBERS.—The President shall, after considering recommendations which shall be proposed by the Chairmen and Ranking Members of the Committees on Small Business and the Committees on Veterans Affairs of the House of Representatives and the Senate, appoint United States citizens to be voting members of the Board, not more than 5 of whom shall be members of the same political party.

''(3) EX OFFICIO MEMBERS.—The Administrator of the Small Business Administration, the Secretary of Defense, and the Secretary of Veterans Affairs shall serve as the nonvoting ex officio members of the Board of Directors.

''(4) INITIAL APPOINTMENTS.—The initial members of the Board of Directors shall be appointed not later than 60 days after the date of enactment of this Act.

''(5) CHAIRPERSON.—The members of the Board of Directors appointed under paragraph (2) shall elect one such member to serve as chairperson of the Board of Directors for a term of 2 years.

''(6) TERMS OF APPOINTED MEMBERS.—

''(A) IN GENERAL.—Each member of the Board of Directors appointed under paragraph (2) shall serve a term of 6 years, except as provided in subparagraph (B).

''(B) TERMS OF INITIAL APPOINTEES.—As designated by the President at the time of appointment, of the members first appointed—

''(i) three shall be for a term of 2 years; and

''(ii) three shall be for a term of 4 years.

''(C) UNEXPIRED TERMS.—Any member of the Board of Directors appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of the term. A member may serve after the expiration of that member's term until a successor has taken office.

''(7) VACANCIES.—Any vacancy on the Board of Directors shall be filled in the manner in which the original appointment was made. In the case of a vacancy in the office of the Administrator of the Small Business Administration or the Secretary of Veterans Affairs, and pending the appointment of a successor, an acting appointee for such vacancy may serve as an ex officio member.

''(8) INELIGIBILITY FOR OTHER OFFICES.—No voting member of the Board of Directors may be an officer or employee of the United States while serving as a member of the Board of Directors or during the 2-year period preceding such service.

''(9) IMPARTIALITY AND NONDISCRIMINATION.—The Board of Directors shall administer the affairs of the Corporation fairly and impartially and without discrimination.

''(10) OBLIGATIONS AND EXPENSES.—The Board of Directors shall prescribe the manner in which the obligations of the Corporation may be incurred and in which its expenses shall be allowed and paid.

''(11) QUORUM.—Five voting members of the Board of Directors shall constitute a quorum, but a lesser number may hold hearings.

''(d) CORPORATE POWERS.—On October 1, 1999, the Corporation shall become a body corporate and as such shall have the authority to do the following:

''(1) To adopt and use a corporate seal.

''(2) To have succession until dissolved by an Act of Congress.

''(3) To make contracts or grants.

''(4) To sue and be sued, and to file and defend against lawsuits in State or Federal court.

''(5) To appoint, through the actions of its Board of Directors, officers and employees of the Corporation, to define their duties and responsibilities, fix their compensations, and to dismiss at will such officers or employees.

''(6) To prescribe, through the actions of its Board of Directors, bylaws not inconsistent with Federal law and the law of the State of incorporation, regulating the manner in which its general business may be conducted and the manner in which the privileges granted to it by law may be exercised.

''(7) To exercise, through the actions of its Board of Directors or duly authorized officers, all powers specifically granted by the provisions of this section, and such incidental powers as shall be necessary.

''(8) To solicit, receive, and disburse funds from private, Federal, State and local organizations.

''(9) To accept and employ or dispose of in furtherance of the purposes of this section any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

''(10) To accept voluntary and uncompensated services.

''(e) CORPORATE FUNDS.—

''(1) DEPOSIT OF FUNDS.—The Board of Directors shall deposit all funds of the Corporation in federally chartered and insured depository institutions until such funds are disbursed under paragraph (2).

''(2) DISBURSEMENT OF FUNDS.—Funds of the Corporation may be disbursed only for purposes that are—

''(A) approved by the Board of Directors by a recorded vote with a quorum present; and

''(B) in accordance with the purposes of the Corporation as specified in subsection (b).

''(f) NETWORK OF INFORMATION AND ASSISTANCE CENTERS.—In carrying out the purpose described in subsection (b), the Corporation shall establish and maintain a network of information and assistance centers for use by veterans and the public.

''(g) ANNUAL REPORT.—On or before October 1 of each year, the Board of Directors shall transmit a report to the President and the Congress describing the activities and accomplishments of the Corporation for the preceding year and the Corporation's findings regarding the efforts of Federal, State and private organizations to assist veterans in the formation and expansion of small business concerns.

''(h) ASSUMPTION OF DUTIES OF ADVISORY COMMITTEE.—On October 1, 2004, the Corporation established under this section shall assume the duties, responsibilities, and authority of the Advisory Committee on Veterans Affairs established under section 203 of this Act.

