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## Senate

The Senate met at 12 noon and was called to order by the Honorable WILLIAM H. FRIST, a Senator from the State of Tennessee.

The PRESIDING OFFICER. The guest Chaplain, Father Paul Lavin, pastor, St. Joseph's Catholic Church on Capitol Hill, Washington, DC, will lead the Senate in prayer.

### PRAYER

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

Listen to the words of the first letter of Paul to Timothy:

*For everything created by God is good, and nothing is to be rejected when received with thanksgiving, for it is made holy by the invocation of God in prayer.*

Let us pray.

Lord God, from the abundance of Your mercy enrich Your sons and daughters who serve in the Senate and safeguard them. Strengthened by Your blessing, may they always be thankful to You and bless You with unending joy. We ask this through Christ our Lord. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable CRAIG THOMAS, a Senator from the State of Wyoming, led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,

PRESIDENT PRO TEMPORE,

Washington, DC, September 27, 1999.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable WILLIAM H. FRIST, a Senator from the State of Tennessee, to perform the duties of the Chair.

STROM THURMOND,

President pro tempore.

Mr. FRIST thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

### SCHEDULE

Mr. THOMAS. Mr. President, today the Senate will be in a period of morning business until 3:30 p.m. Following morning business, the Senate will begin consideration of two resolutions that were introduced on Friday regarding education. The Lott and Daschle resolutions will be debated concurrently for 2 hours. Then the Senate will proceed to two stacked votes. Therefore, Senators can expect the first vote at approximately 5:30 p.m. Following the votes, the Senate may begin consideration of any conference reports, appropriations bills, or nominations available for action.

I thank my colleagues for their attention.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 3:30 p.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

Under the previous order, the Senator from Wyoming is recognized to speak for up to 1 hour.

Mr. DORGAN addressed the Chair.

The ACTING PRESIDENT pro tempore. Will the Senator yield?

Mr. THOMAS. Yes, I will yield.

### ORDER OF PROCEDURE

Mr. DORGAN. Mr. President, let me ask unanimous consent that, following the 1 hour following the Senator from Wyoming and the hour by the Senator from Illinois, I be recognized for 20 minutes beginning at 2 o'clock in morning business.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

### EDUCATION

Mr. THOMAS. Mr. President, we are facing the last week for the consideration of appropriations bills for the next fiscal year. I expect we will end up having a continuing resolution—I hope so—so we can finish our work without an interruption, the closing down of the Government.

One of the issues, of course, that is most important to all of us is that of education. I wanted to talk—and will be joined by several of my colleagues during the course of this hour—a little bit about strengthening education.

The Republicans have had, and continue to have, a strong education agenda, one that reflects the view we share on this side of the aisle, that of returning control to the State and local levels so more of the decisions can be made by the school boards, by States, by parents, making Federal programs more flexible so there can be assistance from the Federal Government but at the same time allowing local governments to have the flexibility to adjust educational programs and school programs so they fit.

My State of Wyoming is unique in that we have lots of space and not too many people. Chugwater, WY, would have quite a different educational approach than Philadelphia. I think those

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



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differences need to be recognized. We have worked hard to move towards block granting of Federal money directly to States and to local school districts. I happen to believe that is a very important item in terms of Federal participation in elementary and secondary education.

There are differences of view as a matter of fact as to what the role of the Federal Government is with regard to elementary and secondary education. Many believe, of course, that it is the primary role of the local governments. I share that view. I share the view, however, that the Federal Government can assist, and in doing that, it needs to assist in a way that local officials can prevail.

Underlying this debate that we will hear a great deal about today and every day is a fundamental philosophical difference as to how you approach education. The Democrat approach is to create a series of new mandates and new programs such as 100,000 federally funded teachers to deal with class size. There is a different approach as to classroom units depending on where you are. Most States—I believe 43 out of 50—have this 18 to 1 ratio about which they talk. The Democrats are talking about federally funded school construction and afterschool programs, all of which sounds great and probably has some merit, but the fact is we ought to be thinking more about funding the programs that are already there, such as IDEA, those kinds of programs, than we should be talking about expanding into new programs. Democrats don't like the idea of letting local people make the decisions. They continue to want the educational bureaucracy in Washington to call the shots.

That is a fundamental difference, legitimate difference of views. There are those who generally respect that idea and those of us who do not. Sometimes it is difficult to differentiate between the basic differences of view as they get tangled up with the details of dollars.

But it is the local people, it is you and me as we serve on the school boards, as I have and many of you, not the bureaucrats in Washington, who really need to decide what the classroom unit in our schools ought to be, whether they need a new gymnasium or something else.

Those are the key issues about which we need to talk. It is not the issue of whether or not we want the Federal Government to participate. The issue is how it participates, how much more regulation goes along with this participation, and taxes, of course, as well.

The Taxpayer Relief Act, which was vetoed last week by the President, had over \$500 billion in family tax relief. Parents could have used this money to help educate their children. Specific educational provisions totaled \$11.3 billion in this tax bill the President vetoed—educational savings accounts, interest deductions for student loans, de-

ductions for employer-provided tuition assistance, these kinds of things that would give families the opportunity to do more with their educational programs.

Congress had made substantial progress earlier this year with the passage of the Ed-Flex bill. I am hopeful the principal sponsor of the Ed-Flex bill, who is now presiding, will have an opportunity to share with us a little more of what that means. It is one of the big things we have done this year in terms of education. It allows district waivers of Federal requirements. This is the direction we really need. We need to let the schools and the districts make their decisions. That is really where we are in much of the discussion at this time.

There will be some resolutions talked about today, introduced by the majority leader and the minority leader, which deal directly with the funding and how the funding is handled. I think they are extraordinary items we will discuss in relation to whether or not this administration has listened more to the polls and tried to do things that kind of pick up the people's attention or whether they really have been involved in seeking to strengthen education through the kinds of activities we have had.

I yield to my friend, the Senator from Alabama.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from Wyoming and appreciate so much his leadership on so many different issues. His steady hand, his wise insight, and determination to make education better in America—I certainly share that.

Education is critical to our Nation's strength, economically, intellectually, and morally, and in relation to our character and other things. Unity in a nation depends on good education. It includes high technology, but it also includes history, literature, art, and those kinds of things.

I strongly believe in public education. I am prepared to support it and do support it. I think we can do a lot for our country.

I was a product of public education. My wife was the product of public education. My wife taught a number of years in public schools. I taught 1 year in public schools. Our daughters graduated from a major public high school in Mobile, AL. They were active in all of the school's activities. They were annual editors of the yearbook there. It was a big part of our lives. We participated in the PTA. My wife has volunteered on regular occasions in the classroom, assisting teachers as an aide, as is done in many schools today.

I think those ideas are oftentimes better than spending endless amounts of money. Too often parents are not encouraged to be a part of the education process. I think they can contribute to that. So educational excellence in the classroom is what it is all about.

What our goal needs to be is to enhance that magic moment that occurs in a classroom between a teacher and a child when learning occurs and where excitement is present. That will benefit our children. Some of the things we have done in education over the years really cause me concern.

I think it is important for us, as a nation, to recall another point, and that is that the Federal Government is not the primary focus of education in this country. Ninety-three percent of the money spent on education comes from our States and localities. That is where education is run. That is a historic, fundamental view in America—that education ought to be a local process and that we do not want the Federal Government dominating all of our education and telling us how everything ought to be run.

But what we have learned is, over the years, for the little money the Federal Government does put forth—the 7 percent that it contributes—so much of that money goes into regulations and burdens on local schools. We understand that 50 percent of the regulations for public schools in America come from Federal programs where only 7 percent of the money is provided.

Currently, there are 788 Federal Government education programs. School systems, small and large, have to employ teams of people just to write grants, to figure out how they can get some of this Federal money for their school systems. And when they get the money, they cannot use it as they wish; they have to comply with burdensome federal regulations, essentially fitting some bureaucrat's idea of what ought to be done in that school.

One thing I have learned here is that schools across this country are different. In the school I attended in the town of Camden, AL, 30 of us graduated from high school together. Well over half of us started the first grade together in that school. It was an excellent high school. I was blessed.

I was at the University of Alabama this weekend, and I met the dean of the human services department there; she was my classmate in our little class of 30. Another member of that group went on to Annapolis. And others have done well. But it was a public school, a small school.

My daughters went to a high school that had 2,000 students. So schools are different. The needs are different in each of the States. It is very difficult for the Federal Government to control and dominate and say precisely how learning should occur in every classroom across this country. I fundamentally believe that decisions about our children's education must be made by individuals who know our children's names.

We need to be sure that what we do in this Nation is a benefit to children and not a burden. I am really pleased to see Dr. BILL FRIST, the distinguished Senator from Tennessee, who previously presided in the Chair, because

earlier this year he led the fight for a bill we called Ed-Flex that would say: We are going to give schools more flexibility to utilize Federal dollars than they have had before in return for strict accountability.

It was a tough fight. Those on the other side of the aisle, the President, and all his staff, fought that bill tooth and claw—even though the educators and the teachers and principals were telling us: We badly need it. It was a battle. We did not get to go as far as we would have liked, but it was a good step in the right direction. We need to do more of that.

Do we really care about our children? Do we want to make sure they learn as best they can? Let's give the money to the people we elected as our school board presidents and commissioners and superintendents to run our school systems; the people who know our children's names. Those people care about children; it is not just people in this body.

Many of us who have little or no knowledge about education, how is it we think we know all there is to know about education? We can read a newspaper article about somebody having a good idea, so we pass a Federal program to fund it, and we end up with 788 programs that really burden education.

Let me tell you about a number of things that are out there. I had a letter from a good, long-time friend of mine. I was a Federal prosecutor and attorney general of Alabama. This friend, Dave Whetstone, was a district attorney in one of our larger counties for quite a number of years. Dave Whetstone ran into the IDEA Act. Based on what IDEA says, children with disabilities ought not to be separated. They are supposed to be kept in the classroom. That is certainly a good principle. We ought not to separate children who don't need to be separated. But the act says, no matter what you do or how violent that child may get, they can't be removed from the classroom for more than 45 days. They have to be put back in there because of Federal law.

During committee hearings this year, we heard from a superintendent from Vermont who told us that over 20 percent of the education costs in the school system with which he was involved went to funding the regulations of this program. One cannot believe what it demands. In the Alabama case, there was a young man who was the subject of a Time Magazine article, "Is This the Meanest Kid in All of Alabama?"

I have met with District Attorney Whetstone to discuss this very problem because he raised the question. He wrote me a letter in late April. He said:

I am writing you this letter concerning my general outrage over the laws of the Federal Government and how they are being administered in relation to school violence.

I had already been having meetings . . . concerning the Federal Disabilities Act.

The general thrust of the matter is that violent children are being kept in school be-

cause of the new Federal Rules relating to disabilities.

I can point to at least seven to nine occasions in Baldwin County in which I believe expulsion was called for, but could not be accomplished because of the interpretation of the Disabilities Act.

He goes on to talk about the story of this one child.

In summary—Americans may not understand this—with regard to children who are really disruptive, they hire aides to not only be in the classroom to help the teacher for this one child who is disruptive, the aides go to their homes, ride the school buses with them to keep them from disrupting the bus, stay with them all day, and ride the school bus home at night.

That is what they were doing with this young man. He had violent tendencies. In one case on the school bus, he had an incident, and the aide tried to stop him from wrecking the school bus. He tried to wreck the school bus, and he attacked the aide. That is when the district attorney got involved and filed legal action to try to overcome this thing.

That is the problem we are living with, and that is driven by Federal regulations that are, in fact, reducing our ability to educate. I don't know which children ought to be kept in the classroom and which ought to be removed. I would like to see every child who can stay in a classroom stay in a classroom. I think that is extraordinarily important. But some children are so disruptive that it undermines the whole teaching process. I believe the decision must be left to the local principals and school boards.

I have had teachers tell me: Jeff, I can't put up with it anymore. It is too stressful for me. I am going to get out of this profession that I love as soon as I can.

Much of it is driven, if you talk to your friends and neighbors who teach, by discipline problems. You would not know, if you listened to these education bureaucrats in Washington, that a lot of it is driven by burdensome Federal education rules and regulations.

This Congress, since the Republican Party took the majority, has increased Federal funding for education 27 percent. All this talk about slashing funds for education is not true. We do believe—I certainly believe—in public education and helping public education to flourish, but we need to do it the right way. We need to do it in a way that helps teachers to achieve that sublime moment when the learning occurs in a classroom and kids are motivated and they get that insight that may lead them on to a lifetime of learning.

I am not sure the 788 programs we have now are working. I pledge to the people of the United States, I am going to work to do all I can to continue to support our States in their efforts to educate, but I am going to try to reduce Federal regulation and Federal intervention in their schools and give them the kind of opportunities they

have not had in many years to improve education in those schools. Each school does it differently. We can't mandate it from here.

It worked for welfare reform. Do my colleagues remember that? We said: We are going to stop mandating all these rules for every community in America. We are going to challenge the States to take the welfare money we have been spending and create programs they believe, in their State, are comprehensive and will get people off welfare and back to work. It has worked, and we have had a massive reduction in the welfare rolls. It has been good for America.

We can do the same for education. The Senator from Tennessee has been a national leader for education reform. He is on the Health, Education, Labor, and Pensions Committee. He has been a national spokesman for it, and it has been a pleasure for me to join that committee and work with him.

Mr. President, I have concluded my remarks. I am pleased to yield to the distinguished Senator from Tennessee on this subject.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Tennessee.

Mr. FRIST. Mr. President, I commend the Senator from Alabama for his outstanding leadership in the field of education, preparing our children for tomorrow, for that next millennium. He has done outstanding work. We work almost on a daily basis on this very issue.

I also commend the Presiding Officer for his leadership on this issue which, again, means so much to the future of our country.

Earlier this morning I was talking to a group of people who came up to visit from Texas. They said: Senator FRIST, what in your mind is the most important thing that society must do to prepare our country for this new millennium that is upon us?

I very quickly turned it back to the audience and said: What do you think?

When we came to education, every hand went up in the air. Indeed, according to every public opinion survey, education is the No. 1 issue when people ask what the responsibility of the public—not necessarily just the Federal Government but of the public—is in terms of promoting more fulfilling lives in the future. If we look a little bit further at those town meetings, we say: What really can be done? People very quickly come back to our education system, to our public school system. About two out of three Americans are very supportive of public schools but do believe that our public schools will require some major change, some major innovation, some creativity. Just more of the same is simply not going to work.

We only have to look at how we compare to our international counterparts. When we look at reading, math, or science at the fourth grade, the eighth grade, and at the twelfth grade, we are failing compared to other countries all around the world. What is even sadder,

if we look at subjects such as reading or math, we fail in the fourth, eighth, and twelfth grades. If we do OK in the fourth grade, we do worse in the eighth grade, and we do miserably in the twelfth grade. The longer someone is in school, when we compare ourselves internationally—we all know our world is becoming smaller, and our borders are beginning to fall in this global economy—when we compare ourselves internationally, we are failing and failing miserably.

Republicans have set forth very solid proposals based on three pretty simple, straightforward priorities. Mention has already been made about the Ed-Flex bill, the Education Flexibility Partnership Act, which was signed by the President, debated on this floor, and involves these same principles.

Those three principles are, No. 1, take education out of the hands of the Federal bureaucrats and return it to the local level, to parents, to teachers, to school superintendents, to local officials, where it belongs.

No. 2, since what we are doing is not working, based on the statistics I just related, let's unleash the spirit of change, of innovation, of doing something a little bit different. We can begin by untying those Federal strings, those Federal regulations which are restricting that change, which are holding back innovation.

No. 3, raise the standard of education excellence so every child gets the education he or she needs and deserves.

For over three decades, we have seen this progression of Federal involvement in our educational system today. As the Senator from Alabama just pointed out, there are over 780 separate Federal education programs. It really comes from a lot of people in this body and other bodies who came up with good ideas to cure particular problems. The result is that you get a layering of these Federal programs, one on top of each other, until you get this whole spider web of good intentions. But these good intentions have increased Federal bureaucracies, each with its own set of regulations, hierarchy, own buildings, own section, each trying to educate people in a better way. These over 780 different Federal education programs are spread across over 40 entirely separate bureaucracies. So it is time to step back, streamline, and better coordinate the resources that we are directing toward education.

Now, it is interesting that, in the Ed-Flex debate, a lot of things were talked about on the floor of the Senate, and one was apparent to me. The statistic was that educators spend over 48 million hours churning out paperwork and red tape because of these Washington-based regulations.

Now, 48 million hours sounds like a lot. How much is it? It is the equivalent of 25,000 teachers working 40 hours a week for 1 year—not in teaching that student but in filling out paperwork and regulations. It is this excessive regulatory burden that we in Wash-

ington, DC, impose on them. It is what the Federal Government pushes down on that teacher in that school in Alamo, TN.

How does it translate into taxpayer dollars? That \$1 that is sent, on April 15, to Washington, DC, filters down through the bureaucracy and is only worth 65 cents by the time it gets down to the classroom; that is, 35 cents of every taxpayer dollar that comes up to the Federal Government is lost in these 780 programs through 40 different bureaucracies.

The real question is, Can this be modernized? Is there something we can do? The answer is absolutely. Ed-Flex is that first step. It shows that we can make progress by doing what? Education flexibility—giving more flexibility, providing for more accountability; those are two fundamental principles.

As Ronald Reagan said, "There is nothing closer to eternal life than a Government bureaucracy." So, yes, No. 1, we have to address the issues of the bureaucracy. How can we streamline and better coordinate to get more value out of the resources that we put into education? Ed-Flex attacked the issue of improved accountability and improved achievement by looking at those three Republican principles. Individual classrooms have individual needs. Classrooms in Alamo, TN, are different from those in Memphis, and different from Bristol, TN, and different from those in New York City, or San Francisco. Some schools stress technology; some have computers; some are in a rural area and don't have the technology.

The whole point is each school is different, and we in Washington, DC, must recognize the solutions to an individual school's challenges to educate a student have to be based on local concerns, local input, on what those teachers need, on what advise and counsel parents offer to that particular school.

What did Ed-Flex do? As I said, it is the Education Flexibility Partnership Act. No. 1 is flexibility. It gets rid of a lot of the Washington red tape. It comes down from the 780 different programs. You have absolutely the same goals, but how you reach those goals is determined at the local level. Ed-Flex has strong flexibility but also strong accountability. Strong accountability, in that if you have an Ed-Flex program in your State, you must say specifically how that plan will be administered, how achievement will be measured, and you will be held accountable for accomplishing that achievement.

In return, you are given flexibility. Ed-Flex started as a demonstration project in six States, and it was expanded to 12 States. Now, through a bipartisan effort, we are able to expand that to every State in the Union.

Another way to achieve the three principles we are working on is the authorization process—a process that is looking at the reauthorization of the

Elementary and Secondary Education Act. This is the big bill that authorizes how we spend all kindergarten-through-12 funding. The purpose of going back and looking at that authorization is to modernize this system, to allow some innovation and creativity, to take it back to local control, instead of Washington, DC, control.

Republicans have designated this legislation as the vehicle to address two principles: No. 1, to retain the same basic elements of education funding through ESEA, the Elementary and Secondary Education Act, but eliminate the red tape that tells localities specifically how to spend it. The bill, as we go forward, needs to stress local control. I believe, and most Republicans believe, that we need to free States and free localities from red tape, from that lack of innovation, from that rigidity, in return for improvements in achievement. We must make sure our students are really learning and progressing over time. In addition, we have to reduce that paperwork by focusing on not just the process but the actual performance of those students who will leave that school and go on to higher education and to competition in our national marketplace and in a global marketplace.

We need to allow States, I believe, to consolidate some of these 780 programs at the State and local level if they believe they can have greater achievement, and if they have a specific plan to do so, and are held accountable for that. We need to empower parents, we need to empower local educators, and then we need to hold them accountable for their results.

Another issue that we absolutely must focus on, and we are focusing on, is the quality of our teachers. There are some people who say the answer to all this is 100,000 more teachers. That makes a good sound bite because more of anything sounds good to people. But I believe we need to go back to that Republican fundamental belief that more can be helpful, but what is more important is the quality of that teacher in that classroom talking to those 10 students or 20 students or 30 students. Just having more of something there isn't necessarily the answer. The answer is in teacher quality.

A researcher from the University of Tennessee put it quite well when he said to me that teacher quality has a greater effect on performance than any other factor, including student demographics or class size. If you have to pick one, it is the quality of that teacher in the classroom. He said—and these are exact words—"When kids have ineffective teachers, they never recover."

Think about that. Other than parents, no other intervention equals the effect on a child's capacity to learn, to assimilate than that of his teacher. Every classroom should have a qualified teacher, proficient in the subjects they teach. Now, one might say, well, no, that is not it; we need more warm

bodies in the classroom and that is the answer.

Listen to these statistics. Today, over 25 percent of all teachers are poorly trained to teach; 12 percent have no prior classroom experience before beginning to teach; 14 percent have not fully met State standards. In Massachusetts alone, 59 percent failed the basic licensing exam; 54 percent failed a 10th grade level competency test. If we look all across America, 18 percent of all social studies teachers have neither majored nor minored in the subject they teach; 20 percent of all science teachers have neither majored nor minored in science; 40 percent of all math teachers have neither majored nor minored in mathematics.

Is it surprising, then, when you compare the performance of 12th graders in this country in math and science to other countries around the world that we are not 1st, 5th, 10th, 15th, or 20th in math and science, but we are 21st? We are 21st among our competitor nations around the world. Is it surprising when 40 percent of all math teachers—the person actually teaching in that room with the 12th graders—did not major or minor in the field of mathematics? We hear about “100,000 new teachers.” That is a short sound bite, but I think the focus you will see from our side of the aisle is on the quality of teachers and not on numbers alone.

The Teacher Quality Act works aggressively on directing Federal resources to help attract the very best, to help train and retrain those very best teachers. Funds will be available in several areas, including establishing incentives to teachers with advanced degrees in core subjects, or implementing teacher testing with bonuses for those who score well, or expanding the pool of teachers by certifying qualified retired military personnel.

Another issue in our schools today, an issue we hear about all too often, is school violence. Again, the reasons are as many and numerous as the incidents themselves. Common sense says fix the obvious problem. One obvious problem is drugs. A long-term study showed most drug use starts at age 12 or 13. When the White House took a high-profile line on this, illicit drug use declined consistently from 1979 to 1992 and, over that period of about 13 years, fell from 16 percent to 5 percent. However, in the first 5 years of the current administration, over half of that progress has been lost. The latest National Center for Alcohol and Substance Abuse poll shows 35 percent of teens believe drugs are the most important problem they face.

We are responding again under an initiative being put forward through the Youth Drug and Mental Health Services Act. That act will add financial assistance for community programs for violent youth and will add technical assistance to create community partnerships to look at youth drug issues and youth mental health.

An area of discipline we will have to come back to is loopholes in the cur-

rent law, including the act mentioned this morning, the Individuals with Disabilities Education Act, a bill in which I believe very strongly and which was strongly supported in the efforts of the past Congress. There is a problem in that particular bill regarding violence—violence and discipline in our schools. The fact is, one group of students is disciplined in a different manner from other students. That is unfair and has to be changed. It has not yet been changed.

In my own county, Davidson County in Middle Tennessee, there were eight firearms infractions, meaning there were eight children who brought either guns or bombs to school; six of those were special ed students. Three of those special ed students were expelled, but three were not expelled and came back to the classroom. In Tennessee, the general law is, if a student brings a gun or a bomb into the classroom, they are expelled for that year. Because of the Federal law, we say all students are not treated equally. There is a special class of students who, even if they brought a gun or a bomb to the classroom, may return in 45 days. I see no reason why all children should not be subject to the very same disciplinary action.

Education is the most important gift we can give our children. The time to act is now. We are doing that with Ed-Flex as the first step, with reauthorization of the Elementary and Secondary Education Act, and with the Teacher Quality Act.

I have an 11-year-old, 12-year-old, and a 14-year-old. I don't want to be too pessimistic. When we look at this generation that is coming through, the overwhelming majority of America's children are good, with good intentions, and are working hard. In fact, when comparing the so-called millennial generation with the preceding generation, statistics are improving:

Teen sexual activity is down; teen pregnancies are down, especially in the inner cities; teen drinking is down; teen drunk driving is down; TV time is down; high school dropout rates are down. More time is being spent on homework today. Academic standards are slowly rising; time spent on chores is up; church-going is up. High-tech skills are rising sharply. Most teens today trust institutions; they agree with their parents on core values.

As for violence, the high school murder rate has indeed fallen 50 percent since 1993, the steepest decline in any age bracket. School-related violent deaths are declining. There has been an overall improvement in teen crime. I say that because we have this interesting juxtaposition of great opportunity in our system, but when we compare ourselves internationally, we are failing if performance is the measure.

Again, looking back to the fourth, eighth, and twelfth grade, we are failing our children today, but we are doing it in an overall framework which

says that it is possible to succeed. We need to be committed. We need to do it in the right way, using the three Republican principles I put forward. Our children are America's future, they are America's pride, and Republicans intend to do everything we possible can to help them stay that way.

I ask unanimous consent, following the remarks of Senator DORGAN today, at approximately 2:20 p.m., Senator HATCH be recognized for up to 25 minutes in morning business.

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

Mr. FRIST. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. How much time remains for morning business?

The PRESIDING OFFICER. Nineteen minutes.

#### TAX DECREASE VETO

Mr. GRASSLEY. Mr. President, the President of the United States vetoed the largest tax decrease bill to pass the Congress since 1981. By doing this, he wants to continue the tax overpayment that working Americans are paying into the Federal Treasury.

The President is saying in his veto that we ought to continue to tax the taxpayers at the 21 percent of gross domestic product level, where taxes are now, the highest level in the history of our country, as opposed to the last 50 years when taxes fell in the range of 18 to 19 percent of gross domestic product.

The people of the United States have been willing and, through consensus, settled on the level of 18 to 19 percent of gross domestic product, both from the standpoint of what they are willing to pay into the Federal Government and also from the standpoint of how that is, at a lower level of taxation, better for the economy.

The President said in his veto message we would put in jeopardy several government programs if we did not continue to tax at this level. The President didn't say in so many words, but he has a plan for spending the \$792 billion that the Congress would let the American taxpayers keep. By spending it, he would do it in a fashion that would end up with a \$200 billion additional national debt than what we would have by giving the \$792 billion to the taxpayers. He would, in a sense, jack up the level of expenditure of the Federal Government to well over the present level of expenditure and put in jeopardy balancing the budget if we had a downturn in the economy and the taxes did not come into the Federal Treasury at the rate of 21 percent of gross domestic product.

Even though the bill passed in a bipartisan way when it first went through the Senate, on final passage it ended up being a Republican tax reduction that went to the President because there were not any people on the other side of the aisle who voted for it.

We were saying that this tax overpayment ought to be left with working

Americans because only the people spending the money or investing it do it in a way that creates wealth in America and creates jobs as a result of the creation of wealth.

Anybody who thinks money is better left in the Federal Treasury—at the highest rate of taxation in the history of the country, at 21 percent of GDP—ought to realize that there are not jobs created as a result of that money going into the Federal till because the Federal Government is not a creator of wealth. Our involvement with the creation of wealth is to leave as many resources as we can to the ingenuity of American working men and women to invest and to spend because it turns over so many more times in the economy than when it is spent by us in Washington.

So this tax decrease, the largest since 1981, was our effort to give a tax refund to working Americans by returning the tax overpayment. We do it in a responsible manner, by devoting 75 percent of the \$3 trillion surplus that is going to come into the Federal Treasury over the next 10 years to Social Security, Medicare, paying down the national debt, and other domestic priorities. We would leave three-fourths of that extra dollar that people pay in taxes that do not need to be paid, with the Federal Government for paying down the national debt, strengthening Social Security, \$505 billion that could be set aside for strengthening Medicare and other domestic programs, and we would leave 25 percent of that surplus with the taxpayers because we know that hard-working men and women in America can use that money better than it can be misspent here in Washington.

It seems to me the President was intellectually dishonest last week when, in his veto message—that was on television; everybody heard it—he said we were threatening Social Security, we were threatening Medicare, we were not paying down the national debt when we had this tax cut. I say that is intellectual dishonesty because the plan we sent to the President had in mind reserving all of the Social Security payroll tax money to Social Security, paying down the national debt, with \$505 billion for strengthening Medicare and other domestic priorities within our Government, and still leaving \$800 billion to the taxpayers.

It is only fair to give the taxpayers this money because it is their money that created the surplus in the first place. It is not the hard work of bureaucrats in Washington, it is not the hard work of Members of Congress that created this surplus, it is the ingenuity of the American people. For that ingenuity, they are being overtaxed at this particular time to the tune of 21 percent of gross domestic product compared to the 50-year history of somewhere between 18 percent and 19 percent. It is only fair to give them their money back.

Even Democrats agree that the surplus should be returned to the tax-

payors. One Member of the other side of the aisle said this:

I strongly believe we should return part of that money [meaning the surplus] to hard-working Americans. To suggest we cannot afford to cut income taxes when we are running a \$3 trillion surplus is ludicrous.

That is from a Member of the Senate from the other side of the aisle. That same Member said:

To say that tax cuts stand in the way of needed domestic spending, Medicare and debt relief, is also folly.

It is too bad the President of the United States does not listen to Members of his own party.

The President wants you to believe he vetoed just a \$792 billion tax bill—and that is a 10-year figure. But when you look at the bits and pieces of it, I think it will demonstrate the President did not veto just a \$792 billion tax bill, but he vetoed lower taxes for middle- and lower-income Americans, he made health insurance less affordable, and he took away incentives to save more. Let me go through what the President vetoed to be very specific, so people know exactly what we planned in this Congress when we passed this tax bill.

We planned to encourage savings, to encourage entrepreneurship, and to give hard-working families the money they need to support themselves. We reduced tax rates for middle- and lower-income Americans. The President vetoed that.

Our tax bill made health insurance more affordable by providing 100-percent tax deductibility for all premiums for the self-employed and, starting for the first time in the history of our tax laws, gave employees who work for corporations, who do not have a corporate health plan, the same tax deductibility for their own individual plans that employees of major corporations have had since World War II. The President vetoed both of those items.

Our bill made it easier for children to care for elderly parents by giving some tax incentives for family caregiving and also making tax deductibility possible for long-term care insurers. The President vetoed that.

One thing we hear about more than any other injustice in the Tax Code is the marriage tax penalty. That correction was in the bill. The President vetoed the provisions to do away with the marriage tax penalty.

We hear from farmers and small businessmen how wrong it is to break up a business to pay a death tax. This bill did away with the estate tax, so there was no tax on death, so you could pass on the family farm and the family business. The President vetoed that.

We had increased incentives for retirement savings because everybody knows Social Security has never been intended to be a sole retirement plan and is not adequate today. So we have to have more encouragement for families to save for retirement. The President vetoed that.

We hear from families, particularly from women who work outside the

home, that child care ought to be more affordable. The President vetoed that.

We had full tax deductibility of interest on student loans in this bill. The President vetoed that.

We expanded the Individual Retirement Account opportunities. The President vetoed that.

In short, President Clinton vetoed tax relief measures that would benefit men and women nationwide.

The President has vetoed it, and I do not think there will be a compromise with the President on this because the \$800 billion is such an infinitesimal amount of money—only 3.5 percent of all the revenue coming into the Federal Treasury over the next 10 years—that how do you compromise between zero and 3.5 percent when the 3.5 percent is so puny that we in the Congress ought to be embarrassed we could not find ways of saving money and giving even a larger tax cut?

This means this issue will be taken to the country, and we will let the Democratic candidate, presumably Vice President GORE, campaign next year on a platform of spending this money, as President Clinton proposes to spend it, and we will let the Republican candidate for President run on a platform of, hopefully, backing at least this much of a tax cut and more of a tax cut. We will take this issue to the country. Let the people decide, and in letting the people decide, let's have a clear mandate for spending the \$792 billion or letting the taxpayers keep it.

The President, in his veto message and all during the month of August, has been trying to make a mountain out of a molehill, as far as this tax cut issue is concerned. He has suggested that \$800 billion is a mountain of money—and it is a lot of money—but as I said, it is 3.5 percent of all the money that is going to come into the Federal Treasury over the next 10 years that we could let the taxpayers keep in their pockets or spend it or invest it to create jobs and wealth in America to expand our economy. But, in fact, the mountain is the \$23 trillion that is coming into the Federal Treasury over the next 10 years, and the \$792 billion tax cut is the molehill.

On this chart, we have the mountain over here, the \$22.8 trillion that the working men and women of America are going to pay into the Federal Treasury over the next 10 years. Mr. President Clinton, that is the mountain, but right here is the \$792 billion tax cut that you vetoed last week, and that is truly the molehill. Mr. President, you can't make a mountain out of a molehill.

I yield the floor, and I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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



Mr. GORTON. Mr. President, I ask unanimous consent to speak for 5 minutes in the morning business.

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

#### INNOVATION IN EDUCATION

Mr. GORTON. Mr. President, the Washington Post printed an article last Sunday about a group of WWII veterans returning to the beaches of Normandy to share stories and remember fallen brothers. It was yet another reminder of the closing window of opportunity historians have to glean firsthand accounts from the generation of men and women who lived through the Great Depression, fought in WWII and came back to build America into the greatest power of health and wealth in the world.

The Washington Post wrote: "World War II veterans are dying at a rate of more than 1,000 a day. 'It's the equivalent to a library burning down every day,' said National Guard Maj. Gen. Gene Krase."

This week I'm presenting my Innovation in Education award to a group of students and educators in Wenatchee, Washington who are working to preserve the oral testimonies and firsthand accounts of the men and women who make up what some have called our greatest generation.

Allison Agnew's 11th grade Honors English class at Eastmont High School began the Honor By Listening program last year, which pairs each student with an elder in the Wenatchee valley to document his or her personal history. After the student recorded and transcribed oral testimonies, they wrote out each story in narrative form.

Businesses and leaders in the community support the process. Representatives from the North Central Washington Museum gave the students lessons on interviewing techniques and how to transcribe oral histories. Local librarians, attorneys, and business leaders joined educators to help the students edit their narratives. Materials and funds for publishing the final product came through donations from local businesses. It was a marvelous community effort.

Incidentally, one of my own staff members, Don Moos, has volunteered countless hours of his time to help connect students with potential interviewees. Don himself is a veteran who fought in the European theater during World War II. In fact, he won a Purple Heart in the Battle of the Bulge, but I have yet to hear his whole story though we have been friends for years. I look forward to reading about his experiences.

This year the junior class at Eastmont will continue the program. It already has obtained a list of 200 possible candidates to interview this fall.

I am proud of the efforts these students are putting forth to not only learn about, but to preserve, the rich heritage of Washington State. It is ef-

forts like these that convince me I am heading in the right direction with my Straight A's bill. If we give educators the freedom and flexibility to meet the unique needs of their students, while providing them with a system of accountability for the results, we will see more innovative programs like this one.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

#### THE VA-HUD APPROPRIATIONS BILL

Mr. CONRAD. Mr. President, last Friday, the Senate passed the VA-HUD appropriations bill. I first want to commend the chairman and ranking member of that subcommittee for the superb job they did in managing that legislation as it went through the Senate.

I do want to indicate a concern about what was missing in that bill because there is one program that was not funded which I believe is very important to the country, certainly to my State, which is the Community Builders Program. It is my hope that this problem can be corrected in the conference committee. I asked the chairman and the ranking member of the VA-HUD appropriations subcommittee to pay special attention to attempting to provide the resources necessary to keep the Community Builders Program going.

Despite HUD's successful efforts to reduce staff and provide better service, the committee bill will result in the termination of more than 400 community builders across the country. That is a program that is working. This program is designed to bring new blood into that agency. It has been called a prototype for the new type of public servant in the 21st century. HUD, in recruiting for those 400 positions, had over 9,000 applications, including lawyers, academics, and economic and community development experts. These are people who were asked to come and give 2 years to helping revitalize HUD. We signed them up. We recruited them. We signed contracts with them, and now we tell them, sorry, we have changed our minds—even though the program is working. I don't think so.

The individuals who were selected to participate in community builders are experts in community outreach and development, who agreed to a 2-year term of service with HUD. They don't sit at a desk in Washington. They work in the 81 field offices doing face to face contact with people in the communities in which they serve. This is a program that has received accolades

from every independent source that has looked at the program, including evaluations conducted by Booz, Allen & Hamilton, the respected private firm, PricewaterhouseCoopers, one of the major accounting firms in the country, and the public strategies group—all who made independent reviews of the Community Builders Program and all of whom said it was a significant improvement for HUD.

If the community builders are now eliminated, some HUD field offices will drop below the minimum staffing level and will have to close. That includes the only office in my State. We have only one and it is going to close. Some people say: North Dakota is a small State, a rural State, you don't have many housing problems. Well, I can tell you that is not the case. We do have serious housing problems. Go to the Indian reservations in my State and you will see housing problems that are enormously serious.

But more than that, when disaster strikes, HUD is absolutely critical. We saw that in 1997 when the flooding disasters hit eastern North Dakota. Let me say that HUD's presence in the State was critically important to the recovery in North Dakota. Secretary Cuomo, in particular, was absolutely superb in his response to the crisis. He understood the very human impact this devastating flood was having on the people of Grand Forks and the people of eastern North Dakota, and he responded. He went out of his way to make certain that HUD's response took into account the unique circumstances of this event.

Rarely have I seen public servants respond in the way we saw in the 1997 flood disaster in North Dakota. I have heard lots of criticisms of HUD over the years, but I can tell you firsthand that their response was extraordinary, and I will never forget it.

Let me give one example. After the disaster bill passed Congress, top HUD staff, including the Secretary, stayed and worked all weekend at HUD headquarters in order to get the money out to North Dakota. That is a level of commitment we rarely see. They were there Saturday, Sunday, from morning until night, to get the money flowing. Indeed, we were able to get \$50 million into the hands of the Grand Forks community within 48 hours after the legislation passed. That is the kind of performance one would like to see from public servants on a routine basis. That is what we saw from HUD. They delivered, and they delivered in a way I think makes us all proud.

Because of HUD's quick work, Secretary Cuomo was able to provide that \$50 million in disaster recovery funds to the city to meet the immediate needs shortly after the bill was signed by the President. Without those funds and the dedicated work of countless HUD staff, Grand Forks would not have been able to recover from that devastating flood. I toured Grand Forks with the head of FEMA, James Lee

Witt. We were there during the August break, and we saw the resurgence of that community. It is remarkable. This is a town where more than 90 percent of the homes were affected by flood. This is a community that was also hit before the floods by the worst winter storm in 50 years. Then the floods came. In the midst of floods came fire. It was an extraordinary series of events, but there was also an extraordinary Federal response, and I am here today to thank my colleagues who stepped forward and were willing to assist. But I also want to recognize the extraordinary work of HUD, and specifically Secretary Cuomo, because rarely have I seen the kind of response we saw during our period of crisis. In part, it was because he had this new mechanism, these community builders across the country who were infusing new energy and new ideas into the agency that made that response possible.

In Washington, we hear over and over that government needs to be more responsive to people's needs and that government needs to be more flexible and work similar to the private sector. I can say that in Grand Forks, HUD did just that. Grand Forks is not an isolated example. We saw it up and down the Red River Valley. It wasn't just in Grand Forks; it was in Fargo; it was in Wahpeton; it was in Grafton; it was in Menoken. Town after town that was threatened had a full Federal response, and no agency was more responsive than HUD; no people were more helpful than those community builders.

That is why I thought it important to come to the floor and say restore the Community Builders Program, restore it in the conference committee. Let's not recruit some of the top people from all across the country, asking them to serve for 2 years, and then, after a year in a program that has been deemed successful by every independent entity that has examined the program, say to them: Forget it; go home.

The amazing thing is, they won't go home because we have signed contracts with them. If we don't fund it, we are still going to have to pay for those positions.

I hope very much the conference committee will restore the funding to the Community Builders Program, to say to those 400 people who have given so much, we recognize their contribution; we intend to keep them as part of a new HUD, a HUD that has been reformed, a HUD that is responding in a splendid way to disasters such as the one we faced in North Dakota.

Mr. DORGAN. Will the Senator yield?

Mr. CONRAD. I am happy to yield to the Senator.

Mr. DORGAN. Mr. President, I was pleased to hear the remarks of Senator CONRAD about the Community Builders Program at HUD. I echo all of the comments he made about the difference that HUD made in the lives of the peo-

ple in the Red River Valley who suffered so immensely from the massive flooding that occurred a couple of years ago.

I am on the Senate Appropriations Committee, and we had a discussion about the Community Builders Program. I share the feeling Senator CONRAD has expressed on the floor of the Senate about that program. It seems to me we ought to find a way to continue to fund that program. These are people all across this country who are making a difference, men and women who give new energy and new vitality to the Department of Housing and Urban Development. I think it is a step backward for this Congress to say that program doesn't work. We know it works. We know firsthand its value. We understand its contribution in our communities and other communities across this country.

I placed a statement in the RECORD a couple of days ago about this subject. I was pleased to have my colleague describe this in more detail, its functioning in the context of what we experienced.

I ask the Senator if he doesn't believe, in the end process, in the overall scheme of the amount of money that is spent and invested by the Congress, if the funding for the Community Builders isn't almost an asterisk of an amount, but so significant in terms of what it means to the new direction in HUD and to the capability of HUD to provide new energy and new vitality to these programs. Is it not the case that funding for this program can be done easily, without cost to other programs, but in a way that will make it an incredibly important investment in HUD in the long term?

Mr. CONRAD. The Senator is exactly right. I think back to the time when we were in the midst of that crisis and what a splendid response we got from HUD.

I think people are often critical of Federal agencies. Certainly HUD, especially in the past, has received lots of criticism—well deserved, unfortunately. However, this new Secretary, Mr. Cuomo, has done a remarkable job of transforming that agency. We saw it firsthand in the flood disaster of 1997. Not only did they stay in all weekend down at HUD to get the money out to the affected communities, which was a splendid performance, but they were with us every step of the way in revitalizing and rebuilding that community.

We have just seen the result. The Senator from North Dakota was with me and with James Lee Witt as we toured Grand Forks to see how that community is coming back. It would not have happened, the mayor of Grand Rapids said to me when we were at the League of Cities meeting Saturday night in North Dakota, without the assistance from the Federal Government that was received by the community of Grand Forks.

The key agencies were obviously FEMA and HUD, also SBA. All of those

were major contributors, as well as the Commerce Department and EDA. Those four agencies made a profound difference. The mayor said to me flatly, without the contribution made by HUD and Secretary Cuomo, that town would not have come back in the way it has in just this short period.

It is truly amazing to drive through the streets of Grand Forks now, to see the schools that have been rebuilt, to see the downtown that is under construction—a new corporate center, a new county facility—to see other buildings that are being rehabilitated, to drive through the neighborhoods and see the new homes that have been constructed, hundreds of new homes, to see the devastated homes that have been taken out, to see the new greenway that is being created, and to go across the river and see a brand new superstore that is being built and will attract hundreds of thousands of people a year. This is a testimony to programs that work.

We all know there are Federal programs that don't work. We all know there are times when Federal money is not well spent. This is an example of when the Federal Government proved its worth and proved its mettle, performed, and made a difference in the lives of tens of thousands of people.

I want to publicly commend Secretary Cuomo and the people at HUD and to say this Community Builders Program ought not to be thrown over the side. We have 400 people who were recruited from 9,000 who applied to come to work for the Government for 2 years—in and out—to add their expertise and energy. We ought to continue the experiment. We know from every independent analysis this is a program that has worked.

#### BUDGET SURPLUS

Mr. CONRAD. Today the Office of Management and Budget announced the unified budget is in surplus for fiscal year 1999 by at least \$115 billion. That is significantly higher than the unified surplus of \$70 billion for fiscal year 1998 and, in fact, is the largest dollar surplus in the history of the United States.

This is a good day. This is a good day for the country, and this is a good day for the Congress. It is certainly a good day for the President and the administration.

In 1992, the budget deficit was \$290 billion. The forecast then was that the deficit for this year would be over \$400 billion. That was the forecast in 1992 for where we were headed if we didn't change course. We did change course. The President proposed, and the Congress passed, a plan in 1993, a 5-year plan, that has worked splendidly. In each and every year of that 5-year plan, the deficit came down. In 1997, we passed a bipartisan addition to that plan. That addition closed the gap, made the difference, and finished the job. Now we can report we have budget surpluses.



The job is not fully complete because while we are reporting a \$115 billion surplus this year, the Social Security surplus is \$124 billion. In this year, we are still using \$9 billion of that \$124 billion Social Security surplus for other things. We shouldn't do that. It ought to stop.

But what dramatic progress we have made. We have gone from budget deficits of \$290 billion just 7 years ago to a \$115 billion budget surplus this year, and we are within hailing distance of stopping the raid on the Social Security trust fund. The Social Security trust fund is a \$124 billion surplus in fiscal year 1999, and we are running a surplus of \$115 billion. So we are very close to stopping the raid on the Social Security trust fund.

I hope very much we are able to stay on that course. We know that is in real jeopardy for fiscal year 2000. We know that if everything plays out as is currently contemplated in the Appropriations Committees, we will be using between \$30 billion and \$40 billion of the Social Security surplus next year. We will be going backwards. Let's not do that. Let's not go backwards. Let's keep moving forward. Next year, let's be able to report that we are not using any of the Social Security surplus for any other purpose. That ought to be our goal.

We are now in this remarkable position of being able to say that if we stay the course, if we don't go out on some big, new spending binge, if we don't have some radical, reckless tax scheme, we will be able to balance the budget without counting Social Security and we will be able to eliminate the publicly held debt of the country in the next 15 years.

Every economist who has come before the Senate Budget Committee and every economist who has come before the Senate Finance Committee has said the highest and best use of these surpluses is to reduce the debt. What we did in 1993 confirms that view.

Remember that in 1993 we took action on a 5-year budget plan to reduce the deficit each and every year. The idea was, that would take pressure off interest rates and that would give the greatest lift to the economy, that by reducing deficits and debt, we would reduce pressure on interest rates, that lower interest rates would help our economy perform more strongly, and we would improve our competitive position in the world.

How well that strategy and plan have served this country. Each and every year of that 5-year budget plan passed in 1993 we reduced the budget deficit. Each and every year we were moving towards lower spending as a percentage of our gross domestic product. Every year of that 5-year budget plan we were moving towards the point at which we could start reducing the national debt. That plan worked.

Now we are able to see the longest economic expansion in our history, the lowest inflation in 30 years, the lowest

unemployment in 30 years, and the lowest welfare rates in 30 years, with total spending of the Federal Government being reduced. We have gone from 22.7 percent of our national income, our gross domestic product, going to the Federal Government to this year it being down to 19 percent. We are headed in the right direction. Let's keep that up.

Let's move to a circumstance in which we will be able to report next year that we have stopped raiding the Social Security trust fund. Let's be able to report that we are on schedule to eliminate the publicly held debt of the United States in 15 years. What a great thing that would be for our country. How well that would position us for the baby-boom generation, because pretty soon we baby boomers are going to start to retire. We are going to add dramatically to the burden on the Federal Government from Social Security and Medicare, and the single best way to prepare for that eventuality is to reduce publicly held debt. We can do it. It is within our grasp. But we have to avoid new spending schemes and we have to avoid risky tax schemes if we are going to deliver on that promise.

I hope very much that together we will stay the course and put America in a circumstance in which it is able to announce in 15 years that there is no publicly held debt in America. What a great circumstance that would be for our Nation. I can't think of anything that would be a better present to our children and our grandchildren than to be able to eliminate the publicly held debt in the next 15 years.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

#### THE IMPORTANCE OF EDUCATION

Mr. DORGAN. Mr. President, I want to make a few comments about the subject of education.

We will have two votes later today on two competing resolutions offered by the majority leader and the Democratic leader here in the Senate on the subject of education. I would like to make a couple of comments about that general subject.

Some long while ago, I was touring refugee camps as a member of a hunger committee in the House of Representatives. One of the camps I recall visiting was on the border between Honduras and Guatemala.

At the United Nations High Command for Relief Operations camp that they were running there on the border of Guatemala, I saw a lot of impoverished people who had been forced to leave their homes and were living in the camp. I visited with some of them through an interpreter. One older fellow, probably in his seventies, could not speak English but he motioned with his hands for me to come with him.

So I followed him about 20 paces or so back to this area where he was liv-

ing in a tent with so many others. The refugees at this camp had cots to sleep on, and this fellow reached under his cot, and from among his meager belongings, which would have fit in one small knapsack, he pulled out a very small book. Then he grinned a rather toothless grin. He had only a few teeth in his mouth, but his smile was a mile wide as he held up this book to show me. The interpreter who had walked with me into that tent said: He wants to show you the book he is learning to read.

Here was a man living in a refugee camp, sleeping on a cot, in a tent with many others with only a meager subsistence who was proud to show a visitor that he was learning to read. The book he held up to show me was the Spanish equivalent of a "See Spot Run" book. In halting Spanish, he read a couple of pages, and the interpreter interpreted what he was reading for me.

I have always remembered those circumstance because there on that dirt floor, in that tent, in that refugee camp, this fellow in his seventies was enormously proud of being able to learn to read, even though he was on his first primer book.

This story illustrates for a lot of people how important it is to be educated and to have opportunity. How does it happen that opportunity exists in some societies and not in others? How does it happen that we in America have been so fortunate while some others have not?

I have told my colleagues before that one of the first visits I made when I came to Congress was to the oldest Member of Congress at the time, Claude Pepper. He was then in his late eighties. Above the chair in his office were two photographs autographed to him. The first photograph was of Orville and Wilbur Wright making the first airplane flight. Orville Wright had autographed it to Congressman Claude Pepper before he died. Beneath it was an autographed picture of Neil Armstrong walking on the Moon, also autographed to Congressman Claude Pepper.

I was struck by those two gifts from the first persons who learned to fly and then from the first person to fly to the Moon—autographed pictures that occurred in the span of Congressman Pepper's lifetime.

What was it that caused that explosion of knowledge, learning, and technology? The answer: Education. It was our education system that said to every young boy or girl in this country: You can become whatever you want to become. You can be a physicist, a scientist, a doctor, a barber, a mechanic. You decide what you want to become, and our education system allows your young minds to flower and to develop their full potential.

How is it that in our country we invented the television, we invented the computer, we invented plastic, radar, the silicon chip, we learned to fly, we

flew to the Moon, and now we splice genes? That all comes from education.

This education system of ours is not perfect. Through public education in America, we have decided there will be universal opportunity for all children and our obligation is to maintain a public school system to provide that opportunity for all. In our public schools in this country, we have about 53 million students who went to school this morning, 53 million children in kindergarten through high school, and that number is going to continue to increase. Our challenge is to have education policies that invest in our schools to make sure those children are attending good schools.

When they walk through the door of a school, we want to make certain children have a good learning environment. Yet we have crumbling schools across this country. I have spoken on the floor at length about some Indian schools I have visited that no one in this Chamber would want their children to attend, but there is not enough money to invest in fixing these crumbling schools. What are we doing to attract and retain the best teachers? Do we have enough money to do that?

Some say these things are too expensive. Yet in the Senate we have folks saying, although we cannot increase education funding, we have enough resources to provide a \$792 billion tax cut over 10 years. That is our priority, they say. But we do not have enough money to fund this Federal investment in education. In fact, what has happened is that the \$792 billion tax cut is only possible if we put a squeeze on domestic discretionary spending that means there is not enough money to fund education.

My colleagues on Friday described the consequences of the Republican actions. The Republican budget allocation for education, which is 17 percent lower than the 1999 levels, would provide 5,246 fewer new qualified teachers, 50,000 students would be denied after-school and summer school programs, 142,000 children denied access to Head Start, 100,000 students denied Pell grant awards, and the list goes on because there is not adequate funding to do that.

Some of us believe there are certain obligations we have to maintain a strong public education system. To do that, we have put forward a proposal that does not cost very much but that would allow the refurbishing and remodeling of 6,000 public schools nationwide. Many of these schools across the country were built after the second world war and many of them are in desperate need of modernization and repair. This is a need not currently being met, and we have proposed a method to meet it. Helping local communities to reduce class sizes by being able to hire more teachers, ensuring teachers get the professional development they need to stay on top of their subject matter, increased funding for special education, and providing 1 million more

children with access to constructive afterschool programs—all of these are important ingredients for developing a public education system we can be proud of and one that continues to work.