''(i) USE OF MAILS.—The Corporation may use the United States mails in the same manner and under the same conditions as the departments and agencies of the United States.

''(j) PROFESSIONAL CERTIFICATION ADVISORY BOARD.—

''(1) IN GENERAL.—Acting through the Board of Directors, the Corporation shall establish a Professional Certification Advisory Board to create uniform guidelines and standards for the professional certification of members of the Armed Services to aid in their efficient and orderly transition to civilian occupations and professions and to remove potential barriers in the areas of licensure and certification.

''(2) MEMBERSHIP.—The members of the Advisory Board shall serve without compensation, shall meet in the District of Columbia no less than quarterly, and shall be appointed by the Board of Directors as follows:

''(A) PRIVATE SECTOR MEMBERS.—The Corporation shall appoint not less than seven members for terms of 2 years to represent private sector organizations and associations, including the American Association of Community Colleges, the Society for Human Resource Managers, the Coalition for Professional Certification, the Council on Licensure and Enforcement, and the American Legion.

''(B) PUBLIC SECTOR MEMBERS.—The Corporation shall invite public sector members to serve at the discretion of their departments or agencies and shall—

''(i) encourage the participation of the Under Secretary of Defense for Personnel and Readiness;

''(ii) encourage the participation of two officers from each branch of the Armed Forces to represent the Training Commands of their branch; and

''(iii) seek the participation and guidance of the Assistant Secretary of Labor for Veterans' Employment and Training.

''(k) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated to the Corporation to carry out this section—

''(A) $2,000,000 for fiscal year 2000;

''(B) $4,000,000 for fiscal year 2001;

''(C) $4,000,000 for fiscal year 2002; and

''(D) $2,000,000 for fiscal year 2003.

''(2) MATCHING REQUIREMENT.—

''(A) FISCAL YEAR 2001.—The amount made available to the Corporation for fiscal year 2001 may not exceed twice the amount that the Corporation certifies that it will provide for that fiscal year from sources other than the Federal Government.

''(B) SUBSEQUENT FISCAL YEARS.—The amount made available to the Corporation for fiscal year 2002 or 2003 may not exceed the amount that the Corporation certifies that it will provide for that fiscal year from sources other than the Federal Government.

''(3) PRIVATIZATION.—The Corporation shall institute and implement a plan to raise private funds and become a self-sustaining corporation.''.

(b) GAO REPORT.—Not later than 180 days after the last day of the second fiscal year beginning after the date on which the initial members of the Board of Directors of the National Veterans Business Development Corporation are appointed under section 33(c) of the Small Business Act (as added by this section), the Comptroller General of the United States shall evaluate the effectiveness of the National Veterans Business Development Corporation in carrying out the purposes under section 33(b) of the Small Business Act (as added by this section), and submit to Congress a report on the results of that evaluation.

SEC. 203. ADVISORY COMMITTEE ON VETERANS BUSINESS AFFAIRS.

(a) IN GENERAL.—There is established an advisory committee to be known as the ''Advisory Committee on Veterans Business Affairs'' (in this section referred to as the ''Committee''), which shall serve as an independent source of advice and policy recommendations to—

(1) the Administrator of the Small Business Administration (in this section referred to as the ''Administrator'');

(2) the Associate Administrator for Veterans Business Development of the Small Business Administration;

(3) the Congress;

(4) the President; and

(5) other United States policymakers.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of 15 members, of whom—

(A) eight shall be veterans who are owners of small business concerns (within the meaning of the term under section 3 of the Small Business Act (15 U.S.C. 632)); and

(B) seven shall be representatives of veterans organizations.

(2) APPOINTMENT.—

(A) IN GENERAL.—The members of the Committee shall be appointed by the Administrator in accordance with this section.

(B) INITIAL APPOINTMENTS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall appoint the initial members of the Committee.

(3) POLITICAL AFFILIATION.—Not more than eight members of the Committee shall be of the same political party as the President.

(4) PROHIBITION ON FEDERAL EMPLOYMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no member of the Committee may serve as an officer or employee of the United States.

(B) EXCEPTION.—A member of the Committee who accepts a position as an officer or employee of the United States after the date of the member's appointment to the Committee may continue to serve on the Committee for not more than 30 days after such acceptance.

(5) TERM OF SERVICE.—

(A) IN GENERAL.—Subject to subparagraph (B), the term of service of each member of the Committee shall be 3 years.

(B) TERMS OF INITIAL APPOINTEES.—As designated by the Administrator at the time of appointment, of the members first appointed—

(i) six shall be appointed for a term of 4 years; and

(ii) five shall be appointed for a term of 5 years.

(6) VACANCIES.—The Administrator shall fill any vacancies on the membership of the Committee not later than 30 days after the date on which such vacancy occurs.