There is a big difference in these proposals and what those on the other side of the aisle have proposed. I am proud to be part of a political party that has always viewed education and investment in this country's children as a priority. There are some people serving in the Senate who have said let's abolish the Federal Department of Education. They have stopped actively trying to do that because they know it is massively unpopular with the American people and so we do not hear much from them anymore. But that is what they believe; that is what they would like to do. They have a right to that belief. I respect that, but I disagree with it profoundly because this country's future progress and opportunities rest on our ability to educate our future, our young children. It is our responsibility to educate our children in good schools with good teachers in classrooms that are safe.

I hope that, when we vote on the education resolutions before us this evening and when we continue to discuss this issue in the days ahead, we might reach a consensus among everyone in this Chamber that education ought to be the engine driving the budget train. It ought not be the caboose on this appropriations train, it should be the lead car. Education ought not be dealt with as an afterthought. It ought to be the priority for this Congress.

Mr. President, I yield the floor. I make a point of order a quorum is not present.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll. The legislative clerk called the roll.

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

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

#### FAMILY FARMERS AND THE TRADE DEFICIT

Mr. DORGAN. Mr. President, I want to take some time to talk about a couple of items that are related to the desperate crisis facing America's family farmers. One, what the conference committee on Agriculture Appropriations, of which I am a member, is doing—or, as is more accurate, not doing—to help them. Second, I want to talk to the issue of the burgeoning growing trade deficit.

I will talk for a moment about the Agriculture appropriations bill which is now in conference between the Senate and the House. I am a conferee. The Senate passed its version of that bill and included roughly \$7.4 billion in emergency help for family farmers because prices have collapsed and farmers are in desperate trouble. We passed that on August 4.

Weeks and weeks went by and nothing happened. No conference. No meetings. Then last week, those of us who are conferees met with the House of Representatives. Then the Chair called an adjournment. The Members of the House called an adjournment, and we have not met since. Nearly a week later, and there has been no meeting since.

Why? They are all hung up on the House side of the conference with respect to the question of whether we should retain embargoes on food and medicine.

The answer to that is simple: Of course not. Of course we should not retain any embargoes on food and medicine. That is what the Senate said. By a vote of 70, the Senate said let us stop using food as a weapon.

We have used food as a weapon against Cuba, Iran, Iraq, North Korea—you name it. We have embargoes. I do not have any problems with embargoes against countries that are behaving badly, but the embargo should not include food. Why would you want to include food and medicine in embargoes that hurt the poor folks around the globe, the people who need the food and medicine?

I have always maintained that when we put an embargo on food shipments anywhere in the world, it is the equivalent of shooting ourselves in the foot. When you do it for 40 years, it is almost unforgivable. It is one thing to shoot yourself in the foot; it is another thing to take aim, hit it, and then brag about it. That has been the policy.

The Senate, by 70 votes, said: No more; we are going to break the back of food embargoes; we are going to stop using food as a weapon; over; finished; done.

We went to conference, and the House of Representatives said: No, we want to continue using food as a weapon in some circumstances. The result is, we have not even been meeting in that conference, and the emergency help that is needed for family farmers around this country is not getting done because the conference is not meeting.

Hurricane Floyd roared up the east coast, and I am told that there are over 100,000 hogs floating belly up dead in floodwaters, along with a million chickens, untold heads of cattle and horses. There are crops underwater, devastated, and gone. The folks down in that region who were so badly hurt by Hurricane Floyd are flat on their backs wondering how they are going to get through this. How they will get through it depends on this Congress deciding whether it will extend a helping hand saying: When a natural disaster strikes, we want to help you.

Other farmers in my home state were flooded out this spring. Over three million acres of farmland did not get planted early this spring, and family farmers who did get acres planted have discovered that if they got a crop, it was, in many cases, a bad crop with sprout damage. If they got a good crop

and hauled it to the elevator, they were told by the grain market their crop was not worth anything because prices had collapsed.

The bill before the conference committee is a bill that provides from the Senate side, not the House side, emergency help for collapsed prices and disaster relief for the massive loss of livestock and for prevented planning. All of those issues are critical for family farmers. If this does not get done, we will have family farmers going belly up in record rates in the next couple of months.

It is unfathomable to me that we have this interminable delay in something that is so urgent. There wasn't a delay in passing a \$792 billion tax cut that we could not afford, spending \$792 billion in tax breaks over 10 years based on the premise that we might have surpluses in the future. We do not have surpluses yet. All we have are projections by economists.

Nobody knows what is going to happen in the future, but we are told to expect surpluses for 10 years. So before the first real surplus exists, we have folks rushing to the Senate Chamber to cut nearly \$800 billion in taxes. There was an urgency to do that, a real urgency. We had to get it done immediately. But, of course, on the issue of providing disaster relief to family farmers, there is not quite the urgency, at least not for some.

There is a crisis in farm country. This deserves a response now. The conference ought to be meeting. We ought to pass emergency relief. We ought to pass disaster relief. We ought to extend a helping hand to farmers of this country to say: You matter. We care and want to help you get through these tough times.

Let me turn to the other issue that is related to the family farm crisis, the trade deficit. Last week, we heard from the Department of Commerce. We see in the newspapers that the trade deficit has gone up once again to a record high of \$25.2 billion last month alone.

What does that have to do with farmers? It means we are selling less overseas than we used to. We are importing much more from other countries.

Here is an example of what is happening with our trade deficit with Canada. Mr. President, on this chart, 1998 is in blue; 1999 is in red. There was nearly a doubling of the trade deficit with Canada in one year, a dramatic increase in the trade deficit with Mexico, and a dramatic increase in the trade deficit with the European Union. Of course, these are much lower than the trade deficits that exist with China and Japan. We have huge trade deficits with China and Japan.

In addition to all of this, our family farmers in North Dakota who are hurting so badly are suffering from a massive quantity of durum wheat being shipped into our country, in my judgment illegally, by the Canadians. Last year saw the largest amount of durum wheat imports, and in the first 6

months of this year, the level of imports is 80 percent above that.

What is being done about all of this? Senator BYRD, Senator STEVENS, and I and others were able to establish a Trade Deficit Review Commission last year. That Commission is now meeting to make recommendations on the trade deficit. Otherwise, this matter has met with eerie silence. We do not hear anything from the administration. We do not hear anything from Congress about this issue.

This is a very serious issue that could easily undermine this country's economic growth. We have to do something about it, and we have to do something now. One of the things we ought to do is expect this administration to stand up and take action against unfair trade, which is part of this. I will show you what they have done.

We have a trade dispute with Europe, and the trade dispute actually is about a couple of things. One is beef, which is legitimate. The second is bananas. We do not produce bananas in the United States. We have American corporations that get bananas from the Caribbean and want to ship them to Europe. Europe does not want the Caribbean bananas, so we have a trade dispute on behalf of American corporations that are shipping to Europe something we do not produce. So we are right and they are wrong. On the merits we are right.

It is always surprising to me. We fight so hard over bananas. How about durum wheat? Durum wheat deals with semolina flour. Semolina flour is made into pasta. When you eat pasta, you are eating something from the wheat fields, often in North Dakota. What about standing up for those producers? We stand up for banana producers in the Caribbean. What about standing up for wheat producers?

What have we done now? We have done nothing about the unfair trade from Canada, but we have taken tough action against the Europeans with respect to the banana and beef hormones cases. We said to the Europeans: You better watch it. We're going to take action against you on Roquefort cheese. That is tough. You whip somebody with Roquefort cheese. You can have a big fight.

Or even better, we are going to take action against your Roquefort cheese and chilled truffles. That is strong action. This is going to scare the devil out of the Europeans.

Do you know what else we are going to do? We have decided we are going to take action against goose livers. If that does not scare the Europeans, it will at least scare the geese. Goose livers, chilled truffles, Roquefort cheese—and finally tough action against animal bladders. That is not all. There are some regular things as well.

If we are going to get tough on trade—and I have been waiting for this a long time—maybe we can get tough on durum wheat. But, no, not us, not our trade ambassador. We get tough on

goose livers. Maybe I missed the point. Maybe everybody in the world will miss the point.

If we can't stand up and insist on fair trade, on open markets overseas—and, yes, on fair trade at home, to be sure—if we can't do that, this country will never get this trade deficit under control.

The trade deficit is huge and growing. Almost everyone understands that it is dangerous. It is unsustainable. It will inevitably result in a weakened dollar and higher interest rates and less economic growth. This country must get a handle on the trade deficit.

I have sent a letter to President Clinton once again and said to the President: If this trade ambassador is not willing to take action against the Canadians, replace the trade ambassador. The Canadians are just one issue. Replace the trade ambassador if she will not take action.

This ambassador has the authority to self-initiate a trade complaint, and ought to do so. If the failure to do so at USTR is due to the ambassador, get an ambassador who will.

We are willing to get tough with the European over bananas—that we do not produce here.

Forgive me for being cynical. Forgive me for wondering if there is some common sense around here. How about standing up for things that matter in a way that says to our trading partners: This country demands action. This country demands open markets. This country demands fair trade. This country demands a stop to dumping in our marketplace. This country demands an end to unfair trade at secret prices by State trading enterprises that would not be legal in this country.

How does this relate to farmers? As I said before, family farmers must find a foreign home for much of what they produce. Regrettably, our trade policy has now produced very large trade deficits for two reasons. One is because foreign markets have evaporated, dried up, been reduced in size.

It is true that no one in the Congress or the administration caused the Asian crisis. I understand that. Yet there are other problems—the failure to enforce fundamental trade laws, the failure to enforce NAFTA, the negotiation of incompetent trade agreements; and then the failure to even live up to those incompetent agreements. This is not, in my judgment, something that we should be expecting from our trade representatives.

Mr. President, I know my colleague from Utah is seeking recognition. How much time remains, if I might inquire?

The PRESIDING OFFICER. Six minutes 51 seconds.

Mr. DORGAN. Let me take about 2 or 3 additional minutes. I know my colleague has things he would like to say to the Senate, as well.

Let me conclude by saying this. I regret coming to the floor and talking in these terms about the trade ambassador's office or about the administration. I think the trade strategy of this

Congress is abysmal, to the extent we have one—and I guess largely we do not because you do not hear anybody talking about a trade strategy except myself and a couple others.

It is this Congress that passed NAFTA. It is this Congress that passed the United States-Canada Free Trade Agreement. It is this Congress that passed the WTO. I didn't vote for any one of the three. But we helped cause these problems, and we ought to help solve them.

This administration has a responsibility, and so does this Congress. And this Congress bears responsibility for the farm policy, the underlying farm policy that relates in some part to this trade policy that is such a significant failure.

Our President has been very helpful in trying to push for a disaster and emergency package that will be helpful to family farmers, to save them from catastrophe, the catastrophe of collapsed prices.

How would anyone in this Chamber, how would anyone in this country like to do business when someone says to you: By the way, your income is going to be changed this year. You say: How is that? And they say: You are going to receive depression-era income. We are going to adjust your income to depression levels.

That is what has happened to family farmers. How many here would like to lose 40, 60, or 80 percent of your income and be told that is the way the market system works? It is not the way it works in a country that cares about producing on the land with a network of family farms.

Europe does not do that. Europe has 7.5 million farms. And it says: We want you to stay on the farms because we want to have a healthy rural system in our country, with small towns that are thriving and family farms that are making a living.

That happens in Europe. It happens because they have public policy that demands it. This country does not have comparable public policy. I hope that it will someday soon.

This Congress must create that public policy. This President will lead in that direction. That is what he believes. This President is strong on those issues. I criticize this administration on trade. On farm policy, this administration has been very helpful.

It is this Congress that is dragging its feet. As a member of the conference committee, I hope very much that we will soon get back to work on an emergency and a disaster package to respond to the desperate needs of family farmers.

I also hope this administration will take action, aggressive action, to deal with these trade problems. I hope the administration and Congress will understand the gravity of the trade deficit and the gravity that the unsustainable increase in our current account deficit poses to this country's economy.

Mr. President, I thank the Senator from Utah for his courtesy.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague for his kindness.

#### FEDERAL TOBACCO LAWSUIT

Mr. HATCH. Mr. President, never in my years of service to the people of Utah and this country have I witnessed an administration more inclined to twist, deform, or ignore, the rule of law than the Clinton administration. The past 7 years are replete with exploits of legal manipulation. Indeed, the legacy of the administration may prove to be that its most significant exploits—infamous or otherwise—were accomplished by warping the law for blatant political purposes. Here are just a few of the most notorious examples: Attorney General Reno both misapplied and ignored the Independent Counsel Act in order to prevent the appointment of an independent counsel in the campaign finance investigation; the 1996 election fundraising scandal where soft money prohibitions were ignored and foreign donations were illegally and eagerly accepted; fundraising from the White House—it was deplorable the Escalante Proclamation, where a huge chunk of Southern Utah was effectively annexed by the Federal government without any prior consultation with Utah officials, to my knowledge—certainly not any elected officials; the misuse of FBI files by the White House—the myriad proclamations of Executive Orders as a vehicle to skirt the authority of Congress; and just to mention one more, the violation of the Vacancies Act to hold in office individuals lacking Senate confirmation.

This list does not even include the myriad events, dissemblance, and contempt for the law and our courts, which brought us the impeachment.

Given this record, I must confess that I wasn't shocked to learn that the Department of Justice may have misled Congress in sworn testimony and then filed suit against the tobacco industry.

Last Wednesday, the Department of Justice filed in Federal district court a multibillion dollar suit against the tobacco industry seeking recoupment of losses to Federal health care programs. After reviewing the 131-page complaint, I have serious reservations concerning several key counts in the complaint. Moreover, I am skeptical of the entire lawsuit.

It is well known around here that I am no friend of tobacco use, nor an apologist for the tobacco industry. Indeed, I have never used tobacco products in my life and am opposed to tobacco use. I never inhaled or chewed tobacco.

Along with my cosponsor, Senator FEINSTEIN, I worked hard last Congress to pass legislation that would have

gone a long way in helping Americans to kick the habit and in reducing teen smoking. The legislation required the tobacco companies to pay over \$400 billion to settle existing lawsuits—\$429 billion, to be more accurate. In return for the settlement of these lawsuits, the companies would have stopped targeting children and would have funded smoking cessation efforts.

While this measure has yet to pass, I strongly believe that the fairest and most effective solution to the use of tobacco is omnibus legislation such as the Hatch-Feinstein bill rather than relying upon legally dubious lawsuits. Litigation cannot effectively deal with important public policy problems, such as what measures the industry must take to reduce youth smoking or what effect will rising prices have on the black market for cigarettes.

Given my skepticism about the administration's fidelity to the rule of law, I have several questions concerning the Federal lawsuit. The first question I have is, What is the administration's motivation here? It has been reported that many attorneys at the Department of Justice opposed filing of a lawsuit because the Federal Government did not possess a valid cause of action or claim against the tobacco companies.

Indeed, Attorney General Reno, at the April 30, 1997, hearing before the Judiciary Committee, testified that no Federal cause of action existed for both Federal Medicare and Medicaid claims. I disagree with the assertion made by David Ogden, Acting Assistant Attorney General for the Civil Division and the current nominee for that post, that Attorney General Reno was referring only to State actions. Ms. Reno's contention that no Federal cause of action existed was made clearly in response to a question by Senator KENNEDY, who asked whether the Federal Government could recoup both Medicare and Medicaid payments.

It was only after President Clinton, in his State of the Union Address in January, called for a suit against the tobacco industry that the Department of Justice changed its tune and, presto, announced that a legitimate cause of action may exist.

I have been criticized in the past for saying that the politically minded and partisan White House, and not the Attorney General, is in reality running the Department of Justice. In the case of the Federal tobacco litigation, it appears once more that the White House is directing the activities of the Department of Justice for political ends. This lawsuit is a horrible precedent that, if it continues, will erode the liberty of the American people. Here again, the rule of law is apparently being replaced by the rule of the politically correct and expedient.

I urge my colleagues to read the fine story appearing in last Friday's Wall Street Journal entitled "Justice Reverses: Lobbying Effort Wins Turnabout On Tobacco Suit."

This story chronicled the change in the Department's position concerning the viability of the Federal tobacco suit. The story demonstrated that the Department's attorneys were skeptical about a Federal lawsuit. It also established that the Department brought suit only after pressure from the White House and outside lobbyists, who apparently were paid by an outside consultant for their efforts to help convince the Department to change its viewpoints.

I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 24, 1999]

**TOBACCO—JUSTICE REVERSES: LOBBYING EFFORT WINS TURNABOUT ON TOBACCO SUIT**  
(By David S. Cloud, Gordon Fairclough and Ann Davis)

WASHINGTON.—On a rainy day in January of this year, a group of high-profile academics and lawyers with experience in the tobacco wars trooped into a conference room filled with dour Justice Department officials to make a case for filing a federal lawsuit against the tobacco industry.

The prosecutors were dubious. "The meeting was tense," says G. Robert Blakey, a Notre Dame law professor and member of the group, which some called the Tiger Team. "You could palpably feel the hostility in the room."

But this week the Justice Department made a startling turnabout. On Wednesday it filed a massive civil lawsuit in federal court here charging that major tobacco companies carried on a 45-year campaign of deception that obfuscated the risks of smoking and drove up government health-care costs. The suit is potentially the biggest threat yet against the already beleaguered industry. It is also a major test of Attorney General Janet Reno's Justice Department.

The story of how the department overcame its doubts is a tangled one, involving pressure on the department from several directions at once—from the White House, Congress and plaintiffs' lawyers involved in state suits against the industry.

Inside the department, an institutional reluctance to take on a case involving untested legal theories and an industry sure to wage a bruising fight slowly fell away as key officials realized that they had the makings of a case, albeit a difficult one.

The effort to persuade the department to change its mind began over a year ago, following the collapse of efforts to pass sweeping federal legislation that would have broadened regulatory oversight of tobacco companies and settled the state cases. Mississippi plaintiffs' attorney Richard Scruggs called top Clinton domestic-policy aide Bruce Reed at the White House and volunteered to represent the federal government free in an antitobacco case.

"They were excited about it," Mr. Scruggs says, and were looking for ways to bring the industry back to the negotiating table before the eventual settlements with all the states. He had several meetings with Mr. Reed and others at the White House. But the White House was having trouble sparking interest at Justice, according to administration officials.

The biggest obstacle was Frank Hunger, another Mississippian, who headed the department's civil division, which would have handled the case. Mr. Hunger had been mar-

ried to Vice President Al Gore's sister, a smoker who died of lung cancer. Advocates of a lawsuit considered him a natural ally, but it turned out that Mr. Hunger and his top aides were dubious that the federal government had a strong statutory basis to sue the industry.

In a meeting with Mr. Scruggs, Mr. Hunger was cordial, but said: "My lawyers are telling me we can't do it," according to Mr. Scruggs. Mr. Scruggs wrote a memo, to address their concerns, but says he got no response. Mr. Hunger declined to comment.

Mr. Scruggs and his allies had a strong motivation to get the federal government involved. Some of the lawyers had represented states in suits against the industry and were hoping to see those settled, in part so they could collect legal fees. They thought the industry would be more likely to settle if it faced the combined weight of the state suits and the federal government.

During the summer and fall of 1998, they worked other angles in hopes of persuading the Justice Department. They met with Mr. Reed and assistant White House counsel Bruce Lindsey to brainstorm.

Then, later in the autumn, Mr. Scruggs says, he got a call from Sen. Kent Conrad (D., N.D.) informing him that Senators Conrad, Edward Kennedy (D., Mass.) and Bob Graham (D., Fla.) were interested in getting him to do a federal case. To persuade Ms. Reno that her staff was wrong, Mr. Scruggs assembled what he called the Tiger Team of Mr. Blakey; professors Laurence Tribe and Einer Elhauge of Harvard Law School; Jonathan Massey, a Washington lawyer; and Kim Tucker, a lawyer then on leave from the Florida attorney general's office. He estimates that he paid them a total of about \$250,000 for their efforts.

Inside Justice, interest in tobacco was building anyway. Mr. Hunger announced his intention to leave at the end of 1998. In December, Ms. Reno made the decision, which was kept confidential, to move forward with the lawsuit, aides said. She designated David Ogden, who succeeded Mr. Hunger, to put together the team. It included William Schultz, a former Food and Drug Administration official and onetime aide to tobacco critic Henry Waxman, a Democratic congressman from California.

Many career lawyers in the department remained skeptical, but President Clinton surprised them by announcing in his State of the Union address to Congress in late January that a suit was in the works.

Working in strict secrecy, 15 Justice Department lawyers reviewed thousands of pages of internal industry documents unearthed in state lawsuits. Roberta Walburn, an outside lawyer who represented Minnesota, was hired to help sift through the evidence and discuss legal theories. One shift of Justice Department lawyers worked by day, another by night.

Other outsiders were rebuffed. Ms. Tucker, who worked with the Scruggs team, said she had trouble getting her calls returned. She says a Justice Department attorney even told her: "At some point, outside assistance becomes a hindrance. We at Justice will decide what, if anything, is in the interest of the United States."

Ultimately, the Justice Department decided on a bold use of the Racketeer Influenced and Corrupt Organizations statute, which permits the government to go after profits derived from fraud.

Ms. Reno made the final call to go forward on Tuesday, the day before the suit was filed, a Justice official said. She then telephoned the White House and informed John Podesta, Mr. Clinton's chief of staff.

For President Clinton, the suit holds out the possibility of winning far-reaching re-

strictions in the marketing and advertising of cigarettes, a legacy he has sought early in his first term.

But that is by no means assured. Tobacco lawyers plan to make a concerted push to have the suit dismissed, on the grounds that the government has no statutory authority to combine millions of individual smokers' claims into a single cost-recovery suit. Also, the industry says the RICO claims seeking ill-gotten profits are unwarranted against a legal industry.

The Justice Department's increasing interest in a civil case coincided with the collapse of its massive five-year criminal investigation of the industry. The case had once seemed promising. But last year, the federal appeals court in Richmond, Va., ruled that the Food and Drug Administration didn't have the authority to regulate tobacco companies. Prosecutors became worried they couldn't charge companies with making false statements about alleged nicotine manipulation to an agency that had no authority over them.

There were other setbacks, too. Brown & Williamson, a unit of British American Tobacco PLC, succeeded in convincing the judge overseeing grand-jury matters to deny the government access to documents the company said were privileged. And several Philip Morris Cos. scientists who were granted immunity in exchange for their testimony revealed little to the grand jury, say people with knowledge of their testimony.

The tobacco industry's jubilation didn't last long. Philip Morris Senior Vice President Steven C. Parrish says an industry lawyer had received assurance from a senior White House official several months ago that a lawsuit wouldn't be filed without the industry getting a chance to make a final presentation. But on Tuesday night, Mr. Parrish says, he learned of the impending lawsuit from reporters.

Mr. HATCH. Another question I have is, Why wasn't Congress consulted? Months prior to the filing of the lawsuit, I had been attempting to ascertain on what legal theories the Department may base a lawsuit against the tobacco companies, but the Department has refused to share the information, even though the Department has asked for an additional \$20 million to finance the suit. I assured them that the American people and the Congress will want to know what they are paying for. Congress is not in the habit of writing blank checks, and, in the absence of a straight answer, Congress appropriately refused the additional monies.

Notwithstanding the clear position of Congress, I learned of the filing of the suit from the newspapers. This is particularly galling since the Acting Assistant Attorney General for the Civil Division and the nominee for that office, David Ogden, in written responses dated September 2 to my questions concerning the possible suit against the tobacco industry, wrote that the Department had not even decided whether to file the suit or on what legal theories to pursue any projected litigation. He stated at that time:

The Department is currently in active preparation for this litigation, and we are in the process of making decisions on whether it will be filed and, if so, based on what legal theories.

Now, less than 3 weeks later, the full-fledged suit has been filed.

I have yet another question. Does the Department of Justice have any chance of prevailing on the merits? The Department seeks to "recoup" the cost of medical care for treatment of tobacco-related illnesses for those on Medicaid, but the injury claimed by the Federal Government may be questionable. The nonpartisan Congressional Research Service recently issued a study which concluded that tobacco use imposes no net cost to the Federal Government. Indeed, the Federal Government receives approximately \$6 billion a year in tobacco tax revenue. Moreover, it is simply absurd for the Government to seek recoupment when it has been a vigorous partner with the tobacco industry in promoting tobacco use.

From the late 1960s to the late 1970s, the Federal Government worked hand in hand with the tobacco industry to develop so-called "safe" cigarettes. Until 1974, the Government provided free cigarettes in C rations to servicemen.

Furthermore, cigarettes continue to be sold at substantially discounted rates at military post exchanges. In 1997, the Department of Veterans Affairs blocked claims by veterans for tobacco-related illnesses, contending that these individuals should not be covered because they were responsible for their individual choices and the health problems that resulted from those choices.

Of course, the Federal Government yearly subsidizes tobacco growing. Perhaps the public interest groups should sue the Federal Government, which authorized and fostered the growing of tobacco and the manufacture and sale of tobacco products. Could one not argue that the Government was at least a joint tort-feasor under these circumstances? Furthermore, it is preposterous for the Federal Government now to claim that it did not know of the risks of tobacco use.

Since 1964, the Government has issued Surgeon General reports that warned consumers of the dangers of tobacco use. Since 1966, the Government has required warning labels on cigarette packs. Indeed, everybody not on Mars for the past few decades has known that using tobacco can be harmful.

Besides this hypocrisy and the difficulty in seeing how the Federal Government has been harmed, I question the veracity of at least two main counts of the complaint. These involve alleged violations of the Medical Care Recovery Act, known as MCRA, and the Medical Secondary Payer Provisions, or MSP. The Department of Justice contends that these two statutes create an independent cause of action for the Federal Government to recover Medicaid benefits for tobacco-related illnesses.

Let me point out that the U.S. Supreme Court, in *U.S. v. Standard Oil*, in 1947, held that, in the absence of a statute, the Federal Government does not possess the independent right of action

to recover the medical costs of servicemen. It was in response to Standard Oil that Congress passed the MCRA in 1962 and MSP in 1984. But these changes to Federal law were limited and discrete in scope.

For instance, MCRA allows the Federal Government to independently sue to recover the cost of medical treatment given to military service personnel, veterans suffering from disabilities unrelated to service, and other government workers who received medical help but were injured by negligent third parties. It does not apply to all Medicaid patients nor does it appear to allow the aggregation of all the individual claims in one massive lawsuit, which is what the Department of Justice has done here. Besides aggregating such claims, liability could be proven only through statistics, but I believe a trial based on statistics would be unconstitutional.

Furthermore, MSP allows only for suits against insurance companies providing liability insurance to tortfeasors, but not against the tortfeasors themselves. The MSP cause of action does not apply because the tobacco companies are in no way acting as insurers of their products.

I am still studying the other causes-of-action sounding in violations of the Federal Racketeer Influenced and Corrupt Organization law, better known as RICO, and State civil fraud statutes. But as a preliminary matter, I have serious doubts about their legal viability. RICO, for instance, was enacted to deal with organized crime syndicates. Here we are talking about a legal product, a product that has not only been approved by the Federal Government but which has been subsidized by the Federal Government. RICO does not apply to lawful activities, such as the manufacture and sale of cigarettes, no matter how obnoxious those products may be. For RICO and the State consumer statutes to apply here, the Department must demonstrate that the tobacco industry criminally and fraudulently marketed and sold their products. This is a difficult task that in almost every case has not been successful in a court of law because the harmful effects of tobacco products were well known. Indeed, the day the Department filed a civil suit, it announced that it was terminating the criminal investigation of the tobacco companies and tobacco executives for lack of viable evidence.

I believe these counts of the complaint were added to force the tobacco companies to settle. A successful RICO suit would force the tobacco companies to disgorge all their so-called illegal profits of hundreds of billions of dollars. This would bankrupt the tobacco industry. The Clinton White House is gambling that the tobacco companies will settle and not take the risk of corporate capital punishment in prohibition of all tobacco use. When all is said and done, it would seem that legislation is what is truly needed for a direct recovery suit against the tobacco com-

panies. In short, it seems that this suit lacks merit.

This is not like the State suits against the tobacco companies. I supported the June 20, 1997, global settlement of those suits and conducted a half dozen or so hearings in an attempt to have Congress set a national tobacco policy. The difference is that the Federal suit appears to have no legal basis.

Let me ask rhetorical questions: What is the big deal? Why should anybody care about another suit filed against the big, bad tobacco companies?

I will tell you why. It is for the reasons I stated in this speech. No administration should be able to circumvent the Constitution and Congress' sole authority to raise and spend revenue for the general welfare by suing for billions of dollars and then spending the money without congressional appropriation. If there is no legitimate lawsuit, the action by the Department of Justice would violate separation of powers. That doctrine is a cornerstone of our Constitution's guarantee of liberty. Simply put, litigation should not replace legislation as the means to effect public policy in a democracy.

Granting the Federal Government the unfettered ability to sue any industry which happens to fall into disfavor in order to effectuate a social goal such as reduction in tobacco-related illnesses is a mistake. It would, in essence, allow the executive branch to bypass Congress and the law and set unilaterally our Nation's tobacco policy.

The way to solve the youth tobacco problem and other social problems is for Congress to legislate in an orderly and coherent manner. Litigation will produce ad hoc and incoherent results. Litigation cannot determine, for instance, whether the FDA should regulate tobacco.

There is a disturbing trend in misusing the litigation system for what appears to be social ends. Besides tobacco, Government-sponsored lawsuits have been filed against gun manufacturers and paint manufacturers. It was reported that suits are being considered to be filed against automobile manufacturers, the alcoholic beverage industry, manufacturers of pharmaceuticals and chemicals, Internet providers, the entertainment industry, the dairy industry, and even fast food restaurants are being discussed as potential targets.

Boy, it looks as if the trial lawyers of America got control of the Justice Department. They certainly have control of this administration and its projected successors in either AL GORE or Bill Bradley. Let me quote the distinguished legal scholar and former jurist, Robert Bork, who cogently discerned, in an article entitled "Tobacco Suit is the Latest Abuse of the Rule of Law," published in a September 23 edition of the *Wall Street Journal*:

The Justice Department's complaint is only the most recent, and it will be by no



means the last, effort to use litigation to bludgeon private firms in order to accommodate a prohibition that government could not muster the political support to legislate. Gun manufacturers are beginning to face the same problem. Why not sue oil companies, whose gasoline leads to traffic deaths, or fast-food chains, whose products contribute to heart disease?

The only difference is political. If the product is sufficiently unpopular with the politically correct, massive public propaganda efforts will ultimately make lawsuits possible. . . .

Law has been warped for political purposes repeatedly, and never more so than in this Administration. Is there no judge who shall call this case what it is—an intellectual sham and a misuse of the courts to accomplish through litigation what cannot be won through legislation?

I ask unanimous consent that the full text of the Bork article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 23, 1999]

**TOBACCO SUIT IS LATEST ABUSE OF THE RULE OF LAW**

(By Robert H. Bork)

At least when the nation decided to end the "scourge" of alcohol, it had the political courage to ratify the 18th Amendment making Prohibition the law of the land.

Not so in these pusillanimous days. Now, as then, we are in the throes of a reform campaign waged with the vigor and self-righteousness of the bluenoses of old. This time their target is cigarettes, not whiskey. But our politicians no longer have the courage to legislate the end of what they condemn. Instead, they resort to lawsuits in an effort to end smoking by destroying the tobacco companies. The end, apparently, justifies any means, no matter how fraudulent.

States attorneys general have filed multi-billion-dollar suits, allegedly to recover the medical expenses the states have incurred caring for victims of smoking. Never mind that the states have made far more money taxing cigarettes than they spend on medical care. If that were all, we could shrug, as we usually do, at the cynicism of our elected officials. Unfortunately, the damage runs deeper than the pillaging of shareholders in the tobacco companies.

The Department of Justice has just filed suit to recover an estimated \$25 billion spent by the federal, military and civilian insurers on smoking-related illnesses. This follows the settlement by tobacco companies with states that calls for payment of more than \$240 billion over 25 years. It is, unfortunately, to be expected that states would file such suits. (Not for nothing is the National Association of Attorneys General—NAAG for short—often called the National Association of Aspiring Governors.) But one might have hoped that the Justice Department, even under Janet Reno, was above such chicanery. Not so.

The real damage done by this noxious mixture of governmental greed and moralism is not to the tobacco companies' shareholders (they should have seen it coming and got out a long time ago) but to what we still, with increasing irony, call the rule of law.

The federal and state suits suffer from the same defect, which ought to be fatal. All of these governments have known for more than 30 years that smoking creates health risks. Yet with that knowledge, they all permitted the sale of tobacco products and profited nicely, indeed enormously, from excise

taxes. How can A tell B he may lawfully sell a product that A knows will cause injury and then sue B for the injury caused? Maybe the people injured could sue B, or A as well, but the one party that should have no cause of action, no complaint whatever, is A.

In the case of tobacco, the people who smoked and were harmed should have no cause of action either. Governmental and private organizations for decades have been pounding the message that smoking is deadly; cigarettes even come with an explicit government warning. Smokers are harassed in restaurants and expelled from their offices to catch pneumonia on the sidewalks. You cannot be sentient and unaware of the risks of smoking.

The lame answer to all of this is that nobody had a choice because smoking is addictive and the tobacco companies hid that fact from the government and from smokers. First and least important, tobacco is not addictive as medical science has long defined addiction. Second, everybody not in solitary confinement for the last four decades has known that using tobacco can be habit-forming.

The law is being deformed in other ways as well. Government suits against the tobacco companies are designed to remove the defenses that could, justifiably, be asserted against individual plaintiffs. While many juries are disinclined to relieve smokers of the consequences of their own informed choices, the government can try to avoid that defense by arguing that it assumed no risk; others did. But of course the government that authorized the sale of a known dangerous product did assume the risk that, under its own laws, it would have to pay when the risk became a fact. The Justice Department's suit would also render irrelevant smokers' lack of reliance upon any company statements as well as the various statutes of limitation.

If that were not enough, the government is charging a violation of the Racketeer Influenced and Corrupt Organizations law—a statute enacted to deal with organized crime—to force the tobacco companies to disgorge their "illicit profits." No wonder President Clinton thinks the companies will buckle and settle. Perhaps they ought to countersue to force the government to pay back its illicit taxes.

The Justice Department's complaint is only the most recent, and it will be by no means the last, effort to use litigation to bludgeon private firms in order to accomplish a prohibition that government could not muster the political support to legislate. Gun makers are beginning to face the same problem. Why not sue oil companies whose gasoline leads to traffic deaths, or fast-food chains whose products contribute to heart disease?

The only difference is political. If the product is sufficiently unpopular with the politically correct, massive public propaganda efforts will ultimately make lawsuits possible. That is what happened here. Yet even Ms. Janet Reno not long ago told a Senate committee that "the federal government does not have an independent cause of action." But the White House insisted, and the attorney general now says she has studied the matter carefully and—presto!—there is a cause of action after all.

Law has been warped for political purposes repeatedly, and never more so than in this administration. Is there no judge who will call this case what it is—an intellectual sham and a misuse of the courts to accomplish through litigation what cannot be won through legislation?

Mr. HATCH. Mr. President, today's tobacco lawsuit may be tomorrow's beef or dairy industry lawsuit. That is

why about 100 trade associations, private business companies, policy organizations, as well as several Governors, have voiced their opposition to this Federal tobacco suit. They understand, as do I, that big government can be as harmful as big tobacco.

I ask unanimous consent that a list of these individuals and organizations be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

**ORGANIZATIONS AND INDIVIDUALS THAT  
OPPOSE A FEDERAL LAWSUIT**

American Insurance Association, American Legislative Exchange Council, American Tort Reform Association, American Wholesale Marketers Association, Americans for Tax Reform, Anchorage Chamber of Commerce, Associated Industries of Kentucky, Bakery, Confectionery, Tobacco Workers and Grain Millers International Union, Burley Stabilization Corporation, Business Civil Liberties, Inc., Business Council of New York State, California Manufacturers Association, Cato Institute, Citizens for a Sound Economy, Citizens for Civil Justice Reform, Civil Justice Association of California, Coalition for Legal Reform Member Organizations, Coalition for Uniform Product Liability Law, Coalitions for America, Connecticut Business and Industry Association, Convenience Store Association of Michigan, Council for Burley Tobacco (The), County Chamber of Commerce (New York).

Eastman Chemical Company, Empire State Petroleum Association, Federation of Southern Cooperatives, Food Distributors International, Food Marketing Institute, Frontiers of Freedom (The Honorable Malcolm Wallop), Governors: The Honorable Roy Barnes (Georgia); The Honorable James Hunt, Jr. (North Carolina); The Honorable Jim Hodges (South Carolina); The Honorable Don Sundquist (Tennessee); The Honorable James Gilmore (Virginia), Grand Lodge Fraternal Order of Police, Greater Dallas Restaurant Association, Gulf Coast Retailers Association, Harney County Chamber of Commerce, Hispanic Business Roundtable, Hispanic Owned Newspapers, Hotel Employees & Restaurant Employees, Houston Distributing Company.

Illinois Chamber of Commerce, Illinois Civil Justice League, Indiana Manufacturers Association, Indiana Petroleum Marketers & Convenience Store Association, Indiana Retail Council, Inc., Institute for Research on the Economics of Taxation, International Association of Machinists and Aerospace Workers, International Paper, Mackinac Center for Public Policy, Manhattan Institute for Policy Research, Mexican American Grocers Association, Mexican Legislative Exchange Council, Michigan Truck Stop Operators Association, Inc., Missouri Council for Burley Tobacco, National Association of African American Chambers of Commerce, National Association of Beverage Retailers, National Association of Convenient Stores, National Association of Manufacturers, National Association of Wholesale-Distributors, National Center for Public Policy Research, National Consolidated Licensed Beverage Association, National Grocers Association, National Korean American Grocers Foundation, National Restaurant Association, National Roofing Contractors Association, National Supermarkets Association, National Taxpayers Union, National Tobacco Growers Association, National United Merchants Beverage Association, Inc., Nevada State A.F.L.-C.I.O., Nevada State Chamber of Commerce, New York State Restaurant Association (Westchester/Rockland Chapter), Newark, City of.

Oklahoma Conservative Committee, Petroleum Marketers Association of America, Republican National Hispanic Assembly, Reynolds Metal Company, Small Business Survival Committee, Small Business United of Texas, South Carolina Association of Taxpayers, South Carolina Chamber of Commerce, Southern Nevada Central Labor Council, Standard Commercial Tobacco, Inc., Tavern League of Wisconsin, Tax Foundation, Texas Association of Business & Chambers of Commerce, Texas Citizens for a Sound Economy, Texas Food Industry Association, United Food & Commercial Workers, United States Chamber of Commerce, United States Hispanic Chamber of Commerce, Universal Leaf Tobacco Company, Virginia Tobacco Growers Association, Washington Legal Foundation, Westvaco, Wisconsin Manufacturers & Commerce, Wisconsin Merchants Federation, Congressman Robin Hayes.

Mr. HATCH. Mr. President, if we are going to solve this problem of tobacco, we need to face the music in Congress. We need to pass legislation that will solve it. One reason why the Hatch-Feinstein legislation would have worked is because we believe as high as it was, at \$429 billion, the tobacco companies reluctantly would have had to agree with it. Therefore, we could have imposed the free speech articles on them that would have prohibited them from advertising, while at the same time causing them to have to advertise in a way that would help our youth to understand the evils of tobacco. That, we believed, should be done. I still believe that should be done. It was so fouled up in the last Congress that we were unable to get that done.

So I am concerned about the misuse of the law, to be able to punish any industry that whoever is presiding in the Federal Government decides they are against. I think it is a travesty of justice, and even though I don't like tobacco and I have never used the products, and even though I think something certainly needs to be done in this area, you don't do it by abusing the process of law, which I think this administration has repeatedly done, time after time after time. I think, as history views what has gone on in this administration, it is going to have to come to the conclusion that this is an administration that has not been dedicated to the rule of law, while it has been triumphantly pushing the rule of law upon other nations, hoping they could have something like we have in this country.

The fact of the matter is, it is hypocrisy, pure and simple. I am very concerned that if we allow our Justice Department to continue to act in this fashion, we are going to reap the whirlwind in this country and there will be no business that would be safe from the all mighty power of the Federal Government. There is one thing worse than big tobacco and that is an unrestrained big government. That is what this lawsuit is all about. It is a voracious desire to get money in an industry that should be gotten, but in a reasonably legal way, basically through legislation.

I hope everybody will look at this lawsuit for what it is. I hope the courts will dismiss it so we can get about legislating and doing what we should to resolve the problems about tobacco use and misuse in our country.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, are we currently in morning business?

The PRESIDING OFFICER. We are in morning business.

Mr. CRAIG. I thank the Chair. I ask unanimous consent that, following my remarks, Senator DOMENICI may have 10 minutes to speak.

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

#### GOVERNMENT RUN AMOK

Mr. CRAIG. Mr. President, let me also join with the Senator from Utah for what I think he spoke very clearly about: the run amok of Government and the idea that we are going to craft public policy through the courts of our land. I believe that is the fundamental responsibility of the Congress, both the House and the Senate. Yet we have seen this administration and the trial lawyer community of this country decide that. First, it is tobacco. They are going to tell the world how to think and then tell the States and the Federal Government what the policy ought to look like. Now they are turning on the gun manufacturers. I don't care where you stand on the issue of guns. What is wrong in this country is to suggest that trial attorneys will meet in the dark of night to decide what group they are going to take on next, amass their wealth for the purpose of making hundreds of millions more, and then turn to the Congress and say, now that we have made these findings, go legislate a policy. I don't believe that is the essence of the foundation of our representative Republic.

#### VALUE OF PUBLIC LANDS

Mr. CRAIG. Mr. President, I came to the floor today to speak about an event which happened this past Saturday that in many States across the Nation went relatively unnoticed. It was National Public Lands Day. It was a time for all Americans to recognize the value we have in our public lands and a time for all of us to give a little something back by volunteering a Saturday to lend a helping hand to improve our public lands.

If you were out and about, you noticed volunteers both in this city on some of our parkways and across the area. But across the Nation, over 20,000 volunteers took some of their precious time. We all know that weekend time in a busy populace is a precious time and, by taking it, they performed over \$1 million worth of improvements to our public lands—from helping construct to simply cleaning up and picking up.

In recognition of National Public Lands Day, I want to spend a few minutes today reflecting on the value of our public lands and on what the future holds for them.

There are about 650 million acres of public lands in the United States. They represent a vast portion of the total land mass of our continent. However, most of these lands are concentrated in the West. Coming from Idaho, I recognize that very clearly. There are some States where over 82 percent of that State's land mass is public. In my State of Idaho, it is nearly 63 percent of the entire geography that is owned, managed, and controlled by the Federal Government, or by the citizens of this country.

There can be a great beneficial effect for our public lands, for all of us. For starters, there are a great many resources available on our public lands—from our renewable forests to the opportunities to raise cattle on them, to drilling for oil, to mining for minerals from the surface. And the subsurface of our public lands holds a great deal of resources. We all depend on it for our lives. Without question, our public lands have been the treasure chest of the great wealth of our Nation.

Many of our resources have come from the utilization of the resource of the public land. Having these resources available has afforded not only the opportunities I have spoken to but it has clearly advanced some of our governmental services because most of those resources reap a benefit to the Treasury, and from the Treasury to our schools, our roads, and our national defense. All of these resources and their revenues have helped ease the tax burden on the average taxpayer.

Not only are the taxpayers of our country rightfully the owners of that public land, but we, the Government, and all of us as citizens are beneficiaries of those resources.

Just as important though is the recreational opportunity and the environment that our public lands offer. Every day, people hike and pack in the solitude of our wilderness areas, climb rocks, ski, camp, snowmobile, use their off-road vehicles, hunt, fish, picnic, boat, and swim—the list goes on and on of the level of recreation and expectations we have coming from our public land.

Because the lands are owned by all of us, the opportunity has existed for everyone to use the land within reasonable limits. Certainly our responsibility as a policymaker—as I am, and as are all Senators—in shaping the use of these lands, I am hopeful that this year Republicans and Democrats in the Senate can work together to pass balanced legislation that corrects the abuses by both debtors and creditors in the bankruptcy system.

But this partisan attempt to prematurely cut off debate before we even started to consider this bill does not bode well for that effort.

I hope that once this cloture motion is defeated, the Senate will begin a reasonable and fair debate on bankruptcy reform legislation that reflects a balancing of rights between debtors and creditors.

Those public lands have been a historic and primary responsibility of the Congress itself. However, in the last couple of decades several changes have occurred.

We are in the midst of a slow and methodical attack on our very access as individuals to the public land itself. It started with the resources industries. That was the restrictive nature or the change in public policy that limited access by our resource industries and how they might use the land. Some would say, well, that is merely important for the preservation of the land. But what we have also seen is an ever increasing attitude to keep people—just simple people who want to hike or backpack, to have access to that land—off the land or in some way control their very character on the land.

Some radical groups are fighting to halt all resource management on our public lands, and they are working to restrict, as I have mentioned, the elemental human access to those lands. On the Targhee National Forest in Idaho, the Forest Service tore up the land to keep people off. I was out touring that forest and came upon over 300 huge gouges in roads that had been contracted by the Forest Service to stop access to the land. It was all in the name of an endangered species. But at the same time, if that kind of damage or destruction had occurred at the hands of a mining company or a logging company, the owners of those companies would have been in court. Here it was merely the forest land saying, oh, well, this huge tank trap or gouge in the road to stop traffic was our way of protecting the land. I am not sure who was the protector in that instance.

Additionally, we are seeing the implementation of dramatic changes in the philosophy of the public's access to our Forest Service from openness to an element of closeness. At the time when Gifford Pinchot convinced Teddy Roosevelt to remove forested lands from the public preserve and make them forested preserves, the concept was that these lands were open. While they were protected, to be utilized for forest and to be maintained for water quality and wildlife habitat, always the people could have access.

Slowly but surely, there has been a change in that attitude. That attitude has dramatically shifted to one in which the Forest Service would now suggest to you that our U.S. forests are closed to the public unless designated open. Gifford Pinchot would roll over in his grave as not only one of our Nation's great conservationists but one of the great advocates for forested reserves. The reason he would is that he said: If you do not associate the people to their land, ultimately the land be-

comes the king's land, much like feudal Europe in which the forests were the King's and the serf could not tread on that land unless given express permission by the King.

When the forest is closed—and that is what is being talked about today, and in many instances the chief of the U.S. Forest Service, Chief Dombeck, who is an advocate of this philosophy, "closed unless designated open"—then where do you go to gain permission to access your public lands? You go to the Government. In essence, you go to the King. You go to the ruler.

I don't think that is what Americans want. While Americans may differ on how they want their public land managed and for what reason they want it managed, there is one thing I doubt any of us would argue about, and that is that the Federal Government should not have the absolute right to tell our citizens who may or may not tread upon these lands.

All of us should be outraged by a Forest Service attitude that it is their land and they control it and they will give permission, they will be the implementors of policy in a way that will determine who is locked off the land. That, in my opinion, appears to be their agenda.

That very forest in Idaho I told you about, where large tank traps appeared in the public roads, just in their new forest plan they have changed the philosophy of the management to suggest that all roads are closed and, therefore, the forest is closed unless designated open.

Yes, we must manage our public lands responsibly, which includes restrictions on some activities and in some areas with the preservation of the land's environment. For the water quality, for the wildlife habitat, for all of those fundamental reasons, we enjoy our public land base. But we should not sit here so snidely as to suggest that a Federal agency has the right to say you may enter or you may not enter the land. Yet more and more forests and public lands of our country are now receiving those kinds of restrictions.

Some people like to hike in our back country, others like simply the peace and the solitude, while others prefer to ride ATVs in the woods. Some prefer to camp in a more developed facility, while others prefer primitive spots.

The point is, the recreational opportunities on our public lands should be as diverse as America's public interests. On the same note, we can use the natural resources we need in an environmentally responsible manner and still have plenty of opportunities to recreate. In fact, recreation and resource interests can team together to help each other.

In my own State of Idaho in the Clearwater National Forest we have seen a dramatic decline in our elk herds in large part because of a lack of habitat. This is a massive amount of public land. Yet by its management—

the suppression of wildfires, the inability of the Forest Service to manage using controlled burns but changing the habitat and the character of the land itself—one of the Nation's largest elk herds collapsed. In the winters of 1996 and 1997, thousands of elk starved to death simply by the mismanagement of our public lands by a Forest Service that would not seek the diversity of landscape that is so critically necessary to maintain those unique elk herds and the vibrancy of the land itself.

Rather than fight each other, elk conservation groups, the Forest Service, and the timber industry are coming together to develop a plan to mechanically thin some of the areas and use prescribed burns and others to treat nearly a million acres to increase elk habitat. Yet on the outside there are some conservation groups that say even thinning a tree is cutting a tree and should not be allowed. How absurd.

Why deny the right of good stewards to manage land in a way that creates diversity and balance so that Idaho can reclaim its heritage of having a large elk herd, and at the same time having more than 4 million acres of wilderness, and at the same time having a vibrant Forest Service products industry, while at the same time having growth within the State as one of its No. 1 economies tourism and recreation. That is a wise and balanced approach toward managing our public lands instead of this single attitude of "lock 'em out, preserve, and deny" the ability to manage public resources in a diverse and balanced way. We need all of our public lands to be used in a way that appeals to all of our citizens, not to just a single, relatively narrow-minded group.

Public land management, because of this, is now embroiled in fights, in appeals, in litigation. Every decision made by our public lands managers ends up in court, oftentimes fought out over weeks, months, and years. While all of that has been going on, the Congress of the United States has sat idly by and watched, simply hoping it would play itself out when, in fact, the fight seems to have intensified.

Differing interests have to come together to realize we all have one common goal: To use our land in a responsible manner, in a sustainable manner, in a balanced manner, in the kind of way that will meet most of our interests, and do so to assure a quality environment and an abundant wildlife habitat. I believe all of those things can be done.

Over the last several years, I have held over 50 hearings on the management of the U.S. Forest Service and why it can't make decisions, and when it does, why those decisions are in court. Why has it become largely the most dysfunctional agency of our Federal Government? Yet it has a phenomenally great legacy of appropriate management and responsible caretakership of the land.

As a result of that, I have introduced S. 1320, a comprehensive reform on the public land laws primarily governing the Forest Service but also reflecting on the BLM. However, until we all realize there is room for everyone on our public lands instead of just "lock 'em up and keep 'em out" solely in the name of the environment; that we can utilize our resources in a wise and sustainable manner; that we can continue to accept these lands in a way that offer a resource to our Treasury, along with a resource to our mind; then I think we will continue to be in litigation. Successful management of our public lands realizes a balanced approach, a diverse approach, and one that I think our country can take great comfort in the legacy of the past. In all fairness, we ought to be a bit embarrassed about our current situation.

Last Saturday was National Public Lands Day. It shouldn't be viewed as just one that talks about the quality of our parks and recreational areas. It should be reflective of the millions and millions of acres of public lands in my State and other Western States that by their own diversity assure an abundant resource, abundant revenue, and opportunities not only for recreational solitude but economic opportunity in the communities that reside on and near those public lands. I hope a lifetime from now our public lands will be as vibrant as they are today, but will be managed in a much more diverse and multiple-use way than it appears we are heading at this moment.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). Under the previous order the Senator from New Mexico is recognized.

#### TAXES

Mr. DOMENICI. Madam President, for the people of America who are interested in where we are on the tax cuts and the President's message regarding the veto, I thought I might share my version of what has happened.

First of all, the main reason the President has given for vetoing the tax bill is we need to take care of Social Security and Medicare first.

The question is, When will the American people ever get a tax cut? If we don't ask that question, we don't put anything in perspective as to where we are and where we will be.

I will share why I believe the tax cut was right and why I believe what the President is talking about is not right and will probably yield to no tax cut to the American people.

First, I might ask rhetorically, how long has the President been President? I guess he has been President almost 7 years. He will then have an eighth year. Whatever legacy he will leave the American people is close at hand. Why have we not solved Social Security in the 6 years and 9 months he has been President? But now that we have a sur-

plus, when we can give the American people a little piece of it in a tax cut, all of a sudden the President thinks we ought to save Social Security. Why didn't we save it last year or the year before?