(7) CHAIRPERSON.—

(A) IN GENERAL.—The members of the Committee shall elect one of the members to be Chairperson of the Committee.

(B) VACANCIES IN OFFICE OF CHAIRPERSON.—Any vacancy in the office of the Chairperson of the Committee shall be filled by the Committee at the first meeting of the Committee following the date on which the vacancy occurs.

(c) DUTIES.—The duties of the Committee shall be the following:

(1) Review, coordinate, and monitor plans and programs developed in the public and private sectors, that affect the ability of small business concerns owned and controlled by veterans to obtain capital and credit and to access markets.

(2) Promote the collection of business information and survey data as they relate to veterans and small business concerns owned and controlled by veterans.

(3) Monitor and promote plans, programs, and operations of the departments and agencies of the United States that may contribute to the formation and growth of small business concerns owned and controlled by veterans.

(4) Develop and promote initiatives, policies, programs, and plans designed to foster small business concerns owned and controlled by veterans.

(5) In cooperation with the National Veterans Business Development Corporation, develop a comprehensive plan, to be updated annually, for joint public-private sector efforts to facilitate growth and development of small business concerns owned and controlled by veterans.

(d) POWERS.—

(1) HEARINGS.—Subject to subsection (e), the Committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Committee considers advisable to carry out its duties.

(2) INFORMATION FROM FEDERAL AGENCIES.—Upon request of the Chairperson of the Committee, the head of any department or agency of the United States shall furnish such information to the Committee as the Committee considers to be necessary to carry out its duties.

(3) USE OF MAILS.—The Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(4) GIFTS.—The Committee may accept, use, and dispose of gifts or donations of services or property.

(e) MEETINGS.—

(1) IN GENERAL.—The Committee shall meet, not less than three times per year, at the call of the Chairperson or at the request of the Administrator.

(2) LOCATION.—Each meeting of the full Committee shall be held at the headquarters of the Small Business Administration located in Washington, District of Columbia. The Administrator shall provide suitable meeting facilities and such administrative support as may be necessary for each full meeting of the Committee.

(3) TASK GROUPS.—The Committee may, from time to time, establish temporary task groups as may be necessary in order to carry out its duties.

(f) COMPENSATION AND EXPENSES.—

(1) NO COMPENSATION.—Members of the Committee shall serve without compensation for their service to the Committee.

(2) EXPENSES.—The members of the Committee shall be reimbursed for travel and subsistence expenses in accordance with section 5703 of title 5, United States Code.

(g) REPORT.—Not later than 30 days after the end of each fiscal year beginning after the date of enactment of this section, the Committee shall transmit to the Congress and the President a report describing the activities of the Committee and any recommendations developed by the Committee for the promotion of small business concerns owned and controlled by veterans.

(h) TERMINATION.—The Committee shall terminate its business on September 30, 2004.

TITLE III—TECHNICAL ASSISTANCE

SEC. 301. SCORE PROGRAM.

(a) IN GENERAL.—The Administrator of the Small Business Administration shall enter into a memorandum of understanding with the Service Core of Retired Executives (described in section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)) and in this section referred to as ''SCORE'') to provide for the following:

(1) The appointment by SCORE in its national office of an individual to act as National Veterans Business Coordinator, whose duties shall relate exclusively to veterans business matters, and who shall be responsible for the establishment and administration of a program to coordinate counseling and training regarding entrepreneurship to veterans through the chapters of SCORE throughout the United States.

(2) The assistance of SCORE in the establishing and maintaining a toll-free telephone number and an Internet website to provide access for veterans to information about the counseling and training regarding entrepreneurship available to veterans through SCORE.

(3) The collection of statistics concerning services provided by SCORE to veterans, including service-disabled veterans, for inclusion in each annual report published by the Administrator under section 4(b)(2)(B) of the Small Business Act (15 U.S.C. 633(b)(2)(B)).

(b) RESOURCES.—The Administrator shall provide to SCORE such resources as the Administrator determines necessary for SCORE to carry out the requirements of the memorandum of understanding specified in paragraph (1).

SEC. 302. ENTREPRENEURIAL ASSISTANCE.

Not later than 180 days after the date of enactment of this Act, the Secretary of Veterans Affairs, the Administrator of the Small Business Administration, and the head of the association formed pursuant to section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) shall enter into a memorandum of understanding with respect to entrepreneurial assistance to veterans, including service-disabled veterans, through Small Business Development Centers (described in section 21 of the Small Business Act (15 U.S.C. 648)) and facilities of the Department of Veterans Affairs. Such assistance shall include the following:

(1) Conducting of studies and research, and the distribution of information generated by such studies and research, on the formation, management, financing, marketing, and operation of small business concerns by veterans.