Why didn't we save it after the President conducted hearings in three or four cities in America and said he understood it and he thought he knew what we ought to do and he sends a package. However, in terms of reform he does almost nothing and sets up a new fund to put in a piece of everybody's Social Security money, not in individual investment accounts but, in a new trust fund to be run by—whom? Seven or nine people; appointed by whom? The Government of the United States. Who believes the Government is going to manage the funds for Social Security in a way to make money and enhance the value of their pension plans? Who believes that? Hardly anyone.

Second, who believes we ought to have the Federal Government, with appointed people, investing billions and billions, maybe even trillions of dollars in the stock of America and in bonds in America, without being very concerned whether they will distort the market? Instead of being a free market with equities, loans and bonds, it will be a market controlled by what the Federal Government thinks? Just think of that, a year after it exists there will be somebody on the floor of this Senate saying: We should not invest any of that money from Social Security in cigarette companies. Boy, everyone will say, of course, we should do that. Then next year there will be a report that obesity comes from McDonald's and other companies that sell us quick-fix foods. So somebody will say: Why would we want to invest money in McDonald's? They add to obesity in America. Then, who knows what else? We will distort the American market.

Everybody who is thinking understands the President has not submitted anything credible on Social Security. Is it not interesting, there we are showing a \$3.4 trillion surplus over the next decade, \$2 trillion of which belongs to Social Security, and they will get it—but what about the rest of it? Should we sit around and wait to spend it? Or should we give some of it back in an orderly manner over a decade?

Mr. President, your concerns about Social Security and Medicare do not ring true. They come into existence when you do not want to give the American taxpayers a tax cut. That is why all of a sudden they come up. Now you have even indicated we might be able to get that done in a few weeks. Get what done? Fix Social Security and Medicare, which you have not been able to fix in almost 7 years in office? In a few weeks we can fix it so we can give the American people a tax cut?

Friends, you understand in a Republican budget there is a very large set-aside that is not spent on anything that can be used to repair Medicare.

The problem is the President does not have a plan into which anybody wants to buy. He sent us a plan to fix prescription drugs for a part of America that might need them under Medicare, and nobody likes his plan—Democrat or Republican. So why doesn't he sit down and talk seriously about fixing that?

A commission that was bipartisan, that came up with a reasonably good plan—bipartisan, bicameral, citizens and legislators—he caused that to be distorted and thrown away by asking his representatives to vote no when everybody else voted yes. Because we needed a supermajority, it failed by one vote. We had a plan.

If I were a senior, I would say: Madam President, it looks to me as if you do not want my children and my grandchildren to have a tax cut because you are trying to use as an excuse that we have to fix Medicare and Social Security when you do not need that money that is going in the tax cut to fix either of them. Why did it take him so long to fix them, if all of a sudden we must fix them in the next few weeks in order to get a tax cut?

Frankly, there are a lot of other reasons the President has given, but these are the ones that are politically aimed at America. If you read the polls, if you ask the question the wrong way, Americans will say: Fix Medicare and Social Security first. But if you said to them in a poll question: If we have sufficient money left over to give the American people a tax cut and we have enough money for Social Security and Medicare, would you want to give them a tax cut? watch the answer. The answer, instead of what they are quoting around, would be 85 percent. That happens to be the facts.

#### EDUCATION

Mr. DOMENICI. Madam President, I want to talk a little bit about education because somehow or another we have ourselves involved in competing resolutions about the funding of education when we do not know how much education is going to get funded because the appropriation bill has not been produced yet. If this were a court of law, the Daschle resolution would be dismissed as being premature. There is no issue yet. But we will have to debate it and vote on it. Before we are finished, the Appropriations Committee that handles Labor-Health and Human Services will produce a bill that is more consistent with the budget resolution than anything else.

Regardless of what it looked like 3 or 4 weeks ago, they are going to have sufficient resources. Remember, the President of the United States advance appropriated, in his function and in his budget, \$21 billion. We are going to do some of the same things because they are legitimate and proper. When you take that into consideration, frankly, the Daschle resolution is talking about a nonreality.

I can say there is a high probability, and if I had one more afternoon to go talk to a couple of Senators on that committee, I would predict with certainty—but I can say with almost certainty that the subcommittee of the Senate on Labor-Health and Human Services will appropriate more money in education than the President put in his budget. When you combine what they are going to give, it will be more than the President's.

Is it going to have every single item in it? I do not know. In fact, before we vote on the final determination of education funding, the Senate will debate the issue on an appropriations bill which I have just described which will have more funding in it than the President's. We will probably decide in a floor fight on this floor how that education program should be structured. I think the occupant of the chair knows that Republicans have been working very hard at loosening up this money from the strings and rigidities of Washington into something that will go local schools in a looser fashion, from which we can get accountability and flexibility. We give flexibility and we expect accountability. It will not be all the line items the President wants, but it will be more money than the President requested.

So I do not know what we are voting about in these resolutions. They are premature. The only guidance we have is the budget resolution that Republicans voted for and which said that of the domestic programs, there are a number of priorities but the highest one is education. The Senator occupying the chair voted for that resolution. In fact, it said we should appropriate, over the next 5 years, in excess of \$28 billion—\$26 or \$28 billion more than we had been appropriating regularly under the President's approach. Over 10 years, it should be somewhere around \$85 billion or \$90 billion more. That is the only direction and guidance we have.

That is not binding. But if ever there was something you know you are going to do when you pass a budget resolution, it is this because the American people think it is right. But the American people do not think we are making headway with the existing education programs. They would be thrilled if we gave more money and did it differently. Why should we be doing it the same old way which we have been doing it, which has no accountability and is all targeted whether the schools need it or not? They have to put on the same pair of socks and same shoes in every school district in America. They have to fit into the same shoes in order to get the Federal money, whether they have the problems or not.

Then we have the great program that we call IDEA, where we told them you get started with special education and we will end up paying a substantial portion of it. We did not. We cheated. We made them pay a lot more than they were supposed to after we man-

dated it. Under Republican leadership, we are putting more and more money into that program for special education because we told them to do it, and we said we would pay a certain percent and we never came close. We keep putting more in than the President. The President complains about some targeted program we do not fund, but we fund IDEA and it loosens up money the States would otherwise have to spend for a program that we mandated, that we never lived up to our commitment on, and that is pretty good and we probably will do that this year, provide more funding than the President asked for.

So I don't know, when this 5:30 vote comes, what we are voting on. I think we ought to put them both off and let's see what the appropriations subcommittee does. But if we do not, I can say I don't know why anybody would vote for the Daschle resolution. It is a statement of unreality. It is a statement of hypotheticals. It is a statement of: Here is how much money they have to spend in that subcommittee, so I am going to do some arithmetic and assume everything is going to get cut 17 percent. That is about where the 17-percent number comes from, but it does not mean anything because nobody suggests that all the money Labor-Health and Human Services gets is going to be divided the way any Senator currently thinks it should be. It is going to be done by a committee that has been doing it for many years.

Those are my two thoughts for the day. I have used about 5 minutes on each, and I talked faster than I normally do because I did not want to stay down here too long. Other Senators want to speak. I repeat: If we cannot give the American taxpayers a cut in their taxes when in the past 6½ years the tax take of America, what we have taken from the taxpayers, is up 58 percent—got it?—the tax receipts of America in the last 6 years 9 months is up 58 percent. The average check increase for American working people is up 11 percent, and the cumulative increase of Government annually over 7 years—6 years 9 months—is 22.

Who was cut short? A 58-percent tax increase, 22-percent growth in Government, 11-percent growth in the paychecks of Americans. They need some of their money back. That is what that issue is about. If not now, when? On education, wait and see. We will do better than the President. It will be hard to convince the President, and he will have something to say about it. We ought to put up a nice big board and add up the numbers when we are finished with appropriations. We will do better than he did.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

#### ORDER OF PROCEDURE

Mr. JOHNSON. Madam President, I ask unanimous consent to address the

body in two parts: one for an initial 1 minute and the second for the remaining 15 minutes.

The PRESIDING OFFICER. Is there objection? Is the Senator requesting he have the time until 3:30?

Mr. JOHNSON. It is my understanding that 3:30 is the scheduled time to commence debate on the education resolutions; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSON. So I have until 3:30?

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSON. I ask unanimous consent, then, to consume the remainder of the time available until 3:30.

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

#### A WISE MOVE

Mr. JOHNSON. Madam President, first I will speak in response to what I regard as the commonsense statesmanship demonstrated on the part of the President with his veto of the Republican tax bill. There is an acknowledgment that there is around \$1 trillion that could come into the Treasury over the next 10 years, over and above that required for Social Security.

It was wise on the President's part to say, first of all, we ought to be very prudent about whether that trillion dollars will actually materialize or not. It is based on assumptions that may or may not come true. If they do come true, we should prolong the life of Medicare and pay down existing debt.

Everywhere I go in South Dakota people of both political stripes tell me: Pay down the debt, keep interest rates down, make our economy grow, and if you still have dollars left, make key investments in education, in economic development, child care and health care, and then if there are some resources remaining, do give some tax relief.

The President has submitted a request for \$250 million targeted to middle-class and working families, the families that need it most. I believe that veto is a wise move. We ought to go on to a negotiated end to this budget dilemma that will be bipartisan in nature and will be much more deliberative, much more thoughtful, and much wiser about how to use \$1 trillion that may or may not materialize.

#### PRESCRIPTION DRUG FAIRNESS FOR SENIORS ACT OF 1999

Mr. JOHNSON. Madam President, the second issue I want to talk about this afternoon is the issue of prescription drug costs. I am going to have to edit my remarks due to time constraints more than I really prefer, but I do want to talk about the prescription drug costs we face in this Nation.

American seniors 65 or older make up only 12 percent of our population but consume, understandably, 35 percent of all prescription drugs. Studies have

shown that the average senior citizen takes more than 4 prescription drugs per day and fills an average of 18 per year. Costs have skyrocketed in recent years, increasing an estimated 17 percent last year alone.

What impact has this drug price increase had on senior citizens? It has been catastrophic for all too many. A survey completed in 1993 reported that 13 percent of older Americans say they literally are choosing between buying food or their prescription drugs.

Sadly, I hear the same story everywhere I go in my home State. Thirty-five percent of the Medicare population, equivalent to 13 million people, have no prescription drug benefits of any kind under any kind of insurance plan. Seniors sometimes fail to realize that the Medicare program itself contains no prescription drug benefit.

I recently requested a South Dakota study of prescription drug prices for seniors in our State, a study that I asked the Government Reform and Oversight Committee of the other body to conduct, comparing the prices our seniors pay compared to favored customers such as HMOs, the Federal Government, and large insurance companies.

I ask unanimous consent that the detailed summary of the study be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 1.—AVERAGE RETAIL PRICES IN SOUTH DAKOTA FOR THE FIVE BEST-SELLING DRUGS FOR OLDER AMERICANS ARE MORE THAN TWICE AS HIGH AS THE PRICES THAT DRUG COMPANIES CHARGE THEIR MOST FAVORED CUSTOMERS

Prescription drug	Manufacturer	Use	Prices for favored customers	Retail prices for S. Dakota seniors	Differential for S. Dakota senior citizens	
					Percent	Dollar
Zocor .....	Merck .....	Cholesterol .....	\$27.00	\$100.44	272	\$73.44
Prilosec .....	Astra/Merck .....	Ulcers .....	59.10	110.82	88	51.72
Norvasc .....	Pfizer Inc .....	High Blood Pressure .....	59.71	110.04	84	50.33
Zolofl .....	Pfizer, Inc .....	Depression .....	115.70	209.82	81	94.12
Procardiz XL .....	Pfizer Inc .....	Heart Problems .....	68.35	121.88	78	53.53
Average price differential .....					121%	

For other popular drugs, the price differential is even higher. This study also analyzed a number of other popular drugs used by older Americans, and in some cases found even higher price differentials (Table 2). The drug with the highest price differential was Synthroid, a commonly used hormone treatment manufactured by Knoll Pharmaceuticals. For this drug, the price differential for senior citizens in South Dakota was 1,469%. An equivalent quantity of this drug

#### PRESCRIPTION DRUG PRICING IN SOUTH DAKOTA: DRUG COMPANIES PROFIT AT THE EXPENSE OF OLDER AMERICANS

(Minority Staff Report House Committee on Government Reform U.S. House of Representatives, July 31, 1999)

##### EXECUTIVE SUMMARY

This staff report was prepared at the request of Senator Tim Johnson of South Dakota. In South Dakota, as in many other states around the country, older Americans are increasingly concerned about the high prices that they pay for prescription drugs. Mr. Johnson requested that the minority staff of the Committee on Government Reform investigate this issue. This report is the first report to quantify the extent of prescription drug price discrimination in South Dakota and its impact on seniors.

Numerous studies have concluded that many older Americans pay high prices for prescription drugs and have a difficult time paying for the drugs they need. This study presents disturbing evidence about the cause of these high prices. The findings indicate that older Americans and others who pay for their own drugs are charged far more for their prescriptions drugs than are the drug companies' most favored customers, such as large insurance companies health maintenance organizations, and the federal government. The findings show that senior citizen in South Dakota paying for his or her own prescription drugs must pay, on average, more than twice as much for the drugs as the companies favored customers. The study found that this is an unusually large price differential—more than five times greater than the average price differential for other consumer goods.

It appears that drug companies are engaged in a form of "discriminatory" pricing that victimizes those who are least able to afford it. Large corporate, governmental, and institutional customers with market power are able to buy their drugs at discounted prices. Drug companies then raise

prices for sales to seniors and others who pay for drugs themselves to compensate for these discounts to the favored customers.

Older Americans are having an increasingly difficult time affording prescription drugs. By one estimate, more than one in eight older Americans has been forced to choose between buying food and buying medicine. Preventing the pharmaceutical industry's discriminatory pricing—and thereby reducing the cost of prescription drugs for seniors and other individuals—will improve the health and financial well-being of millions of older Americans.

##### A. Methodology

This study investigates the pricing of the five brand name prescription drugs with the highest sales to the elderly. It estimates the differential between the price charged to the drug companies' most favored customers, such as large insurance companies, HMO's, and certain federal government purchasers, and the price charged to seniors. The results are based on a survey of retail prescription drug prices in chain and independently owned drug stores throughout South Dakota. These prices are compared to the prices paid by the drug companies' most favored customers. For comparison purposes, the study also estimates the differential between prices for favored customers and retail prices for other consumer items.

##### B. Findings

The study finds that:

Older Americans pay inflated prices for commonly used drugs. For the five drugs investigated in this study, the average price differential was 121% (Table 1). This means that senior citizens and other individuals who pay for their own drugs pay more than twice as much for these drugs than do the drug companies' most favored customers. In dollar terms, senior citizens must pay \$50.33 to \$94.12 more per prescription for these five drugs than favored customers.

would cost the manufacturers' favored customers only \$1.75, but would cost the average senior citizen in South Dakota over \$27.00. For Micronase, a diabetes treatment manufactured by Upjohn, an equivalent dose would cost the favored customers \$10.05, while seniors in South Dakota are charged an average of \$47.24. The price differential was 370%.

Price differentials are far higher for drugs than they are for other goods. This study

compared drug prices at the retail level to the prices that the pharmaceutical industry gives its most favored customers, such as large insurance companies, government buyers with negotiating power, and HMOs. Because these customers typically buy in bulk, some difference between retail prices and "favored customer" prices would be expected.

TABLE 2.—PRICE DIFFERENTIALS FOR SOME DRUGS ARE MORE THAN 1,450%

Prescription drug	Manufacturer	Use	Prices for favored customers	Retail prices for S. Dakota seniors	Price differential for S. Dakota seniors
Synthroid .....	Knoll Pharmaceuticals .....	Hormone Treatment .....	\$1.75	\$27.46	1,469%
Micronase .....	Upjohn .....	Diabetes .....	10.05	47.24	370%

The study found, however, that the differential was much higher for prescription drugs than it was for other consumer items. The study compared the price differential for

prescription drugs to the price differentials on a selection of other consumer items. The average price differential for the five prescription drugs was 121%, while the price dif-

ferential for other items was only 22%. Compared to manufacturers of other retail items, pharmaceutical manufacturers appear to be engaging in significant price discrimination



against older Americans and other individual consumers.

Pharmaceutical manufacturers, not drug stores, appear to be responsible for the discriminatory prices that older Americans pay for prescription drugs. In order to determine whether drug companies or retail pharmacies were responsible for the high prescription drug prices paid by seniors in South Dakota, the study compared average wholesale prices that pharmacies pay for drugs to the prices at which the drugs are sold to consumers. This comparison revealed that the pharmacies in South Dakota appear to have relatively small markups between the prices at which they buy prescription drugs and the prices at which they sell them. The retail prices in South Dakota are actually below the published national Average Wholesale Price, which represents the manufacturers' suggested price to pharmacies. The differential between retail prices and a second indicator of pharmacy costs, the Wholesale Acquisition Cost, which represents the average price pharmacies actually pay for drugs is only 13%. This indicates that it is drug company pricing policies that appear to account for the inflated prices charged to older Americans and other customers.

Mr. JOHNSON. Madam President, the results of the South Dakota study are consistent with studies in other States finding that seniors in South Dakota pay inflated prices for commonly used drugs. In fact, seniors are paying twice the amount per prescription compared to the price the pharmaceutical companies sell their drugs to their favored customers. In fact, we found some individual prescriptions where the price differential was as high as 1,469 percent for the same drug. These price differentials are far higher for prescription drugs than for any other consumer good.

The average price differential for the five top selling prescription drugs for seniors is 121 percent, while the price differential for other items considered daily essentials for the consumer is only 22 percent.

The study also indicates that pharmaceutical manufacturers—not the drugstores, not the pharmacies—appear to be responsible for this huge differential. South Dakota pharmacies have relatively small mark-ups, between the prices at which they buy the drugs and the prices at which they sell them.

The question is, Where do we go from here? There is talk about a Medicare add-on for prescription drugs. I hope we can go down that road. Quite frankly, a bipartisan agreement about how to pay for it and administer it simply has not been reached. In the interim, there are alternatives.

The Prescription Drug Fairness for Seniors Act of 1999, which I have sponsored with Senator KENNEDY, will provide a mandate—without the use of tax dollars, or any new Federal bureaucracy—that the pharmaceutical industry sell prescription drugs at the same price to Medicare beneficiaries as they sell to their favored customers. No more discrimination. If the Prescription Drug Fairness for Seniors Act was enacted, we could reduce the cost of prescription drugs available to seniors by approximately 40 percent. There

would be no bureaucracy, no tax dollars, and a huge benefit for seniors all over America. Our pharmacists would use the existing pharmaceutical distribution system and not create any new bureaucracy.

It is estimated that we will reduce drug prices for seniors by approximately 40 percent. There will be no more devastating choices among groceries, rent, and prescription drug costs.

I am pleased our bill is gaining endorsement and currently has the support of 10 of our colleagues, including Senators DASCHLE, DODD, DORGAN, FEINGOLD, HOLLINGS, INOUE, LEAHY, KERRY, WELLSTONE, and BINGAMAN. Earlier this year, Representatives TOM ALLEN, JIM TURNER, MARION BERRY, and HENRY WAXMAN were joined by 61 of their colleagues when they introduced the House version of this bill, H.R. 664. They have now over 120 cosponsors.

Several organizations endorsed our legislation, some of which include the National Committee to Preserve Social Security and Medicare, TREAS Senior Citizens League, Consumer Federation of America, and Families USA Foundation. Many South Dakota groups have also endorsed our bill, including the South Dakota Coalition of Citizens with Disabilities and the North Central Chapter of the Paralyzed Veterans of America. We now have well over 30 organizations actively supporting this legislation.

Currently, there are several prescription drug proposals in Congress. We ought to have hearings on this issue, and we ought to go forward as aggressively as we can.

Madam President, there is no need to wait. We can act on this now. We can give seniors now the benefit of this 40 percent reduction in prescription drug costs that they deserve and need.

What an irony it is that so many of our seniors wind up not taking their prescription drugs in order to save money and then fall ill with an acute illness and wind up in the emergency room, and then Medicare picks up the tab. Wouldn't it be better if we can find a way to make sure seniors can afford the prescription in the first place to avoid that kind of acute illness, that emergency room visit? The taxpayers will gain, the dignity of the seniors will gain, their physical health will gain. All Americans would be better off with the immediate passage in this Congress of the Prescription Drug Fairness for Seniors Act of 1999.

I yield back such time as may remain.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. What is the situation regarding time?

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

The Senate will now resume consideration of Senate Resolution 186 and Senate Resolution 187, which the clerk will report.

Mr. BYRD. Madam President, I ask unanimous consent that I may proceed as in morning business for not to exceed 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### BUDGET CAPS AND EDUCATION FUNDING

Mr. BYRD. Madam President, shortly we will be debating two resolutions regarding education funding. Though there are differences in the approaches taken in the resolutions, the bottom line is similar—namely, this Senate and this Congress need to support education, and we need to find sufficient funding to meet our obligations to America's students. We need to support our struggling schools as they attempt to provide safe, disciplined environments in which our youth can learn both the fundamentals of history, literature, mathematics, and science, as well as the emerging fields of the next century—computers, satellite communications, advanced electronics and other information technologies that are reshaping the American workplace.

On this bottom line, we all agree. The difficult part in this difficult appropriations cycle is, how do we get there? Our funding levels are too low to meet the administration's request, too low to meet the needs that we can all see and agree need to be met, but we are constrained by a budgetary straightjacket imposed in 1997. All year, I have advocated breaking the budgetary caps in order to meet our most pressing needs, but until that happens, the Appropriations Committee must play the cards it has been dealt. This evening, the Appropriations Subcommittee on Labor, Health and Human Services, and Education, will meet to mark up an appropriations bill that contains funding for education, among other things. When all is said and done, Madam President, I am very proud of the work of our Committee on Appropriations this year. I have served with many great Senators and I have served with a number of great chairmen of the Committee on Appropriations. None has handled their responsibilities any better than has our current Appropriations Committee Chairman, Senator STEVENS of Alaska. He has worked closely with me throughout his tenure as chairman of the committee in as nonpartisan a manner as anyone I have ever worked with. We have handled these very difficult matters as best we could to the benefit of all Senators and for the American people. In so doing, despite these crushing spending caps, we have been able to pass in the Senate most of the appropriations bills. The final bill, namely the Labor-HHS appropriations for FY 2000, will be marked up in subcommittee this evening and, in all

likelihood, in the full Appropriations Committee tomorrow.

Madam President, frankly, I see no intellectually honest way to adequately provide for education without breaking the budgetary caps.

I know neither side wants to suggest that the caps be broken. Each side wants the other side to be the first. I have no hesitancy to say how I feel because I am interested in education. I am interested in meeting the needs of the country and meeting the needs of the people. If it cannot be done without breaking the caps, then so be it.

I cannot support these two resolutions, not because I disagree with their intent, but because I cannot voice my support for increasing education funding on the one hand while in the same breath saying that the budget caps cannot be broken. Education is important. If it is important, it is worth breaking the budget caps. And it is. It is worth breaking the budget caps. Budgetary gimmicks that add months to the fiscal year or that take funds from other critical programs like heating assistance for the poor and the elderly will not hold up over time. They are very frail reeds, very weak reeds, to which to cling in the face of hurricane force winds of need.

Madam President, I yield the floor.

#### EXPRESSING THE SENSE OF THE SENATE REGARDING REAUTHORIZING THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

#### TO EXPRESS THE SENSE OF THE SENATE REGARDING EDUCATION FUNDING

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. Res. 186 and S. Res. 187, which the clerk will report.

The legislative assistant read as follows:

A resolution (S. Res. 186) expressing the sense of the Senate regarding reauthorizing the Elementary and Secondary Education Act of 1965.

A resolution (S. Res. 187) to express the sense of the Senate regarding education funding.

The PRESIDING OFFICER. There will now be a total of 2 hours debate on the two resolutions under the control of the two leaders.

Mr. BYRD. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time be charged against each side.

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

The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Madam President, as I rode to the office this afternoon, I was listening to news accounts which were reporting that the President was making a series of speeches in which he was criticizing the congressional majority and their plans for education and education improvement in this country.

It seemed to me as I listened to the news accounts—assuming they were accurate—the President was basing his criticism on two counts: No. 1, if you did not believe that his priorities in education were the proper priorities, then you did not really value education in this country and you were failing in your commitment to public schools. His second criterion was the amount of money that was going to be spent on public education at the Federal level.

So really two criteria: You have to spend it where he wants to, and you have to spend the amount he desires, or else you have failed in some kind of litmus test as to a commitment to education.

I reject both of those tests. I think, as you look at the amount of money and the increases in funding for education nationally over the last 25 years, you have to conclude that simply spending more money is not the answer to improving education—that that criterion fails. If that is going to be the criterion, well, then, there may be a lot of people who can say they are committed to education but with very little evidence of success or results.

Because we, as Republicans, disagree with the President's particular priorities, which are funding a new program for 100,000 teachers, whether or not that happens to be the great need in a particular area; and increased funding for the construction of schools, though we know there are many dilapidated schools, many schools that are in need of construction, that may or may not be the priority, the great need in a particular area—because we disagree with his priorities and his effort to further nationalize education in this country, he would deem us then as lacking commitment to education.

I believe, with the reauthorization of the Elementary and Secondary Education Act this year, we have a golden opportunity to dramatically improve Federal education programs that for years have not provided a good return for every dollar.

If we are going to spend taxpayers' money on education—and poll after poll indicates that this is a high priority with the American people; it is high on their list of where they believe emphasis should be placed—then I suggest we must hold the States, we must hold school districts, we must hold even individual schools accountable for the funds they are receiving.

In the past, ESEA has not rewarded success nor has it punished failure. Instead, money is allocated only for specific uses, with no results demanded or expected.

For example, we allocate funding for technology in schools, but in no way do

we require schools to show us how this is helping kids to learn. We only require them to use the funding appropriately, but there is no link to the ultimate goal, which is and should be student achievement. In category after category, we find this to be the case. We provide the funds and so long as the States can demonstrate they are spending it appropriately—that is, for the appropriate category—there is no requirement that they demonstrate student achievement.