(2) Provision of training and counseling to veterans concerning the formation, management, financing, marketing, and operation of small business concerns.

(3) Provision of management and technical assistance to the owners and operators of small business concerns regarding international markets, the promotion of exports, and the transfer of technology.

(4) Provision of assistance and information to veterans regarding procurement opportunities with Federal, State, and local agencies, especially such agencies funded in whole or in part with Federal funds.

(5) Establishment of an information clearinghouse to collect and distribute information, including by electronic means, on the assistance programs of Federal, State, and local governments, and of the private sector, including information on office locations, key personnel, telephone numbers, mail and electronic addresses, and contracting and subcontracting opportunities.

(6) Provision of Internet or other distance learning academic instruction for veterans in business subjects, including accounting, marketing, and business fundamentals.

(7) Compilation of a list of small business concerns owned and controlled by service-disabled veterans that provide products or services that could be procured by the United States and delivery of such list to each department and agency of the United States. Such list shall be delivered in hard copy and electronic form and shall include the name and address of each such small business concern and the products or services that it provides.

SEC. 303. BUSINESS DEVELOPMENT AND MANAGEMENT ASSISTANCE FOR MILITARY RESERVISTS' SMALL BUSINESSES.

(a) IN GENERAL.—Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

''(l) MANAGEMENT ASSISTANCE FOR SMALL BUSINESSES AFFECTED BY MILITARY OPERATIONS.—The Administration shall utilize, as appropriate, its entrepreneurial development and management assistance programs, including programs involving State or private sector partners, to provide business counseling and training to any small business concern adversely affected by the deployment of units of the Armed Forces of the United States in support of a period of military conflict (as defined in section 7(n)(1)).''.

(b) ENHANCED PUBLICITY DURING OPERATION ALLIED FORCE.—For the duration of Operation Allied Force and for 120 days thereafter, the Administration shall enhance its publicity of the availability of assistance provided pursuant to the amendment made by this section, including information regarding the appropriate local office at which affected small businesses may seek such assistance.

(c) GUIDELINES.—Not later than 30 days after the date of enactment of this section, the Administrator of the Small Business Administration shall issue such guidelines as the Administrator determines to be necessary to carry out this section and the amendment made by this section.

TITLE IV—FINANCIAL ASSISTANCE

SEC. 401. GENERAL BUSINESS LOAN PROGRAM.

(a) DEFINITION OF HANDICAPPED INDIVIDUAL.—Section 3(f) of the Small Business Act (15 U.S.C. 632(f)) is amended to read as follows:

''(f) For purposes of section 7 of this Act, the term 'handicapped individual' means an individual—

''(1) who has a physical, mental, or emotional impairment, defect, ailment, disease, or disability of a permanent nature which in any way limits the selection of any type of employment for which the person would otherwise be qualified or qualifiable; or

''(2) who is a service-disabled veteran.''.

(b) AUTHORIZATION TO MAKE LOANS.—Section 7(a)(10) of the Small Business Act (15 U.S.C. 636(a)(10)) is amended—

(1) by inserting ''guaranteed'' after ''provide''; and

(2) by inserting, '', including service-disabled veterans,'' after ''handicapped individual''.

SEC. 402. ASSISTANCE TO ACTIVE DUTY MILITARY RESERVISTS.

(a) REPAYMENT DEFERRAL FOR ACTIVE DUTY RESERVISTS.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended by adding at the end the following:

''(n) REPAYMENT DEFERRED FOR ACTIVE DUTY RESERVISTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE RESERVIST.—The term 'eligible reservist' means a member of a reserve component of the Armed Forces ordered to active duty during a period of military conflict.

''(B) ESSENTIAL EMPLOYEE.—The term 'essential employee' means an individual who is employed by a small business concern and whose managerial or technical expertise is critical to the successful day-to-day operations of that small business concern.

''(C) PERIOD OF MILITARY CONFLICT.—The term 'period of military conflict' means—

''(i) a period of war declared by the Congress;

''(ii) a period of national emergency declared by the Congress or by the President; or

''(iii) a period of a contingency operation, as defined in section 101(a) of title 10, United States Code.

''(D) QUALIFIED BORROWER.—The term 'qualified borrower' means—

''(i) an individual who is an eligible reservist and who received a direct loan under subsection (a) or (b) before being ordered to active duty; or

''(ii) a small business concern that received a direct loan under subsection (a) or (b) before an eligible reservist, who is an essential employee, was ordered to active duty.

''(2) DEFERRAL OF DIRECT LOANS.—

''(A) IN GENERAL.—The Administration shall, upon written request, defer repayment of principal and interest due on a direct loan made under subsection (a) or (b), if such loan was incurred by a qualified borrower.