I believe this system must change. We must allow schools more flexibility in how they use funding to meet their individual needs and show how they are improving student achievement for all students. The bottom line should be, the bottom line must be, in education: Are students learning? Not are we spending more money, not is our funding increasing, not are they meeting a set of regulations that can fill out the forms and demonstrate that they, in fact, have spent technology money on technology, but are students learning, are student achievement scores increasing? That must be the ultimate test.

It is in that area that Federal education programs have abysmally failed. Schools currently receive Federal funding with so many strings attached they cannot effectively use the funding they receive. I believe those strings must be reduced so that the only requirement is the dollars are being spent in the classroom to enable children to learn.

Over the past 34 years, since the Elementary and Secondary Education Act was first passed, it has grown dramatically in size and scope. The Department of Education currently administers 47 K-through-12 programs that are authorized under ESEA. In his fiscal year 2000 budget proposal, the President wanted to create 5 new programs in addition to the 47 currently administered by the Department of Education. I suggest to my colleagues on both sides of the aisle, the last thing this Congress should do is add 5 new programs to ESEA, when all the evidence is that we are failing in the 47 that currently are authorized.

Diane Ravitch, a senior fellow at the Brookings Institution and former Assistant Secretary of Education, who has testified on numerous occasions before congressional committees, puts it this way:

At present, American education is mired in patterns of low productivity, uncertain standards, and a lack of accountability. Federal education programs have tended to reinforce these regularities by adding additional layers of rules, mandates, and bureaucracy. The most important national priority must be to redesign policies and programs so that education funding is used to educate children, not to preserve the system.

The proposal from the President to add five new programs to ESEA simply reinforces the status quo. In fact, it expands the existing system which has failed American students so terribly.

A study by the Ohio State Legislature reported that more than 50 percent of the paperwork required by a

local school in Ohio was the result of Federal education programs and mandates, even though the Federal funding in that Ohio district accounted for only 7 percent of the total education spending—7 percent of the funding, 50 percent of the paperwork. I am afraid that is all too typical of what we find with regard to Federal education spending and Federal education programs.

While spending on education has increased, there has been no corresponding rise in academic achievement. According to *Investor's Business Daily*, over the past 25 years, inflation-adjusted, per-pupil spending for grades kindergarten through 12 has climbed 88 percent.

Republicans are not opposed to more education spending. In fact, we have proposed that we dramatically increase education spending. But we believe that simply increasing education spending without a corresponding reform of the system is money ill spent. In Arkansas, total education spending since 1970, adjusted for inflation, Federal, State and local, has grown by almost 58 percent. Since 1970, we have seen in Arkansas a dramatic increase in per-student spending, the expenditures on each child, in the public schools in the State of Arkansas. Unfortunately, overall performance of the average 17-year-old student on the NAEP test changed little between the early 1970s and 1990.

Before we decide the answer to improving our education system is to throw in more money and create more programs, may I suggest we examine closely the programs as we reauthorize them and that we change the current system to allow schools to innovatively use their funding to address their problems as they see fit and as they know best.

Now, in the area of IDEA, funding for disabilities, I think that is an area all of us could agree we have done too little. During the reauthorization of IDEA in 1997, the Federal Government was authorized to pay up to 40 percent of the excess cost of educating special education students. However, the President, who lauds his record on education, has consistently funded special education at only about 10 percent of the excess costs. For fiscal year 2000, the President has requested \$4.31 billion. That is the same amount appropriated in fiscal year 1999. This is an area Democrats and Republicans have agreed we have not met our Federal commitment and our pledge to the States and local school districts. Yet the President, who wants to create five new programs, has level funded the area of IDEA.

Reduced funding for special education causes the local school districts to pay the cost of educating children with disabilities. Often these costs, as we all know, can be three to four times the amount spent on other students. Therefore, what is happening is that those local schools are taking money from other programs and other services

because the Federal law requires them to provide that education for special ed students. As a result, they are short-changing other needed educational programs because the Federal Government has failed to meet its commitment.

Another area I think we have failed is in the area of impact aid. The President's fiscal year 2000 budget requests \$736 million for impact aid. That is an increase of \$128 million from 1999. But impact aid provides support to school districts affected by Federal activities, children living on Indian lands and children who live on Federal property who have a parent on active duty in the uniform services. This is one area in which I believe it is very clear that the Federal Government has a role in education. Yet the President's budget does not reflect that priority, that clear responsibility that we have on the Federal level.

Education is mainly a State and local responsibility, where funding is generated from local and State taxes. Yet children who live on Federal lands or on military bases are being cheated out of an equal education. In Arkansas, we have the Ouachita National Forest. We have the Ozark National Forest, the St. Francis National Forest, the Buffalo National River. We have, though many don't realize, because Arkansas is not a far western land, hundreds of thousands of acres in the public domain, school districts that are dependent upon impact aid to fund the educational base because they do not have a tax base upon which they can rely. There is no tax base for these areas.

Any decline in impact aid funding requires State and local school districts to find additional funding to give their children a good education. It is an area that Congress clearly has a role in providing funding. Yet the President continually tries to reduce funding and de-emphasize this priority and this responsibility of the Federal Government. In his budget proposal for fiscal year 2000, the President seeks to increase administrative spending for the Direct Loan Program by \$115 million. That is a 26-percent increase in the Direct Loan Program for administration. Perhaps nothing reflects the misguided priorities of this administration more than their effort to increase administrative spending in a student assistance program by 26 percent.

Adding programs—the wrong priorities in spending—I think reflects the misguided effort of this administration to further nationalize, further remove local control, and, I believe, continue a system that has demonstrated itself to be broken, which has not given us the results students in this country deserve.

They want to promote the Direct Loan Program—there is no doubt about that—and particularly increase the area of administration that is the very area in which we need to be reducing spending. Then in other areas of student assistance, while the maximum

Pell grant award would increase from \$3,125 to \$3,250, total Pell grant funding would be cut by \$241 million. They are particularly important in higher education in States such as Arkansas or any State that has a rural population and a relatively low per capita income.

In Arkansas, that is exacerbated because we have a rather low percentage going on to higher education. The reason for that, many times, is because there is not adequate student assistance available. So while we increase the total amount of a Pell grant, we don't increase—in fact, what would be available is cut in the President's budget dramatically. The result is we have fewer Pell grants available, even though the demand is greater than ever before.

Madam President, let me reiterate my point and my concern about the President's priorities in education and his very ill-timed attacks upon the Republican majority in the House and the Senate. Because we disagree on priorities, his judgment is we are not committed to education. Because we disagree in the amount and where that money should be spent, his conclusion is that we are not committed to education.

I believe Republicans have come forward with one of the most creative, innovative educational priorities since taking control of the House and the Senate: The idea of taking 21 Federal education programs under ESEA and telling the States that, on a cafeteria basis, they can choose which ones of those programs they wish to have consolidated with new flexibility to find creative and innovative solutions at the State and local level. That is what we need to be doing.

But there are those entrenched in the status quo who say: Let's reauthorize what we have been doing; let's put more money into a system that has not given us greater educational achievement. They think that demonstrates greater commitment to our children. I think we do have a golden opportunity this year, and I think the line could not be clearer between those who believe the Federal Government is the solution and those of us who believe we need local control with greater local flexibility, while demonstrating a commitment on the Federal level but giving maximum flexibility for local policymakers to decide how the local issues can be best solved.

I look forward to the education debate in the coming hours and weeks as we conclude this session. I hope that as we reauthorize the Elementary and Secondary Education Act, we will do so in a way that truly demonstrates our love, our commitment, and our concern for the public school students of this country. I look forward to working with Senator GORTON, who has been so active in this whole education area, and Senator FRIST, Senator JEFFORDS, and all on the Education Committee, to fashion an Elementary and Secondary Education Act that will take us

in a new direction and result in higher student achievement, better results, better education, as we compete in a world economy.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. I yield myself 10 minutes of the time on this side of the aisle.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Madam President, I thank the Senator from Arkansas for his eloquent comments. I am honored to be a part of a partnership with him and with the distinguished Senator from Maine, who now occupies the chair, in proposing a set of reforms on the way in which the Federal Government relates to education in the United States that emphasizes student achievement and a higher quality of education, as against a number of categorical programs where school districts become eligible simply by filling out the right forms and spending the money in the way the Secretary of Education tells them to spend the money, without regard to student achievement and without regard to the priorities set by elected school board members and superintendents and principals and teachers and parents all across the United States.

This afternoon, we are going to vote on two distinctly different approaches to education—a proposal by the minority leader and a proposal by the majority leader. The proposal by the minority leader beats a dead horse. It starts from the proposition that we are to reduce the amount of money we spend on education by some 17 percent, when later on this afternoon—at 6 o'clock—the subcommittee in charge of appropriations for education, in fact, will pass an appropriations bill that not only increases the amount of money we spend on common school education in the United States but increases it by more than the amount requested by the President of the United States in his budget. That is a true commitment to education.

The Democratic proposal ignores the proposition that the President's budget, in fact, lessens the amount of money available for special needs students and education for the disabled; that it reduces very substantially the amount of money for impact aid to those school districts that are greatly impacted by a Federal presence in national parks or forests or military installations; in fact, the proposal before us from the minority leader, ignoring the responsibilities the Federal Government has already undertaken in education, simply talks about new programs, the great advantage of which is that they are titled with names either of the President or of present members of the minority party. It does seem to me that even if we are working within the present system, we would be far better off financing those undertakings

which the Congress and the President have already made than by beginning new ones, not particularly requested by the schools themselves, while leaving the financing of past programs to local entities, whether they regard them as the highest priority or not.

But there are, as I think the Senator from Arkansas pointed out, two major differences in the philosophy of education of the two parties exemplified by these two resolutions. First, as I have said, the resolution by the minority leader speaks about a proposal that does not, in fact, exist. It talks about the fact that education spending will be reduced when, in fact, it will be increased by more than the amount the President requests.

Now, the end of that resolution, of course, does say that we should spend more. Interestingly enough, however, it says we should spend more and take it out of other spending programs without breaking the so-called budget caps. That is an interesting proposition but one that would require genuine magic to accomplish. This body has already passed every appropriations bill, except that which includes education. It is on the basis of the passage of those bills that the minority leader comes up with this proposition that we will cut spending for education. I cannot remember a single member of the other party voting and speaking against a single one of these appropriations bills on the grounds that it spent too much money.

As a matter of fact, the great majority of them voted for each one of these bills that brings us into exactly this situation. Yet they state, with alarm, the fact that we would reduce this amount of spending, saying we should not do it; we should spend more money; we should not break the caps; we should take it out of something else—something they have already voted for. Well, we are, in fact, going to increase the amount of money we are spending on education. But we should do it—and this is the second great difference between the two resolutions—in a way that actually improves the quality of education of our young people, measures it in an objective fashion—actual student achievement.

The other side proposes not only more programs that have not dramatically had that impact, but they would like a half a dozen new ones in addition—all categorical aid programs—decided here in Washington D.C., all one-size-fits-all for every school district in the country.

The proposal of the Presiding Officer, myself, and others is a very simple one. We believe the people who spend their lives educating our children, and who have dedicated their lives to educating our children, might just possibly know more about what they need than do Members of this body or bureaucrats in the U.S. Department of Education.

We say, let's take 12, 21, or 24 of these present programs, and let any State which guarantees that it will use that money to improve student grade

achievement do so for a period of 5 years and then be tested on one ground: Have students done better? Is the quality of the education they are getting improved by teachers, parents, principals, superintendents, and school board members who decide priorities? A rural district in Maine or an urban district in Washington or a suburban district in Pennsylvania will obviously have different priorities.

That is our goal, and it is a goal that is finding agreement in our educational establishment, wherever the Presiding Officer goes in her State, or wherever I go in my State, or wherever any of us go. Our schools want to be liberated because it is their goal to provide better educational opportunities for the kids. They think they know what the kids and students need. It is as simple as that.

We are fighting a phony battle today because, in fact, we are going to increase the amount of money available for education. But it will do us little good unless student achievement is increased and improved upon. We can only do that by changing the system and trusting those who have devoted their lives to educating our children with coming up with the right answers by which to do so.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, as I understand it, we are expected to have two votes at the hour of 5:30—on Senator DASCHLE's and Senator LOTT's Sense-of-the-Senate proposals. The time has been divided for those who favor and those who are opposed to the different proposals. I strongly support the Sense-of-the-Senate which has been introduced by Senator DASCHLE and which I am a cosponsor.

The essence of Senator LOTT's proposal is: Resolved that it is the sense of the Senate that this Congress has taken strong steps to reform our Nation's education system, and allows States, local schools, and parents more flexibility and authority over their children's education; and the reauthorization of the Elementary and Secondary Education Act of 1965 will enable this Congress to continue its effort to send decision making to States, local schools, and families.

Of course, we are all in support of reauthorization of the Elementary and Secondary Education Act. We don't have any dispute over that. I have listened to a good part of the debate. I have yet to hear those other steps enumerated and identified or commented on. The one piece of legislation that we took was what was called ED-Flex. That is basically a modest expansion of what was done under the Democratic Goals 2000 in 1994. Goals 2000 was President Clinton's initiative. At that particular time, the initial ED-Flex gave the Governors the flexibility. We provided some modest increase in the flexibility, and I supported it. But it

doesn't deal with the kind of problems which we are talking about. That is at the heart of this debate and discussion.

I welcome the fact that since the time Senator DASCHLE introduced his resolution that our Republican leader has made a decision to have a mark-up tonight on these education bills. That is real action. This is the kind of encouragement we would like to have—that we have the introduction of the Daschle resolution, and then under evidently the urging of the majority leader, the Committee on Appropriations is going to meet this evening in order to try to indicate the priority education would have in terms of the national budget. That is as much as you could ever hope for in terms of positive action of a Sense-of-the-Senate resolution—real action. We will wait to see how the Committee on Appropriations in the Senate of the United States is going to act.

What brought about the reasons for the Daschle resolution? Quite frankly, what we heard over the course of the afternoon would respond to those facts. The fact is, since the Republicans have taken over leadership in 1995, in the Senate of the United States, we have found that education as a part of the Federal budget has been the last—not the next to the last but the last—appropriations the Congress has considered. We on this side believe it ought to be the first—not the last but the first.

Now we are caught in a situation with the deadline for adjournment is some time at the end of October and there are only 3 or 4 days remaining in the fiscal year. Finally, we have the Republicans saying: All right. We will finally hold an Appropriations Committee meeting on Monday night when the fiscal year starts later on this week, on Friday. We find that unacceptable.

Members over here can talk in generalities about flexibility. They can talk about the makeup of the Pell program and they can talk about administrative costs over in the Department of Education. We are delighted to get into a more detailed discussion about those particular items. But what those on the other side of the aisle haven't answered is why the funding for the education of the young people in this country has been the last priority under the leadership of the Republicans. That is the issue. That is the question.

With all respect to my friend from Mississippi, and with all respect to the many years he went to public school—I admire that and respect it—it doesn't answer that simple question about why, with all the priorities we have in this country, the leadership has placed this as the last priority.

The history of where the Republicans have been with regard to education as a last priority kind of escapes certain facts. This is extraordinary. My good friend from Mississippi said on September 24: Since Republicans took control of Congress, Federal education funding has increased by 27 percent.

Why? Because of President Clinton and because of the Democratic leadership.

You can say: Well, that is an interesting statement, an interesting comment. Show me.

That is exactly what I intend to do. Right over here is a chart that shows what the funding levels have been under the Republicans since 1995.

In 1994, the Democrats lost the election. The Republicans took over the House and the Senate.

What happened in 1995? In 1995, we had a rescission. What is a rescission? A rescission means the House has appropriated money, the President has signed it, but we want to take some of that money back, rarely used in education, and the Republicans did what? What did they do? We have the suggestion our Republican leader is attempting to convey, that they have been the supporters of expanded use of funding in education.

They had a rescission for \$1.7 billion below the bill actually enacted; they asked for a rescission of \$1.7 billion.

In 1996, the House bill was \$3.9 billion below the 1995 final figure—\$3.9 billion below.

In 1997, the Senate bill was \$3.1 billion below the President's request.

In 1998, it was \$200 million below the President's request.

In 1999, the House bill is more than \$2 billion below the President's request.

Those happen to be the facts.

Let me state the time line for passage of these appropriations.

On March 16, 1995, the House rescission bill came to the floor. The Republican leadership could hardly wait to get into office when they sent this bill up to take some of the money back that funded education.

Then we have the omnibus bill in 1996, the last continuing resolution. The funding of that program passed 7 months after the end of the fiscal year.

In 1997, it passed on the last day of the fiscal year.

In 1998, it passed 1 week after the end of the fiscal year.

The agreement for 1999 was passed 3 weeks after the end of the fiscal year.

As we have seen, they have virtually all been the last appropriations. Nothing my friends have stated has disputed that. This is the record of the requests under Republican leadership in the House of Representatives and the Senate of the United States. The reason we find that Federal education funding rose during this period of time is that we had the Government shutdown and our President refused to go along with it. He actually raised it.

For the majority leader now to say, look at what we have done, is a complete distortion and misrepresentation of the facts. They cannot dispute it. Those are the facts.

The reason this was brought into such sharp relief is that last Thursday, the House Appropriations Committee went to work again and finally had their series of recommendations where

they have cut back or effectively eliminated the President's program to go for smaller class sizes. They had agreed on it at the end of the last Congress. In 1998, Congressman GOODLING said how wonderful it was they had gone ahead and reduced class size for 1 year.

Former Speaker Gingrich said:

... a victory for the American people. There will be more teachers and that is good for all Americans. I'm in.

The Republican leader in the House said this will mean more teachers and this is good for all Americans.

We say fine, that is why we want to expand it. The Republican leader said it was good for all Americans; President Clinton thinks it is good for all Americans; the various statistics and figures in the various STAR evaluations for smaller classes in the State of Tennessee indicate children are making progress. Everyone seems to agree—except who? The Republicans in the House Appropriations Committee that zeroed that program out.

I don't hear from the other side why we have the inconsistency, why it is we have in 1998 Republicans saying it is a victory for the American parents and we have President Clinton supporting it, we have the statistics that say smaller class size for grades 1, 2, and 3 are particularly important in terms of children's academic achievement and accomplishment, and now we find the Republicans in the House of Representatives zero it out, eliminate all of the funding for that particular program. We ask, why?

That happened last week. Later, I will review the various studies showing how the smaller class sizes have been important in terms of academic enhancement and achievement. It ought to be self-evident. No one makes this case more passionately and with more knowledge than perhaps the only school teacher in this body, and that is Senator MURRAY of the State of Washington. She has taught and been a member of a school board and can state the difference between having 15, 25, and 30 children in a classroom. We have had the eloquent statements and comments made by the Teacher of the Year, talking about the difference in being able to know the names of the children and the needs of those particular children and being able to take time with those particular children. It is self-evident. We have seen that. But not according to the Republican Appropriations Committee.

We say this is wrong.

We saw other examples. In the program for helping and assisting children to read, we have made some progress in the area of reading—not much, but we have made noticeable progress. We have a long way to go. We know the challenges out there. There have been a variety of different approaches developed. The chairman of our committee, Senator JEFFORDS, has long been committed to this program. A number of Members enjoy the opportunity to read at Brent Elementary School, here in

Washington. We know the importance of children learning to read and how important that program is in terms of their ability to read and in terms of their own academic achievement and accomplishment.

Why in the world would we cut that program way back? It is a matter of priorities. I read Members' comments made on Friday saying: We cannot fund everything; some people—knowing they were meaning this Senator from Massachusetts—want to fund all these programs. The fact is, here is a question of priorities. The debate is about priorities. We are saying education is a No. 1 priority; that is where scarce resources ought to be continued. If there are other priorities, there is a problem, and we have to make a judgment.

But hold this institution accountable for making education the No. 1 priority. We are prepared to do that. We are prepared to call the roll on it. If Members have other priorities they think are more important, they can go along with those and make their judgment.

One of the major achievements of the reauthorization of the Higher Education Act last year was trying to increase the total number of teachers. We don't just need 2.2 million teachers in 10 years; 30 to 40 percent are in retirement at the present time. There is also rising enrollments—447,000 more children started school this year. Some might say we have more teachers, maybe the programs that are working need some help and assistance if we are going to try to help those 447,000 students. What we have found out is one of the important cutbacks was in the program to enhance the additional qualified teachers to be teaching in our schools.

These are the realities. These are the numbers. This was, actually with regard to teaching, 40 percent below the President's request. It is the Teacher Quality Enhancement Program.

We know, even with the President's programs, with 100,000 new teachers, we are not going to be able to do the whole job. The record-high enrollment this year of 53.2 million students—447,000 more children than last year, and the continued rise over the next ten years; 324,000 in 2000, by 282,000 in 2001, by 250,000 in 2002, and continuing on an upward trend in the following years. I do not hear any discussion about: Look, there is an expanding number of students in our schools in this country. How are we going to ensure we will have sufficient teachers who will be qualified; not people who will be in the classroom but well-qualified teachers? That is what we are strongly committed to.

I see my friend and colleague from Illinois who, I am sure, wants to address the Senate. These are questions of priorities. As I have said before, allocating the resources is a question of priorities. Money does not solve all of the problems. But one thing we do know, without resources you are not

going to be able to invest in the children of this country—you are not going to be able to do it. We believe this is an indication of a nation's priorities. Not all the programs are going to work perfectly. Some may be altered or changed. We will look forward to the debate on the Elementary and Secondary Education Act, which is the principal instrument to help and assist the local schools.

Their answer to the question of priorities is suggesting we should give first priority to helping and assisting families in this country in the partnership—and it is a partnership—between the local communities and the States and the Federal Government. We provide very little, 7 cents out of every dollar. This idea we are making these decisions that will decide all education policy—we understand where the education responsibility is, it is locally. They put up the majority of resources in it. But we provide some targeted resource to try to make a difference in specific areas. That is what we believe in.

We cannot support this concept that the Congress has taken strong steps. Look at the record: Nothing this year for more teachers or smaller classes; nothing to modernize schools, to help with repairs, to wire the schools for computers; nothing to help train teachers; nothing to help with the basic skills such as literacy—virtually nothing. Virtually nothing. All we have seen so far are cuts in education. That is not strong steps to reform our Nation's education system.

I will be glad to yield 10 minutes to the Senator.

Mr. DURBIN. Madam President, I thank the Senator from Massachusetts, not only for his statement but also for his leadership on this issue. I do not think there is another Member of Congress, let alone the Senate, who could rival his commitment to education over the years.

I am happy it has come to this vote because I think between these two resolutions—one offered by the Republican majority leader, Mr. LOTT, and one offered, as well, on the Democratic side, an alternative by the Democratic minority leader, Senator TOM DASCHLE—we see a difference in approach and a difference in attitude when it comes to education.

It is curious, as the Senator from Massachusetts has noted, that we have left the education issue for last. After we have talked about every other appropriations bill, some 12 other bills, we are finally going to get around to talking about education. Our human experience tells us we usually leave to last the thing we do not want to do. But why in the world would this Congress not want to deal with education? What is our reluctance to deal with an issue which, on a Republican, Democratic, and independent basis, is judged to be the No. 1 issue in America today? The No. 1 issue with American families is dead last when it comes to Senate consideration.

We are only a few days away from the beginning of a new fiscal year. I will be very honest and concede that rarely, if ever, does Congress have all of its work done on time so we start October 1 with all the new spending bills. But I can never recall a time in the 17 years I have served on Capitol Hill when Congress has been in such utter chaos as we approach October 1.

If the Republican leadership has some master plan they have been holding back on how we are going to meet our responsibilities and do the right thing for the American people, I hope they will unveil it in the next 4 days because October 1 is Republican Responsibility Day. The leaders in Congress, Republican leaders, are responsible for, at a minimum, telling the American people what their plan is so we do not have another horrendous Government shutdown and we meet the priorities on which the vast majority of American families agree.

I look at these two resolutions on education and I can clearly tell there is a difference of opinion between the two political parties about an issue where there should be so much common ground. First, Senator LOTT's S. Res. 186—I assume it will be the first one voted on, but whether it is or not, it is interesting to note Senator LOTT goes through and recounts some of the things that have been done in funding education and finds many shortcomings with our public education system. Ninety percent of the children in America go to public schools, 10 percent to private schools and home schools, and I concede in many public school districts and systems there are schools and classes and teachers that, frankly, should be better. I think we ought to strive for accountability when it comes to education but also for a commitment to education from this Nation.

I think Senator LOTT, however, overlooks some of the more important progress that has been made in public education. I note that student achievement on a nationwide basis is definitely improving. Average reading scores have increased from 1994 to 1998 in all grades tested—4, 8, and 12. It is interesting to me the Republican Party generally opposes the idea of national testing so schools can be held accountable. They think this is all local and it should be done locally, though the students, when they graduate, are going to compete far beyond their localities, probably their States, and maybe nationally or globally. But when we look at these tests we find things are getting better.

We have seen student access to modern computers increasing significantly, and we know the partnership we have been striving to establish between the Federal Government and local school districts has improved reading scores in many districts. In my home State of Illinois, which I am honored to represent in the Senate, we have done remarkable things in the public school



system. A system written off by Secretary of Education William Bennett a few years ago has now become a model for the Nation. It is because of a partnership—Federal, State, and local partnership. There is nothing inherently wrong with that. In fact, we are proving, in Chicago, that partnerships can make a difference.

So when Senator LOTT, in his resolution, says Congress has to recognize the need for significant reform in light of troubling statistics, I think this is clearly a case where we are either going to light a candle or curse the darkness. In Senator LOTT's situation I am afraid the candle isn't lit.

What we have in the resolution, in the "resolved" clause, which is where you get down to business, very little is said. Let me read it to you. This is Senator LOTT's Republican resolution:

... it is the sense of the Senate that—this Congress has taken strong steps to reform our Nation's educational system and allowed States, local schools and parents more flexibility and authority over their children's education. . . .

And he goes on in the second paragraph:

The reauthorization of the Elementary and Secondary Education Act of 1965 will enable this Congress to continue its efforts to send decision making back to States, local schools, and families.

What a contrast with the resolution that is being supported by Senator KENNEDY and offered by Senator DASCHLE which, for two pages, goes into specific detail as to what this Congress needs to do before we go home if we are going to be able to face families across America and say: Yes, we get the message. Education is critically important.

In the Daschle Democratic resolution, unlike the Republican resolution, he speaks out specifically for us to reduce class sizes so teachers in the early grades can pay more attention to kids who need a helping hand; to increase support for the development and training of professional teachers, and that is something we know we will need as teachers are retiring and as school enrollments continue to work.