''(B) PERIOD OF DEFERRAL.—The period of deferral for repayment under this paragraph shall begin on the date on which the eligible reservist is ordered to active duty and shall terminate on the date that is 180 days after the date such eligible reservist is discharged or released from active duty.

''(C) INTEREST RATE REDUCTION DURING DEFERRAL.—Notwithstanding any other provision of law, during the period of deferral described in subparagraph (B), the Administration may, in its discretion, reduce the interest rate on any loan qualifying for a deferral under this paragraph.

''(3) DEFERRAL OF LOAN GUARANTEES AND OTHER FINANCINGS.—The Administration shall—

''(A) encourage intermediaries participating in the program under subsection (m) to defer repayment of a loan made with proceeds made available under that subsection, if such loan was incurred by a small business concern that is eligible to apply for assistance under subsection (b)(3); and

''(B) not later than 30 days after the date of enactment of this subsection, establish guidelines to—

''(i) encourage lenders and other intermediaries to defer repayment of, or provide other relief relating to, loan guarantees under subsection (a) and financings under section 504 of the Small Business Investment Act of 1958 that were incurred by small business concerns that are eligible to apply for assistance under subsection (b)(3), and loan guarantees provided under subsection (m) if the intermediary provides relief to a small business concern under this paragraph; and

''(ii) implement a program to provide for the deferral of repayment or other relief to any intermediary providing relief to a small business borrower under this paragraph.''.

(b) DISASTER LOAN ASSISTANCE FOR MILITARY RESERVISTS' SMALL BUSINESSES.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after the undesignated paragraph that begins with ''Provided, That no loan'', the following:

''(3)(A) In this paragraph—

''(i) the term 'essential employee' means an individual who is employed by a small business concern and whose managerial or technical expertise is critical to the successful day-to-day operations of that small business concern;

''(ii) the term 'period of military conflict' has the meaning given the term in subsection (n)(1); and

''(iii) the term 'substantial economic injury' means an economic harm to a business concern that results in the inability of the business concern—

''(I) to meet its obligations as they mature;

''(II) to pay its ordinary and necessary operating expenses; or

''(III) to market, produce, or provide a product or service ordinarily marketed, produced, or provided by the business concern.

''(B) The Administration may make such disaster loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) to assist a small business concern that has suffered or that is likely to suffer substantial economic injury as the result of an essential employee of such small business concern being ordered to active military duty during a period of military conflict.

''(C) A small business concern described in subparagraph (B) shall be eligible to apply for assistance under this paragraph during the period beginning on the date on which the essential employee is ordered to active duty and ending on the date that is 90 days after the date on which such essential employee is discharged or released from active duty.

''(D) Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

''(E) No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such applicant constitutes a major source of employment in its surrounding area, as determined by the Administration, in which case the Administration, in its discretion, may waive the $1,500,000 limitation.

''(F) For purposes of assistance under this paragraph, no declaration of a disaster area shall be required.''.

(c) ENHANCED PUBLICITY DURING OPERATION ALLIED FORCE.—For the duration of Operation Allied Force and for 120 days thereafter, the Administration shall enhance its publicity of the availability of assistance provided pursuant to the amendments made by this section, including information regarding the appropriate local office at which affected small businesses may seek such assistance.

(d) GUIDELINES.—Not later than 30 days after the date of enactment of this section, the Administrator of the Small Business Administration shall issue such guidelines as the Administrator determines to be necessary to carry out this section and the amendments made by this section.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this section.

(2) DISASTER LOANS.—The amendments made by subsection (b) shall apply to economic injury suffered or likely to be suffered as the result of a period of military conflict occurring or ending on or after March 24, 1999.

SEC. 403. MICROLOAN PROGRAM.

Section 7(m)(1)(A)(i) of the Small Business Act (15 U.S.C. 636(m)(1)(A)(i)) is amended by inserting ''veteran (within the meaning of such term under section 3(q)),'' after ''low-income,''.

SEC. 404. DEFENSE ECONOMIC TRANSITION LOAN PROGRAM.

Section 7(a)(21)(A)(ii) of the Small Business Act (15 U.S.C. 636(a)(21)(A)(ii)) is amended by inserting ''or a veteran'' after ''qualified individual''.

SEC. 405. STATE DEVELOPMENT COMPANY PROGRAM.

Section 501(d)(3) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)) is amended—

(1) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (F), (G), and (H), respectively; and

(2) by inserting after subparagraph (D) the following:

''(E) expansion of small business concerns owned and controlled by veterans, as defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)), especially service-disabled veterans, as defined in such section 3(q),''.

TITLE V—PROCUREMENT ASSISTANCE

SEC. 501. SUBCONTRACTING.

(a) STATEMENT OF POLICY.—Section 8(d)(1) of the Small Business Act (15 U.S.C. 637(d)(1)) is amended by inserting ''small business concerns owned and controlled by service-disabled veterans,'' after ''small business concerns,'' the first place it appears in the first and second sentences.

(b) CONTRACT CLAUSE.—The contract clause specified in section 8(d)(3) of the Small Business Act (15 U.S.C. 637(d)(3)) is amended as follows:

(1) Subparagraph (A) of such clause is amended by inserting ''small business concerns owned and controlled by veterans,'' after ''small business concerns,'' the first place it appears in the first and second sentences.

(2) Subparagraphs (E) and (F) of such clause are redesignated as subparagraphs (F) and (G), respectively, and the following new subparagraph is inserted after subparagraph (D) of such clause:

''(E) The term 'small business concern owned and controlled by veterans' shall mean a small business concern—

''(i) which is at least 51 per centum owned by one or more eligible veterans; or, in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by one or more veterans; and

''(ii) whose management and daily business operations are controlled by such veterans. The contractor shall treat as veterans all individuals who are veterans within the meaning of the term under section 3(q) of the Small Business Act.''.

(3) Subparagraph (F) of such clause, as redesignated by paragraph (2) of this subsection, is amended by inserting ''small business concern owned and controlled by veterans,'' after ''small business concern,'' the first place it appears.

(c) CONFORMING AMENDMENTS.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by inserting ''small business concerns owned and controlled by veterans,'' after ''small business concerns,'' the first place it appears in each of paragraphs (4)(D), (4)(E), (6)(A), (6)(C), (6)(F), and (10)(B).

SEC. 502. PARTICIPATION IN FEDERAL PROCUREMENT.

(a) GOVERNMENT-WIDE PARTICIPATION GOALS.—Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended—

(1) in the first sentence, by inserting ''small business concerns owned and controlled by service disabled veterans,'' after ''small business concerns,'' the first place it appears;

(2) by inserting after the second sentence, the following: ''The Government-wide goal for participation by small business concerns owned and controlled by service-disabled veterans shall be established at not less than 3 percent of the total value of all prime contract and subcontract awards for each fiscal year.''; and

(3) in the second to last sentence, by inserting ''small business concerns owned and controlled by service-disabled veterans,'' after ''small business concerns,'' the first place it appears.

(b) AGENCY PARTICIPATION GOALS.—Section 15 of the Small Business Act (15 U.S.C. 644(g)(2)) is amended—

(1) in the first sentence, by inserting ''by small business concerns owned and controlled by service-disabled veterans,'' after ''small business concerns,''; the first place it appears;

(2) in the second sentence, by inserting ''small business concerns owned and controlled by service-disabled veterans,'' after ''small business concerns,'' the first place it appears; and

(3) in the fourth sentence, by inserting ''small business concerns owned and controlled by service-disabled veterans, by'' after ''including participation by''.

TITLE VI—REPORTS AND DATA COLLECTION

SEC. 601. REPORTING REQUIREMENTS.

(a) REPORTS TO SMALL BUSINESS ADMINISTRATION.—Section 15(h)(1) of the Small Business Act (15 U.S.C. 644(h)(1)) is amended by inserting ''small business concerns owned and controlled by veterans (including service-disabled veterans),'' after ''small business concerns,'' the first place it appears.

(b) REPORTS TO THE PRESIDENT AND THE CONGRESS.—Section 15(h)(2) of the Small Business Act (15 U.S.C. 644(h)(2)) is amended—

(1) by inserting ''and the Congress'' before the period at the end of first sentence; and

(2) in each of subparagraphs (A), (D), and (E), by inserting ''small business concerns owned and controlled by service-disabled veterans,'' after ''small business concerns,'' the first place it appears.

SEC. 602. REPORT ON SMALL BUSINESS AND COMPETITION.

Section 303(e) of the Small Business Economic Policy Act of 1980 (15 U.S.C. 631b(e)) is amended—

(1) in paragraph (1), by striking ''and'' after the semicolon;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) small business concerns owned and controlled by veterans, as defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)), and small business concerns owned and controlled by service-disabled veterans, as defined in such section 3(q).''.

SEC. 603. ANNUAL REPORT OF THE ADMINISTRATOR.

The Administrator of the Small Business Administration shall transmit annually to the Committees on Small Business and Veterans Affairs of the House of Representatives and the Senate a report on the needs of small business concerns owned and controlled by veterans and small business concerns owned and controlled by service-disabled veterans, which shall include information on—

(1) the availability of Small Business Administration programs for such small business concerns and the degree of utilization of such programs by such small business concerns during the preceding 12-month period, including statistical information on such utilization as compared to the small business community as a whole;

(2) the percentage and dollar value of Federal contracts awarded to such small business concerns during the preceding 12-month period, based on the data collected pursuant to section 604(d); and

(3) proposals to improve the access of such small business concerns to the assistance made available by the United States.