More afterschool programs, an issue I feel very strongly about. We can lament violence in our schools; we can lament juvenile crime; but if we do not invest money in afterschool programs, it is easily understood why these problems get worse instead of better.

An increase, and not a decrease, in funding for the Safe and Drug-Free Schools and Communities Act of 1994.

An increase in funding so kids who come from the toughest neighborhoods and families with the most problems have a chance to succeed.

More money for kids who are disabled, so they will have a chance to prove themselves.

More money for Pell grants. Boy, if you are a parent who has sent any of your kids through college, you understand what kids coming out of college face: A diploma in one hand and the

equivalent of a mortgage in the other; \$20,000, \$30,000, \$40,000 for a bachelor's degree. If we do not accept the commitment that Senator DASCHLE challenges us to accept, these kids will have more and more debt when they graduate. That is clearly something we do not want to see.

We want to make certain that kids, particularly from working families, come out of the college experience and are able to take a good job and not worry, first and foremost, about paying back their school loans which have greatly increased in size.

The Daschle resolution calls for more money for technology in classrooms; also, that the school facilities be modernized. We have seen too many schools that are ramshackle and falling down.

What a clear difference between the Daschle resolution, which speaks in specific terms about the challenges ahead in education, and the resolution offered by Senator LOTT, who is now on the floor, which points, I guess, with some pride, to passing the Ed-Flex bill, which I supported, but says, I guess, in a way, that Congress has already taken strong steps. I think the steps taken by Congress can be a lot stronger and more specific. As we face Responsibility Day, October 1, just a few days away, the question most American families will ask us is, Have we addressed education?

I will close with this thought. At this moment in our history, with our economy the strongest, many say, that it has ever been, with more people, particularly in high-income categories, realizing more income and a better quality of life, with the general economy having weathered, endured, and experienced the most prosperous decade in our history, at a time when we are talking about a surplus in our Federal Treasury when only a few months ago we talked about deficits, at a time when the majority party, the Republican Party, has said, we have so much money in Washington, we have to give \$792 billion away in a tax cut primarily to wealthy people, I have to say: Before we do that, let's get things right when it comes to education. I want to say to the American people: We got the message; we will start the 21st century committed to education to make sure the American century, the 20th century, is followed by the next American century, the 21st century.

We will not achieve that by holding to the standards suggested in S. Res. 186. It is weak soup. Instead, we should be dealing with Senator DASCHLE's resolution which calls on this Congress in specific terms to meet its obligation not only to the families across America and the voters who sent us here but the future generations who count on us to be prepared to put education as our highest priority.

Mr. KENNEDY. Will the Senator yield for a moment?

Mr. DURBIN. I will be happy to yield.

Mr. KENNEDY. As the Senator was going over 1995 through 1999, does the

Senator remember when it was the standard Republican position to abolish the Department of Education? I think you and I want every time that President meets with his Cabinet officials one person who is going to think nothing but education, and every time that President talks about national priorities, to speak for the education of the children of this country. That I know has been the position of the Senator from Illinois.

Does the Senator understand why, on the one hand, they were going in that direction and then, within about a year after that, we had Secretary Lamar Alexander's answer in terms of the elementary and secondary school reform: That we have a model school in each congressional district and in each of the States, and they to be decided, by whom? By the local community? No; by the Secretary of Education.

Now we have another approach. We have the block-grant approach. Can the Senator explain to me, within a period of about 5 years how we can go from, on the one hand, abolishing the Department of Education to, on the other hand, having the Secretary of the Department of Education saying we ought to have model schools in each of the congressional districts, to now block granting everything and sending it back to the States?

Mr. DURBIN. It is a curious thing, I respond to the Senator from Massachusetts, that the Republican Party—and I believe it might have been in the party platform; it certainly has been a position taken by many of their prominent Presidential candidates that we should abolish the U.S. Department of Education and, in abolishing that Department of Education, give back responsibility for education to the local school districts and families.

The local school districts and the families should have the premier voice when it comes to educational decisions. But we should not overlook the fact, as the Senator from Massachusetts notes, that there are responsibilities we in Washington should accept. And one of those responsibilities is to gauge the demands of the global economy and to make certain that, as a nation, we are moving forward with the kind of educational system in general that will prepare kids for the future.

I have yet to run into a school district in my home State of Illinois that does not want to have Federal assistance in meeting that responsibility. I concur with the Senator from Massachusetts that the Daschle resolution really deals with that in specific terms. The Lott resolution, unfortunately, does not.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The majority leader.

Mr. LOTT. Madam President, I did speak at length on Friday afternoon on this issue of education. I will not repeat everything I said then. I do have a unanimous consent request I want to

make momentarily. First, I will make some opening remarks.

I am the son of a schoolteacher. I went to public schools all my life. So did my wife. So did my children. I care a great deal about quality education, public education, private and parochial education. I will take no backdoor approach to education. We have to have quality education in America. It also has to be safe and drug free.

There is a fundamental difference about how we do that. The Democrats think the answer is here in Washington, that nameless and faceless bureaucrats in Washington, DC, know better what should be done in education in Bangor, ME, or Pascagoula, MS. I reject that. I have faith in the students, the teachers, the parents, the administrators, the local officials, and the State officials to do what is right for education.

I may or may not have been right on some educational issues over the years. I voted for a separate Department of Education. I voted for it. I do not want too much revisionist history to be made this afternoon. When I was in the House of Representatives, I did that, and I took a pounding for it. My constituents did not agree with me. They did not think we needed a separate Department of Education. I argued at the time that it was being overrun and overwhelmed by the Department it was in, HEW—Health, Education, and Welfare. It was blocked by the other two issues and did not get the attention it should have. I did that.

I must say, I do not see where a separate Department of Education has done a whole lot of good for education in America. The education scores have continued to go down, although recently some of the test scores may have gone up.

When my children finished high school, I felt they did not have as good an education as I did when I finished high school in Pascagoula, MS. By the way, they went to two of the best high schools in America: Thomas Jefferson High School in Northern Virginia and Annandale High School in Northern Virginia. Yet when they got to the University of Mississippi, even though they had been to the public schools of Fairfax County, they did not have as good a background and preparation for college as some of the students in Biloxi, MS.

What is going on here? I have been through this education thing for a long time. I feel strongly about it. We must have a better education system in America. What we have is not working. What the Democrats are advocating is the same old thing in the same old box. It will not work. We have to come up with different ideas, new ideas.

I repeat one example I went through last Friday. Why is it that elementary and secondary education in America is way down the list of elementary and secondary education programs of the world? I have seen some statistics where we are 17th, and yet higher edu-

cation is rated the best in the world. How can that be, that elementary and secondary education is not what it should be and higher education is excellent?

I have a couple suggestions for you. One, when you finish high school in America, you have a choice of where you go. You can go to work, if you have been in a vocational education program in high school; you can go to a community college or junior college, a technology training program or job training program; you can go to a college, a university, a State university; you can go to a parochial university; or you can go, Heaven forbid, to Harvard if that is what you choose. Every student in America, everyone who finishes high school, can get a college education—with scholarships and loans.

I was a beneficiary of what was then known as the NDEA loan. When my own family fell apart, I was trying to get a law degree. I held down two jobs and got an NDEA loan, thank the Lord. It helped me get an education. I am for loans. You also have grants and supplemental grants. With the combination of jobs and the Work-Study Program—jobs, grants, loans, scholarships—you can go to school.

Every student may not be able to go to Harvard. Some may have to go to local community college where, by the way, you can get a great education. The community college system in America is fantastic. You have a choice, but not if you are in high school. If you live in a middle school district in a neighborhood, you have to go to the middle school in that neighborhood. If it is no good it does not make any difference. It does not make any difference if it is drug infested. It does not make any difference if it is violence prone. You have to go there, even though there might be a good quality public school right down the street.

Right here in the District of Columbia, you have some good high schools. Yet, if the parents want their children to go or the students themselves want to go to a good high school, they are told: No, you can't do that. That does not seem fair. Some of the teachers union people say: Well, the bad schools might not make it. Right. If the school is not doing its job, then get out of the way. Choice is one of reasons we have much better higher education in America.

The other one is financial aid, because if you want to go to college, you get a loan. But you do not get a loan if you want to help your sixth-grade student get a computer or if you want to help them with some of their other needs. You cannot have a Coverdell A+ savings account for elementary and secondary education. Oh, no. No, we can't have that. They might choose to save their money and put their students in some other school.

So I think we need to think about those differences in how we can improve education overall.

Also, I want to make this point. There is talk about, oh, how Republicans are going to starve education. That is total baloney. In fact, in the Labor-HHS-Education appropriations bill that will be on the floor this week, the Republicans have a half a billion dollars more for education than the President's budget—surprise, surprise. How could that be? As a matter of fact, in recent years—I will give the statistics here in a moment—Republicans have provided for a 27-percent increase for education.

We are not stingy on education. We want education to have the money it needs. We don't want it to be able to waste money on programs, but we want to do it differently. We don't want it to be eaten up here in Washington, DC, where the bureaucracy takes a bite out of it, and a little dribbles down to Atlanta, and a little dribbles down to Jackson, and eventually it gets down to where the student is. No.

We say we have faith in the local and State governments and the teachers, the administrators at the local level. We would like it to go down to where the rubber meets the road. Let them make the choices. If they want to put that money into computers, great. If they want to put it into elementary education, or if they want to put it into remedial reading or remedial math, or if they want to fix a roof, great.

Of course, the answer again for the Democrats is, we should get into the school building business; the Federal Government should start being in charge of repairing local school building roofs, by the way, at a time when every State in the Nation—every one—has a surplus.

Every State has a surplus, and some people say: Well, it might be a few dollars—\$34 billion. So how about local and State governments being in charge of building schools? If we start down that road, if we start being in charge of the roofs and building the buildings at the Federal level, we will have to build every one in America. I think once again it will bring more control to Washington, and we should be directing it the other way.

I would like to ask consent to add a modification to our resolution we have pending. I do now ask unanimous consent that the pending resolution be modified with changes I send to the desk.

Before the Chair rules, let me say to the Senate, these are modifications regarding the vetoed tax bill and all the education benefits that bill would have extended to the American people if it had been signed into law by the President.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Madam President, we just received these changes. There was an initial presentation, a Lott resolution. Then that was changed on Friday, which was fine. Now this is an additional one. At this time, I would have

to reserve the right to object just so we would have an opportunity to read it and familiarize ourselves with it. So I object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Madam President, I thank the Senator for putting it in a reservation in that way. He would like to have a chance to read it over.

This is a sense-of-the-Senate resolution. The Democrats are stating their sense of the Senate on education issues. We have our resolution, and we would like to do the same thing. So I hope they will review the language we have in this modification and agree that it could be added to our resolution. But in the meantime, let me state what is in this resolution.

So here is the untold story. This modification, that may be objected to, would simply spell out what was in the tax cut bill the Republicans passed—the Congress passed and sent to the President, and he vetoed it. What has not been told is that there were a lot of education benefits in that bill.

In fact, it was interesting to me that 1 day after the President vetoed that bill, providing considerable new incentives for education, the Democrats complained about this Congress' performance on education. But they raised not a single voice to protest the unwise veto when you take into consideration the tremendously enhanced education for millions of Americans that was included in that bill.

The President's veto denies 14 million American families from participating in the education savings accounts—that is what I was referring to a while ago—to allow parents to save for their children's education needs at the elementary and secondary level, which they cannot do now. These accounts would have generated \$12 billion for parents to provide tutors, pay for books, buy computers, send children to afterschool instruction, and pay for tuition at private schools if their public school failed to make the grade. Twenty million Americans children would have benefited, but the President said no to that.

The President's veto denies 1 million students savings to make college more affordable. Our bill would have provided 1 million students in-State prepaid tuition plans. And my State of Mississippi is one of those; I think the State of Maine may be one of those, and a number of other States. They are being denied this prepaid tuition plan which would provide significant tax relief to make college more affordable.

Why shouldn't parents be able to save in advance for their own children's college tuition? The financial crunch for college would be eased for 1 million students, but the President said no.

The President's veto denies 1 million workers receiving education assistance through their employers. This is something that I believe the Senator from New York, Mr. MOYNIHAN, has advo-

cated for years. In today's competitive economy, education is the key to maintaining skilled workers. One million American workers would have had access to better education or more education, but the President said no.

The President has made college more expensive for millions of Americans. The Taxpayer Relief and Refund Act would have allowed recent college graduates to deduct the interest on their student loans. I would have liked to have had that when I graduated. For my own NDEA loan, the interest rate was not that high then, but it would have helped in paying that loan back. This provision is particularly critical for young people trying to hold down their first job and paying off their college debt at the same time. College would have been more affordable for millions of American students, but once again the President said no.

The American people would have benefited also by the help given in this bill to schoolteachers. Our bill allowed every elementary and secondary school teacher in America to receive tax relief for their professional development expenses.

My mother taught the first grade through the sixth grade but generally first grade. This is something that would have been helpful to her when she was teaching those 19 years. This bill would have made professional development less expensive, but the President said no; that, once again, the teachers should not have this benefit.

So I wanted to point out several educational features that are in this bill. All I am trying to add to our resolution is this information so people will be aware of it.

With regard to our commitment to education, in the bill that will be coming to the floor—and in bills that have come to the floor in recent years—we have raised the Pell grant funding for our Nation's poorest students to historically high levels. We have increased funding for our Nation's disadvantaged schoolchildren, thanks to the leadership of Senator GREGG of New Hampshire and others. And we have raised the funding by \$2 billion over the last 3 years for IDEA, the Individuals with Disabilities Education Act. Our commitment to our Nation's disabled children certainly outstrips the President, who recommended funding levels this year that do not even keep pace with inflation. Funding for education has increased by 27 percent since 1994. We will continue moving forward. We will continue to provide adequate funding for education. We will continue to work for innovative ways to improve education, and we will have a bill on the floor this very week that puts money where our mouths are. We are not interested just in saying what the President didn't do or what the Democrats didn't do. We are interested in getting the job done. That may mean doing some things differently from the way they have been done in the past.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. How much time remains on this side?

The PRESIDING OFFICER. Seventeen minutes 37 seconds.

Mr. GREGG. Madam President, I yield myself such time as I may consume.

I think, going forward with this debate, there ought to be some facts pointed out for clarification because the resolution of the Democratic leader and the representations of the Senator from Massachusetts and the Senator from Illinois are not consistent with the facts, as they are presently in existence and on the ground.

Specifically, the Republican budget included a dramatic increase for education, and the mark for education under the Labor-HHS bill, which is being marked up this evening, represents a \$2.2 billion increase over last year; no reduction, a \$2.2 billion increase.

Let me go through a few of these programs that have been represented by the other side as being reduced. That is misinformation. It is inaccurate, and it is really inappropriate, that the Democratic leader would bring to the floor of the Senate a resolution which is so totally and grossly inaccurate.

In the area of Pell grants, the committee will be marking up a bill which has a \$74 million increase over last year's funding; that represents a number of \$7.7 billion. In the area of IDEA, the committee will be marking up a bill which has a \$701 million increase over last year's funding; that represents a number of \$5.8 billion. In the area of IDEA part B, the committee will be marking up a bill which has a committee increase over last year's funding of \$678 million, a total budget of \$4.8 billion. In the area of the TRIO Program, the committee will be marking up a budget which has a \$30 million increase over last year's spending, \$630 million.

In the area of title I, the committee will be marking up a budget which has a \$324 million increase over last year's budget, a number of \$8.7 billion for title I. In the area of the safe and drug-free schools, the committee will be marking up a budget which has an increase of \$45 million over last year, a total number \$611 million. In the area of Head Start, the committee will be marking up a budget which has a \$608 million increase over last year, total budget of \$5.2 billion.

In the area of afterschool programs, the committee will be marking up a budget which has a \$200 million increase over last year. When you add these increases up, we are significantly above the administration request.

For example, in the Pell grant area, we are \$315 million over the administration request. In the IDEA area, we are \$375 million over the administration's request. In the IDEA part B area,

we are \$675 million over the administration's request. In the title I area, we are \$16 million over the administration's request. In the safe and drug-free schools area, we are \$20 million over the administration's request.

The simple fact is, the representations put forward in this resolution by the Democratic leader are absolutely inaccurate. It is inappropriate that this has not been amended to reflect the markup vehicle which is going forward in the Senate. Maybe the Democratic leader thinks he represents the House of Representatives, not the Senate. In the Senate, these are the numbers we are working from, dramatic increases in funding and a commitment to programs we think are working.

Yes, there are significant differences on priorities. As both the Senator from Illinois and the Senator from Massachusetts have said, their priorities are different than our priorities. That is true. There is a different philosophy of government, a different philosophy of approach to education.

We happen to believe parents should be empowered. We happen to believe teachers should be empowered. We happen to believe principals should be empowered. We happen to believe local school boards should be empowered to make decisions as to how they operate their schools and where they will put their scarce and valuable resources.

The other side of the aisle happens to think they have the best ideas in the world, that all the good ideas come from the national labor unions and from the Department of Education and from the administration; that, therefore, there should be developed a set of categorical grants which will tell the parents, the teacher, and the principal exactly how they will run their local school because Washington absolutely knows better how to do it than the local parents, the teacher, or the school.

Well, there is the difference. No question about it. The other side wants to set up a categorical program in the area of buildings, in the area of after-school programs, in the area of teacher ratio. What we want to do is say to the local school district, to the parents, to the teacher, and to the principal: Here are the dollars. We tell you you must set a standard of education which is an excellence standard, a standard which requires that the children in your school meet the basic elements of education—math, reading, and writing. You have to have those standards. But within the context of meeting those standards, which standards shall be set at the State, not by us in Washington—we don't believe in national tests because we don't happen to think people here in Washington should write the tests; we think people in the States should write the tests—once those standards are set at the local school district by the States, then we say to the States, local school districts, parents, and teachers: You make the decision on where the dollars should be.

Should they be in a new classroom or with an additional teacher, or maybe there are some schools out there that happen to want another computer, that happen to want to have another French teacher, that want to have another math teacher, or maybe they want to send their kids to some special program. Maybe they have some new concept of education they think is going to work better.

Leave it to the local school district to make that decision. Leave it to the parent to make that decision. Leave it to the principal and the teacher to make that decision. Let us not make those decisions in Washington.

Yes, there are priority differences. Our priority is to empower the parent, the teacher, and the principal. Their priority is to empower the national labor unions, the Department of Education, and the great thinkers in Washington who have the answers to everything on every subject and especially on the issue of education.

We have, in the proposals we will be putting forward, specific programs which do empower parents, which give parents a chance to do something when their kids are in schools that fail. It is an outrage that in this Nation we have 5,000 high schools and elementary schools combined that are failing schools, by the standards set by the people who run those schools. If you have your kids in those schools, what is your option? You don't have an option. Your kid is stuck in that school.

Parents ought to have an option. If their children are in a school that has failed year after year after year after year to teach those children how to write, how to read, how to think, parents shouldn't have to be subjected to sending their kids to those schools. They should have the opportunity to say to that school: OK, we are going to give you 2 years to clean up your act—which is exactly what our proposal does—on your standards. We are not setting the standards. We will not set a bar so high that nobody can reach it. You get to set the standards—you, the State; you, the community.

If that school doesn't meet those standards—and I suspect those standards are going to be reasonably stringent; at least they are in New Hampshire—so that an elementary school, once again, for 2 years in a row fails, then we basically put that school on probation. We say to the State: You have to go into that school and you have to straighten it out. You have 2 years to do that. You have 2 years to get those kids an education, which is what the goal is, obviously.

If after 2 more years that school still doesn't cut it, then we say to the parents of the kids who are going to be subjected to this horrendous school: It is up to you. You make the decision as to whether you want your son or daughter to go to that school. If you decide you want your son or daughter to go to another public school or to another program that involves after-

school activities and you are a low-income person, we are going to let the funds go with your child. We are going to let the funds follow your child rather than have that school absorb all these funds that will do nothing for you in the way of educating your children. That is a difference of opinion. They want to run the failed schools, keep sending money to the failed schools, and they want to build more failing schools.

We say if a school is failing, let's get it under control and make it work; if it doesn't work, let's give the parents some options. We also say: Listen, we have all these categorical programs that almost tell teachers how many pencils they can have in their classrooms. Let's stop that and take a bunch of these categorical programs and put them into a basket of money, and after setting the standards—again, the standards are set by the State, not by us—after setting the standards, say to the local school districts: You can use this basket of money to try to help your kids make the standards. It is called "straight A's." Every school district in this country is for it. The only people against it are the big labor unions in Washington and the Department of Education because they don't want to give up the categorical programs. Why? Because there is political power in those programs. This isn't about education; this is about power, about controlling dollars for the sake of power.

We are talking about getting money out to the parents; they are talking about empowering a bunch of people in Washington who happen to be affluent in their field or effectively are elitists, in my opinion. So, yes, there are differences of philosophy. But on the facts, this resolution carries no weight because it is totally inaccurate on the facts. It should be amended because every one of these cuts it lists is not a cut at all.

While we are on the subject of cuts, who does make the most significant cut at the Federal level? Is it the Republicans? No, it is not. It is the President's budget, sent up here without any increase in spending for the IDEA program, the special ed program. Let's talk about that a little bit because there is a difference in priorities. Special ed is a very important part of education, a good idea put together back in 1976 under 74-142 or 76-142—I am not sure which; there are so many numbers floating around. But it said, if you have a special needs child, that child has the right to a good education in the educational system, and the Federal Government knows it is going to cost a lot to educate that child, so the Government will pay for 40 percent of the cost of that child's education.

What happened? While the Democrats controlled this Congress, year in and year out, that 40-percent number went right down like a roller coaster going down a big hill. The Federal Government's share of education was down to

6 percent when the Republicans took control of the Senate and the House. We recognized that was wrong. What happens when we don't pay the special needs cost is the dollars flow from the local community, who takes over the Federal responsibility, and then the local community no longer has flexibility over the local dollars because they are paying for what the Federal Government was supposed to do in the first place.

(Mrs. HUTCHISON assumed the chair.)

Ms. COLLINS. Will the Senator yield on that point?

Mr. GREGG. I will certainly yield to the Senator from Maine.

Ms. COLLINS. So what the Senator is saying is it has been the Republican Congress that has attempted to live up to the promise made in funding special education; it has been the Republican Congress, and, today, the Appropriations Committee is going to meet to add educational dollars to the President's budget. In fact, we will be increasing spending for essential programs such as special ed, Pell grants, the TRIO programs, above what the President has requested; am I correct in that understanding?

Mr. GREGG. The Senator is absolutely correct. Regarding IDEA, the President, all during his term in office, has never sent up a budget of any significance. However, the Republican Senate and Congress have increased IDEA funding by over 85 percent and, after this year, there will be up to about a 110-percent increase in it over the baseline with which we started.

Ms. COLLINS. If I may, I will ask the Senator from New Hampshire, who has been such a leader on education issues, one further question. So this is not a debate about money because it has been the Republicans who have continually increased educational funding. What this is a debate about is who is going to make the decisions. This is a debate about philosophy. Does the Senator agree with that?

Mr. GREGG. That is exactly right. It is about philosophy and it is about power.

Ms. COLLINS. I thank the Senator.

Mr. GREGG. The Senator from Maine has been a leader on education issues, also, especially IDEA.

To complete my thought on that issue, the President sent up a budget which had no increase in IDEA. He took the money from the special ed kids and he started these new categorical programs—buildings, afterschool, teachers. That money should have gone to special ed to fulfill the obligation of the 40 percent we said we were going to pay in the first place. But, no, he took the money from the IDEA program and put it into the categorical programs, which had the double, insidious effect of making the local governments have to now support the Federal programs, so they lose their local schools. They could have built schools if they wanted to build schools or added teachers or

done whatever they wanted to. Now they don't have the dollars because they are supporting IDEA.

On top of that, he says to the local school districts: I have taken your dollars for special ed, which we were supposed to pay you to begin with, and I put them in categorical programs; to get the dollars, you have to do what I tell you to do—build a school, or add a teacher, or you have to do an afterschool program. The local school district may not want to do that; they may want to do something else, such as a new French program, or a new computer system. They may want to add to the football team, or put in an arts department. But they can't do it because the money they were going to have to do that with is being spent to do the Federal end of the special ed funds. Now the money that is supposed to come in for that is coming into a categorical grant.

It is all about power and who is going to run the education system. Is it going to be run in Washington by labor union leaders and bureaucrats, or is it going to be run by the teachers, parents, and the principals? That is what this debate is about; it is not about money.

I yield the floor.

Mr. KENNEDY. Madam President, how much time do we have?

The PRESIDING OFFICER. There are 23 minutes remaining.

Mr. KENNEDY. I yield myself 8 minutes.

Madam President, a couple of quick facts. If the good Senator from New Hampshire went back to March 25 of this last year—the time we were considering the \$790 billion tax cut—we offered an amendment that would have taken one-fifth that amount of money and completely funded IDEA. The Republicans unanimously rejected it. They unanimously rejected it. They thought we ought to have tax breaks rather than funding IDEA. So, before we get all worked up about this position that was just talked about, we ought to understand that.

Madam President, with all respect to my friend, the majority leader, I don't find traveling around Massachusetts that the school systems are saying: We have sufficient resources and we don't need any help or assistance. The role of the Federal Government, historically, is to provide a very limited amount of resources in targeted areas, where there are some special needs, and that is why we have these targeted resources.

If our good friends on the other side want to have a good deal more funding, generally, in terms of education, they can request their Governors to go ahead and do so. Our role is to find targeted resources.

Now, what are these targeted areas we have talked about? Let's get specific. One of the key areas are smaller class sizes. As I mentioned, the Senator from Washington, Mrs. MURRAY, is our leader on that issue. The project STAR

studied 7,000 students in 80 Tennessee schools. Students in small classes performed better than students in large classes in each grade from kindergarten through third grade. Follow-up research shows that gains lasted through at least the eighth grade. STAR students were less likely to drop out of high school. Research also shows that STAR schools and smaller classes in grades up from K through 3 were between 6 and 13 months ahead of regular classes in math, reading, and science, all the way through the fourth, sixth, and eighth. That is one of the programs that we support. That is a priority item. The Republicans zeroed that out.