SEC. 604. DATA AND INFORMATION COLLECTION.

(a) INFORMATION ON FEDERAL PROCUREMENT PRACTICES.—The Administrator of the Small Business Administration shall, for each fiscal year—

(1) collect information concerning the procurement practices and procedures of each department and agency of the United States having procurement authority;

(2) publish and disseminate such information to procurement officers in all Federal agencies; and

(3) make such information available to any small business concern requesting such information.

(b) IDENTIFICATION OF SMALL BUSINESS CONCERNS OWNED BY ELIGIBLE VETERANS.—Each fiscal year, the Secretary of Veterans Affairs shall, in consultation with the Assistant Secretary of Labor for Veterans' Employment and Training and the Administrator of the Small Business Administration, identify small business concerns owned and controlled by veterans in the United States. The Secretary shall inform each small business concern identified under this paragraph that information on Federal procurement is available from the Administrator.

(c) SELF-EMPLOYMENT OPPORTUNITIES.—The Secretary of Labor, the Secretary of Veterans Affairs, and the Administrator of the Small Business Administration shall enter into a memorandum of understanding to provide for coordination of vocational rehabilitation services, technical and managerial assistance, and financial assistance to veterans, including service-disabled veterans, seeking to employ themselves by forming or expanding small business concerns. The memorandum of understanding shall include recommendations for expanding existing programs or establishing new programs to provide such services or assistance to such veterans.

(d) DATA COLLECTION REQUIRED.—The Federal Procurement Data System described in section 6(d)(4)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(4)(A)) shall be modified to collect data regarding the percentage and dollar value of prime contracts and subcontracts awarded to small business concerns owned and controlled by veterans and small business concerns owned and controlled by service-disabled veterans.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. ADMINISTRATOR'S ORDER.

The Administrator of the Small Business Administration shall strengthen and reissue the Administrator's order regarding the third sentence of section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)), relating to nondiscrimination and special considerations for veterans, and take all necessary steps to ensure that its provisions are fully and vigorously implemented.

SEC. 702. SMALL BUSINESS ADMINISTRATION OFFICE OF ADVOCACY.

Section 202 of Public Law 94–305 (15 U.S.C. 634b) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(12) evaluate the efforts of each department and agency of the United States, and of private industry, to assist small business concerns owned and controlled by veterans, as defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)), and small business concerns owned and controlled by serviced-disabled veterans, as defined in such section 3(q), and to provide statistical information on the utilization of such programs by such small business concerns, and to make appropriate recommendations to the Administrator of the Small Business Administration and to the Congress in order to promote the establishment and growth of those small business concerns.''.

SEC. 703. STUDY OF FIXED-ASSET SMALL BUSINESS LOANS.

(a) IN GENERAL.—The Comptroller General shall conduct a study on whether there would exist any additional risk or cost to the United States if—

(1) up to 10 percent of the loans guaranteed under chapter 37 of title 38, United States Code, were made for the acquisition or construction of fixed assets used in a trade or business rather than for the construction or purchase of residential buildings; and

(2) such loans for acquisition or construction of fixed assets were for a term of not more than 10 years and the terms regarding eligibility, loan limits, interest, fees, and down payment were the same as for other loans guaranteed under such chapter.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the enactment of this Act, the Comptroller General shall transmit the report described in subsection (a) to the Committees on Veterans' Affairs and the Committees on Small Business of the House of Representatives and the Senate.

(2) CONTENTS OF REPORT.—The report required by paragraph (1) shall specifically address the following:

(A) With respect to the change in the veterans' housing loan program contemplated under subsection (a):

(i) The increase or decrease in administrative costs to the Department of Veterans Affairs.

(ii) The increase or decrease in the degree of exposure of the United States as the guarantor of the loans.

(iii) The increase or decrease in the Federal subsidy rate that would be possible.

(iv) Any increase in the interest rate or fees charged to the borrower or lender that would be required to maintain present program costs.

(B) Information regarding the delinquency rates, default rates, length of time required for recovery after default, for fixed-asset business loans, of a size and duration comparable to those contemplated under subsection (a), made available in the private market or under section 503 of the Small Business Investment Act of 1958.

Mr. TALENT (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

Ms. VELÁZQUEZ. Mr. Speaker, reserving the right to object, but I will not object, I rise in strong support of H.R. 1658, the Veterans' Entrepreneurship and Small Business Development Act of 1999.

This Nation will provide opportunity for our Nation's veterans by providing them with the resources and assistance that are necessary for establishing their own businesses.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TALENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1568.

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

There was no objection.

AGRICULTURAL ADJUSTMENT ACT OF 1938 AMENDMENTS

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1543) to amend the Agricultural Adjustment Act of 1938 to release and protect the release of tobacco production and marketing information, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1543

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

SECTION 1. TOBACCO PRODUCTION AND MARKETING INFORMATION.

Part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) is amended by adding at the end the following:

''SEC. 320D. TOBACCO PRODUCTION AND MARKETING INFORMATION.

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may, subject to subsection (b), release marketing information submitted by persons relating to the production and marketing of tobacco to State trusts or similar organizations engaged in the distribution of national trust funds to tobacco producers and other persons with interests associated with the production of tobacco, as determined by the Secretary.

''(b) LIMITATIONS.—

''(1) IN GENERAL.—Information may be released under subsection (a) only to the extent that—

''(A) the release is in the interest of tobacco producers, as determined by the Secretary; and

''(B) the information is released to a State trust or other organization that is created to, or charged with, distributing funds to tobacco producers or other parties with an interest in tobacco production or tobacco farms under a national or State trust or settlement.

''(2) EXEMPTION FROM RELEASE.—The Secretary shall, to the maximum extent practicable, in advance of making a release of information under subsection (a), allow, by announcement, a period of at least 15 days for persons whose consent would otherwise be required by law to effectuate the release, to elect to be exempt from the release.

''(c) ASSISTANCE.—

''(1) IN GENERAL.—In making a release under subsection (a), the Secretary may provide such other assistance with respect to information released under subsection (a) as will facilitate the interest of producers in receiving the funds that are the subject of a trust described in subsection (a).

''(2) FUNDS.—The Secretary shall use amounts made available for salaries and expenses of the Department to carry out paragraph (1).

''(d) RECORDS.—

''(1) IN GENERAL.—A person that obtains information described in subsection (a) shall maintain records that are consistent with the purposes of the release and shall not use the records for any purpose not authorized under this section.

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

''(e) APPLICATION.—This section shall not apply to—

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

''(2) records that were submitted as expected purchase intentions in connection with the establishment of national tobacco quotas; or

''(3) records that aggregate the purchases of particular buyers.''.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1543.

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

There was no objection.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND THE HOUSE

Mr. FLETCHER. Mr. Speaker, I call up from the Speaker's table a privileged Senate concurrent resolution (S. Con. Res. 51) providing for the conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives, and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 51

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, August 5, 1999, Friday, August 6, 1999, or Saturday, August 7, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Wednesday, September 8, 1999, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, August 5, 1999, Friday, August 6, 1999, or Saturday, August 7, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 10:00 a.m. on Wednesday, September 8, 1999, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

APPOINTMENT OF HON. CONSTANCE A. MORELLA OR HON. FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH SEPTEMBER 8, 1999

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
August 5, 1999.

I hereby appoint the Honorable CONSTANCE A. MORELLA or, if not available to perform this duty, the Honorable Frank R. Wolf to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 8, 1999.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is agreed to.

There was no objection.

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AUTHORIZING THE SPEAKER, MAJORITY LEADER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Wednesday, September 8, 1999, the Speaker, majority leader and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 8, 1999

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, September 8, 1999.

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

There was no objection.

CENTRAL AMERICAN AND HAITIAN PARITY ACT OF 1999—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit for your immediate consideration and enactment the ''Central American and Haitian Parity Act of 1999.'' Also transmitted is a section-by-section analysis. This legislative proposal, which would amend the Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA), is part of my Administration's comprehensive effort to support the process of democratization and stabilization now underway in Central America and Haiti and to ensure equitable treatment for migrants from these countries. The proposed bill would allow qualified nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to become lawful permanent residents of the United States. Consequently, under this bill, eligible nationals of these countries would receive treatment equivalent to that granted to the Nicaraguans and Cubans under NACARA.

Like Nicaraguans and Cubans, many Salvadorans, Guatemalans, Hondurans, and Haitians fled human rights abuses or unstable political and economic conditions in the 1980s and 1990s. Yet these latter groups received lesser treatment than that granted to Nicaraguans and Cubans by NACARA. The United States has a strong foreign policy interest in providing the same treatment to these similarly situated people. Moreover, the countries from which these migrants have come are young and fragile democracies in which the United States has played and will continue to play a very important role. The return of these migrants to these countries would place significant demands on their economic and political systems. By offering legal status to a number of nationals of these countries with long-standing ties in the United States, we can advance our commitment to peace and stability in the region.

Passage of the ''Central American and Haitian Parity Act of 1999'' will evidence our commitment to fair and even-handed treatment of nationals from these countries and to the strengthening of democracy and economic stability among important neighbors. I urge the prompt and favorable consideration of this legislative proposal by the Congress.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 5, 1999.*

NOTICE

Incomplete record of House proceedings. Today's House proceedings will be continued in the next issue of the Record.