I was interested in the Republican leader saying we are going to have a big bill on the floor of the Senate next week. We are saying: Where has it been? We are glad it is going to be here, but where has it been? That is our point.

We have the situation of after-school programs. We know the dangers of young students getting in trouble with violence after school. Juveniles are most likely to commit violent crimes after school, as this chart shows, it is between 3 and 6 p.m.

We had a modest program by the President with \$200 million. There were 1,700 applications for that program. Only 184 programs can be funded at the current level of \$200 million. There were 1,800 unfunded after-school programs. We are trying to fund those. The Republicans say no.

Take a look at what these dollars have meant in terms of math scores improving. This is in the neediest areas of this country. From 1992 to 1996, in every one of these areas, and particularly in the areas where the students are the poorest, almost double the performance for children in the area of math and science. In each of the various quarters, we have seen a significant increase in the last 4 years.

That is our priority: Smaller class size, after-school programs, and trying to improve student achievement in the areas of math and science.

I'll mention one more area, wiring the schools for the 21st century. We have seen the gradual increase in the schools that are wired. But still, for the instructional rooms where children learn, they do not have those kinds of resources. We believe we should provide some help and assistance. Local school districts want that help and assistance. We are being denied that under the Republican priorities.

Finally, with all respect to our majority leader, the history and the record shows that it has been this President and the Democratic leadership who have seen the increase in the funding over the period of the last 6 years. That is just a matter of record, with all respect.

The final point the Republican leader says: Why didn't they support our tax reductions? The Office of Management and Budget has stated that there would have been a 40-percent reduction in

support of education in order to pay for that tax break.

I ask the majority leader, if you have \$780 billion that you want to give away in tax breaks, why aren't you providing additional funding on programs that have been tried, tested, and have enhanced the educational achievement of the children of this country?

Madam President, I yield 10 minutes to the distinguished Democratic leader.

Mr. DASCHLE. Madam President, I will use leader time so as not to take what limited time may be left.

I want to speak for a moment and commend the distinguished Senator from Massachusetts for his remarks and for the incredible message I think that chart alone points out.

We heard our Republican colleagues say over and over that they are the ones who have supported education; they are the ones who can take credit for the fact that we have actually improved funding over the course of the last several years. As Senator KENNEDY has pointed out so ably, it is only because we have forced our Republican colleagues to increase this investment that we see any real improvement whatsoever.

That is the reason I am hoping our colleagues will be very wary of the resolution posed by our Republican colleagues this afternoon.

Obviously, if you look at some of the stated priorities, there is very little for which there can be disagreement. We should have well-trained, high-quality teachers. Parents need to be involved in education of their children. There have to be safe schools, and we need to have orderly places for children to learn.

But the problem is the rhetoric and the record are totally opposite. Rhetoric is what we just heard. The record is deep cuts in education every single year. The Republican agenda will not achieve the rhetoric that the resolution the Republicans are proposing today calls for.

Look again at what the House Labor-HHS-Education subcommittee did last week. How does killing class size reduction match the rhetoric in the resolution? How does it match the rhetoric in the resolution to provide only half of the money the President has requested for afterschool programs? How can you ensure that we have orderly places for children to learn when you cut funds from the Safe and Drug Free School program? How do we help make sure children are ready to school when you provide \$500 million less for the Head Start Program than the President has requested? How can you do the things the Republicans propose in their resolution and then eliminate the Class Size Reduction Program, making it even more difficult to make sure that every classroom has a qualified teacher. Giving families a \$5 annual tax break isn't going to make schools safer or provide afterschool programs. Vouchers do nothing for these kids left behind in low-performing schools.

I urge our colleagues to look very carefully at this resolution, and look at the statement at the end of the resolution which says this Congress is now in a position to be congratulated for its strong education performance.

How do you congratulate a Congress that cuts as deeply as the House did last week? How do you congratulate a Congress that has nothing to show for the record in education except for an Ed-Flex bill we passed last spring that is of very little value in reaching the goals and the stated objectives in the Republican resolution?

That is why we have offered our resolution. Our resolution addresses the priorities stated by our Republican colleagues. We put our money where our mouth is. We do what we need to do—fund the priorities within this budget to ensure that we are able to achieve those goals, not just talk about them.

We provide \$1.4 billion to reduce class size. We triple the funding for afterschool programs. We increase college access and affordability. We expand opportunities to incorporate education technology. We advance school literacy and readiness.

Those are the kinds of things you need to do if you are serious about these stated goals which are found in both resolutions.

You have to look at what happens once the resolution passes. From where does the money come, and how big a commitment is there on the part of colleagues on either side of the aisle to achieve what we say we want to achieve? Only one resolution pending does that.

I hope everyone will understand that before they cast their vote.

Let me also make a couple of comments. The Senator from Massachusetts did such a good job that very little else needs to be said with regard to some of the remarks made by our Republican colleagues. But the majority leader on Friday made a couple of statements to which I think there must be a response. He pointed out that spending on education has risen every year since the Republicans took the majority.

It has risen, all right. But it has risen over the objections of many of our colleagues on the other side. It has risen only because this caucus and the administration have pressed the Republican leadership and the Republican Members of the Senate to do what we have advocated again this year—to provide the kind of commitment and resources necessary.

One of the Republicans' first action was to rescind \$1.7 billion in education funding. One of their most famous actions over the years has been to propose abolishing the Department of Education altogether. Of course, they shut the Government down in an effort to enact the Draconian cuts in education and all other programs. It was only because Democrats refused to make education such a low priority that these investments are made.

So how ironic now that we have prevailed, they attempt to take credit. I think most people understand that. Democrats have supported real options to involve parents in our education system as well.

Our majority leader asserted last week the Democrats oppose giving parents options. Nothing could be further from the truth. I cannot imagine anybody could actually say that and be serious. We have supported providing choices through open enrollment in public charter schools. More importantly, we believe communities and parents should have the tools—including the resources—to make sure each local neighborhood school provides every single child a high quality education, not just some.

Despite suggestions to the contrary, we support increasing resources for special education. We believe we need to do that in addition to, not instead of, addressing other problems. Helping all children is what we want to do with our educational agenda.

We offered an amendment earlier this year to fully fund the special education program by reducing the Republican tax cut. Guess what. The majority rejected it. I think almost to a person, if not to a person, they rejected it. When it came down to a tax cut or fully funding special education, our Republican colleagues did what we could almost predict they will do every single time: They voted for the tax cut.

I think it is important to note the Republican resolution doesn't give the whole picture about the state of public education. There are problems, but some good things are happening. There is not a word in the resolution they offer today about the good things that have been effective.

I think it was Senator MURRAY who said last week, and it ought to be repeated over and over: Public education isn't failing us; we are failing public education. When we look at the shortfalls in this budget, once again, and the failure to fund the commitment to public education, I think she was right on the mark when she said that.

With the help of incentives from Goals 2000 and the Elementary and Secondary Education Act, school districts are now setting higher academic standards; many school districts are taking strong steps to reform schools using proven, research-based methodologies. Student performance is rising in math, science, and reading. SAT scores are increasing. Students are taking more rigorous, tougher courses they are doing better. A higher percentage of students are receiving passing grades on advanced placement exams, and fewer students are dropping out. I think it is important to note that the gap between whites and blacks in completing high school is closing in many communities.

I hope our Republican colleagues will join in our agenda to help communities achieve all these goals and more. The bottom line is, they have made education their last—not their first, their



last—priority. As the Senator from Massachusetts pointed out, we are less than 1 week away from the end of the fiscal year and we have yet to act on education, yet to act to provide the resources necessary to ensure education is funded.

We have a real opportunity this afternoon to voice our concern, to express our support, to commit the resources. There is no question, a strong public education system is critical for our Nation's future. That is exactly what the Democratic agenda provides.

I urge our colleagues who support the resolution we propose to oppose the Lott-Gregg-Coverdell resolution. I urge my colleagues to make the Federal Government a constructive partner in improving our public schools and to work to enact a strong education agenda with more than rhetoric and with a commitment to the resources and the investments that are required to ensure our actions meet our rhetoric.

Mr. KENNEDY. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator.

Mr. KENNEDY. We heard from the majority leader and the Senator from New Hampshire that we don't have to worry about education funding because they are going to have an appropriations bill that will far exceed the President's request.

I ask the Senator if on the one hand he finds it perhaps encouraging that we are finally moving to get education reform, and what kind of consideration we ought to give to that kind of assurance?

It is Monday evening. We go into the fiscal year on Friday. The majority leader has said we are going to have a budget that will exceed the President's. Can the Senator tell me why, if they are going to exceed the President's budget, that suddenly we find this money, does he know of any reason we have not had this money before? Doesn't he believe we should have had it before? Or does he know from where the funding will come?

Mr. DASCHLE. I think the Senator asks a very good question. I respond by asking three questions of my own.

If that is the case, why did the House Republican caucus choose to make the deep cuts they did? And, second, why was there not an outcry on that side of the aisle in this Chamber against those cuts? Where was the outcry when those deep cuts were made? If that is the case, my third question is, why today are we continuing to use the Health and Human Services subcommittee's budget, their allocation, as an ATM machine to fund everything else? Why the outcry on our side? Look at the record. Why the practice of using this budget as an ATM machine for everything else? If they support education, why doesn't the record show it?

I think the distinguished Senator from Massachusetts asks a very good question. Frankly, I am interested in their response to that question.

Mr. KENNEDY. If the Senator will yield further, I searched the RECORD and I didn't find it as of last week when the leader put in his own resolution and when we talked about this. There was no comment, no sense of outrage at that particular time.

This is a poor way of dealing with the families of this country that understand our role in the area of education is limited. We spend about 7 cents out of every dollar, but we try to target it in areas of special need. To be able to on one day see these dramatic cuts and 3 days later hear a statement by the majority leader that it will be far in excess of the President's request, does not he agree with me that the American people are entitled to a more serious discussion and debate of a priority which they believe so deeply is important for their children and the future of this country?

Mr. DASCHLE. The Senator is absolutely right.

Ask people in South Dakota, and I am sure in Massachusetts: What do you want us to put our time, effort, and resources into? Without question, time and time and time again they say: We want to make sure that one thing happens—our young people are educated. We want to make absolutely certain if you do anything, ensure we have an educated workforce.

I was with a number of businesspeople over the weekend. Again, I was reminded this is not just an education issue; this is a business issue, an economic issue. This is an American strength issue. This could be called a national security issue. That is what this is. It isn't just about education. Our country is at stake. Whether or not we educate our young people adequately determines in large measure what kind of economy we will have, what kind of society we have, and certainly what kind of strength we will have in the long term.

Mr. KENNEDY. I yield 10 minutes to the Senator from Washington.

Mrs. MURRAY. Madam President, I thank the Democratic leader for an excellent statement and for reminding all Members why we are here on a Monday evening debating this issue: The American public has said education is its No. 1 priority. It ought to be the No. 1 priority of the Senate.

I have been delighted to hear the rhetoric from both sides throughout this year that education is the No. 1 priority. That is why I am so disappointed tonight. Clearly, the budget priorities we now see show education has dropped to last. It is the last appropriations bill to be considered. It is the appropriations bill we have been using from which to steal the funds throughout this entire process. Who gets hurt in the end? It is our children.

I listened to a Senator a few minutes ago saying this is a debate about philosophy. I agree. It is a philosophy about whether or not just a few kids in our country get a good education or whether we are going to make sure

every child, no matter who they are or where they come from, gets a good education and how we do that.

In talking to parents across this country, they are not saying eliminate bureaucracy; they are not saying block grant the programs. They are saying: Make sure my child can learn to read and write. They are saying: If my child is in a smaller classroom in first, second, and third grade and gets the attention they need, they will get a good education. They will learn how to read and write; they will be a success.

They are asking Congress to partner with their State and local governments to reduce class size. They are asking Congress to make sure our teachers are given the skills they need to teach the young kids in our classrooms. They are asking Congress to put the resources behind the rhetoric.

When I tell people in my State and across this country that 1.6 percent of the Federal budget goes to education, something they believe is a priority, they are appalled. Education needs to be funded at a level where every child can learn to read and write and be a success in this world. This Congress is failing.

I was extremely disappointed with the House appropriations bill that passed out of committee last week; it eliminated the Eisenhower Teacher Professional Development Program. That is a program that is geared to helping our teachers teach the basics of math and science. Talk to the new startup businesses and the businesses that are succeeding. They say our kids need to learn math and science.

That is what the Eisenhower Grant Program is all about. I met with some scientists in my home State just a few months ago, leaders in the biotech industry, leaders in the technology industry. They spent an evening with me, of their own time, because they wanted to tell me how great the Eisenhower teacher professional development grants were, what they have done for students in our local high schools, invigorated them and got them to go on to science and math in college. They wanted to make sure we continued this program.

What did the House do last week? They took the money out. It is gone. No longer are we saying to schools across this country that making sure we have math and science students who succeed is important. That is wrong.

What else did they do? They eliminated the Goals 2000 Program. This is a program that helps school districts fund their own locally-designed programs to help student achievement by improving the quality of teacher training. Every one of us knows, if you want your company to succeed, you make sure your employees have the best skills they can to work for you. That is what we need to be doing with our teachers. We need to be training them. We need to be making sure they have the skills they need to pass on to our young students today. That is what

Goals 2000 is about. The House eliminated it.

The Class Size Reduction Initiative? Eliminated in the House budget. When I went out to my State just a few weeks ago, I went to a school in Tacoma, WA, where they had taken the Class Size Reduction Initiative money we had given them and focused it entirely on the first grade classrooms in the Tacoma school districts. Today, this year, 57 schools in Tacoma, WA, have 15 students in their first grade classrooms. They then used their title I money to help train those teachers in literacy efforts. Their focus this year is to make sure every first grade student can read at the end of the year. That is an amazing program. We are making it happen with the class size reduction money that was passed with bipartisan support a year ago. We are going to now take that away and tell those students and tell those teachers we no longer are going to help them do what they told me was absolutely critical?

As you can see behind me on this chart, K-12 enrollments are increasing dramatically right now. Why are we, then, reducing the levels of support for these students? We have to make sure every child gets the resources he or she needs. We have to make sure the local communities have the resources behind them. We at the Federal level are a partner with our State and our local governments to make sure our kids learn. We want to know their classes are small enough that kids can learn to read and write and do math. We want to know those teachers are trained. We want to know there are afterschool programs so our students do not go home alone, to their neighborhoods, alone where they are not learning or where they are unproductive or can get in trouble. That is what the Democrats have been fighting for. That is what we will continue to fight for.

We know the rhetoric is not going to educate one child. We know all of the bills with big names are not going to educate one child. We do know the dollars—behind reducing class size, training our teachers, Eisenhower grants—make a difference. School districts are held accountable for making sure our kids learn, and we are making sure we have the resources behind those efforts to make sure it happens.

This debate is important. The debate tonight in the Appropriations Committee is even more important—whether we are willing to put those dollars behind those students. I think it is appalling that our kids have been left to last in the budget process, that they are going to be funded by smoke and mirrors. We will not see the reality of this for probably several months, but it will happen. When this is all said and done, if we do not put the dollars behind our students and our teachers and our schools, our kids will get the message. They will get the message that we do not care. I do not want to be sending that message; I do not think anybody here does.

I have listened to the rhetoric. I have heard every Senator come out and say education is critical. If that is the truth, let's pass the Daschle amendment, go to work and make sure our kids have the resources they need to be productive in the next century.

I yield the floor.

Mr. VOINOVICH addressed the Chair.

Mr. DOMENICI. Will the Senator yield for an inquiry? I thought the vote was scheduled by unanimous consent to be at 5:30. Might the Senator from New Mexico inquire when we might start voting?

The PRESIDING OFFICER. The time has been extended. There are a little over 9 minutes for the Senator from Massachusetts and 41 seconds for the Senator from Ohio.

Mr. KENNEDY. I think we were prepared, after these last two speakers, to move ahead. I am told we will reserve.

I know just one Senator who wants to speak for 4 minutes on our side, and we will be prepared to yield back the other time.

The PRESIDING OFFICER. The Senator from Ohio has 41 seconds.

Mr. VOINOVICH. Madam President, I ask unanimous consent I be allowed to speak up to 5 minutes on the pending resolution.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Ohio is recognized for up to 5 minutes.

Mr. VOINOVICH. Madam President, this morning President Clinton announced we have set a new record budget surplus. It now stands at \$115 billion, according to the President. That would be absolutely wonderful, if it were true. The President says our prosperity now gives us an unprecedented opportunity and an unprecedented responsibility to shape America's future by putting things first, by moving forward with an economic strategy that is successful and sound, and by meeting America's long-term challenges.

He continues to operate as if he has a \$2.9 trillion surplus over the next 10 years to take care of every problem and pay for every program over the next decade. However, the numbers the President is relying on are nothing but a mirage, pure speculation. The \$2.9 trillion surplus everyone seems to be talking about in the next 10 years is based on 10-year projections. As Federal Reserve Chairman Alan Greenspan said:

... it's very difficult to project with any degree of conviction when you get out beyond 12, 18 months.

In addition, he stated that:

... projecting five or ten years out is a very precarious activity, as I think we have demonstrated time and time again.

Again, the President continues to play games with the numbers and continues to use Social Security to puff up his inflated budget surplus numbers. How much of this \$115 billion so-called surplus is actually offset, using our Na-

tion's pension fund, Social Security? With today's pronouncement, he continues to perpetuate the myth that we have a huge, honest-to-goodness surplus. But he is using Social Security.

Just this last year—and I think this is really important for the American people to understand—there was a great celebration here about having a surplus. But the fact of the matter is that in 1998, when everybody celebrated, there was no on-budget surplus; actually, there was a \$30 billion deficit. That is, the expenses exceeded the revenues, and we glossed it over with the Social Security surplus.

We have to stop playing games as if we had all this money to spend. I think the President is doing the American people a disservice. But it is the only way the President is going to be able to fund his expansion of the Federal Government—by claiming the surplus is bigger than it really is and that we are flush with cash. This is not how we should run the Government. It is just plain wrong.

When I was Governor of Ohio, if somebody had come to me from the schools, or from the cities, and said, "Governor, we want to spend \$100 billion on a program," and then they said to me, "I want to use the pension funds from the State of Ohio to pay for it," I would have thrown them out of the office. That is what we have been doing in this country, and continue to do, is to pay for programs, frankly, that are the responsibilities of State and local government, by taking the money out of Social Security.

If the President was still the Governor of Arkansas, this wonderful program I have heard about from my Democratic colleagues, all this money for schools, and for all these other new programs, would be appropriate. But the President is not the Governor of the United States of America and this Senate is not the school board of America. The responsibility for education is at the State and local level. Today in this country, with our \$5.7 trillion debt, with a deficit that has gone up 1,300 percent, with an interest payment of 14 cents out of every dollar—we are spending more money on interest today than we are on Medicare—we have a terrible financial problem.

I have listened to my colleagues on the other side of the aisle talk about the President's vision. I listen to them every day. I watch them on C-SPAN. They are talking about school construction, 100,000 teachers—they are all great priorities, but they are the responsibility of State and local government.

One of the things this Senate has to face up to, and this country has to face up to: There are certain responsibilities on the Federal Government and there are certain responsibilities on State and local government.

I am going to vote against the Democratic leader and his resolution which continues to raid the pension funds of the United States of America. Does everybody hear me? There is no surplus.

Let's stop talking about it. We have a Social Security surplus, and it is time we stop using the pension funds of the people of this country to pay for programs that are the responsibility of State and local government, particularly in terms of where the States are a lot more flush than we are on the Federal level.

Today I will vote against that resolution. I will support the Republican resolution which advocates giving the most amount of flexibility to our State and local school districts and in programs where we do have a proper role.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. VOINOVICH. They are on the front lines and should be given every opportunity to make decisions that are most appropriate for their children.

Earlier this year, we passed Ed-Flex in a bipartisan effort. I even went to the Rose Garden when the President signed it. We need more programs similar to Ed-Flex which give local officials flexibility, and we ought not to be funding State and local programs with our pension funds. I thank the Chair.

Mr. KENNEDY. I yield 4 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I thank the distinguished Senator from Massachusetts.

I rise to support the Daschle resolution. There is a difference. It says something about any institution in terms of how it prioritizes its agenda, and it says volumes about where the leadership in this Congress is that puts as the last issue for us to discuss and debate the Education appropriations bill. We are last. This is the last one to be considered, despite the fact the American public has said on numerous occasions over the last year or so that they think this is the most important issue. They apparently think it is the least important issue because they have decided to put it at the end of the day. When everything else is taken care of, now we will see if there is anything left over for education.

We have a different point of view. We say we ought to do this first because this is the Nation's No. 1 priority. If we lack an educated society, if we fail to provide opportunities for children and their families to learn, then every other issue will suffer accordingly.

The U.S. Government contributes about 7 percent—7 cents on every dollar—that goes to fund elementary and secondary education. That is our commitment. What we are talking about is as much as a 17-percent cut of that 7 percent. It will be one thing if we are talking about the Federal Government doing the lion's share of the work in education. We are not. We have a paltry 7 percent that we help contribute to the education of America's young people. Now we are talking as much as a 17-percent cut of that 7 percent.

There is a sense of frustration one can hear in our voices because the

American people are frustrated. They understand that for this Nation to succeed in the 21st century, it must have the best prepared, best educated generation we have ever produced. Yet here we are with every other appropriations bill having been passed but this one, the last one.

What does it mean in real terms to the American public? It means in real terms there can be a lot fewer children who will get child care, a lot fewer who will get Head Start—about 140,000 of them—a \$1.3 billion cut in title I, an \$880 million cut in special education.

Let me tell you how important that one is. Ask any mayor of any city in this country whether or not special education dollars are important to them. Put aside, if you will, the needs of families, which I think speak for themselves. But one of the rising costs for our communities across this country is the staggering cost of educating a special needs child. Yet when we are talking about \$880 million in cuts for special education, how do we expect our communities to meet that tremendous challenge for those children?

I respect the Ed-Flex bill. We all voted for it. But to call that major education policy—that does not even come close to being major education policy. It is worthy, but it is not the answer. I think it is things such as class size, school safety, Pell grants for needy families, and certainly doing what we can to see to it there is equal opportunity in education all across this country.

I have school districts in my State where my communities have the resources, and they have every imaginable technological opportunity. But I can take you to a school 15 minutes away in inner cities where you will find four or five computers for a student body of 2,000. I come from an affluent State, but most of our educational funding comes from the local level. There are disparities that exist in every one of our States—huge disparities. When all the U.S. Government does is 7 percent—7 cents on the dollar comes from us—with a huge disparity in opportunity, to suggest somehow we have done enough with the Ed-Flex bill and that is all we need to worry about in 1999 in preparation for the 21st century I do not think convinces the American public we are there.

The Daschle bill is something I will support but, candidly, we ought to be voting on a funding resolution on education, not a sense of the Senate that we ought to deal with education. I am disappointed that is not before us. But of the two propositions in front of us, the Daschle proposal at least lays out the fact we ought to be voting on the funding measures and not stealing from education to pay for every other program in this country. Education ought to come first. That is where we stand, and that is what our resolution suggests.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. Whatever time is left, I yield to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for up to 5 minutes.

Mr. ROBB. I thank the Chair.

Madam President, first, I join my distinguished colleague from Connecticut in his eloquent address and the passion he brings to that subject. I share that passion.

I certainly join many of our colleagues who have spoken about the need to adequately fund our public education system, but I want to respond to an argument the distinguished majority leader made on Friday regarding the condition of our Nation's schools.

The Senator from Mississippi indicated it is not the Federal Government's job to fix leaky roofs. He indicated it is not the responsibility of the Federal Government to build local schools. He indicated that every State has a budget surplus so the Federal Government should not get involved.

As a former Governor who was able to pump over \$1 billion of additional money into public education without a tax increase, I might ordinarily agree with that premise, but there are times which call for extraordinary partnerships among localities, States, and the Federal Government. I believe we are experiencing one of those times.

We have three phenomena that are colliding to put the greatest level of stress on our educational infrastructure that we have seen since the 1950s. Our school facilities across the Nation are over 40 years old on average, our school-age population is skyrocketing, and our States and localities simply do not have the resources to do what needs to be done despite their surpluses.

To say that providing school construction funding is not a Federal responsibility is easy. It is an easy way to sit on our hands and do nothing to help children who wade through puddles to get to class, to do nothing to help children who suffer in up to 100-degree temperatures in buildings with no air conditioning, to do nothing to help the countless mayors across this country who stated they desperately need our help.

In Virginia alone, despite our Commonwealth surplus and plans to invest more money in school infrastructure, we still face a \$4 billion shortfall in school construction and repair needs. I have heard from superintendents, local officials, State legislators, parents, and, most important, students who have all asked for Federal help in this area.

For those colleagues who fear Federal intrusion in the area of education, I simply say, if Federal officials want to help local officials pay for school buildings and repairs, things we all acknowledge we need urgently, how do we encroach on local school control of education? Localities have asked for our help, and it is help we can provide

without telling them how to run their schools. I believe this is actually one of the least intrusive things that we can do to help from the Federal level.

Providing school infrastructure assistance is not intended to be a panacea for all the challenges we face with respect to increasing academic achievement, but it is certainly a critical need.

Under the leadership of a Republican President, Dwight Eisenhower, our predecessors in Congress summoned the political will to fund a massive national infrastructure initiative.

We did help build roads. We did help build schools. We did it because our States and localities needed our help. We did it because our population was booming. And we did it to try to ensure that the United States would have the infrastructure it needed to be economically sound and competitive. It is my hope that we can summon that will once again.

With that, Madam President, in full support of the statement made by our distinguished Democratic leader and my colleagues on this side of the aisle, and in opposition to the proposal from the other side of the aisle upon which we will vote momentarily, I thank the Chair and yield the floor.

VOTE ON S. RES. NO. 186

The PRESIDING OFFICER. The question is on agreeing to S. Res. No. 186.

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been called for. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to S. Res. 186. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Kentucky (Mr. BUNNING), the Senator from Arizona (Mr. MCCAIN), and the Senator from Nebraska (Mr. HAGEL) are necessarily absent.

Mr. REID. I announce that the Senator from Wisconsin (Mr. KOHL), the Senator from Vermont (Mr. LEAHY), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) would vote "no."

The result was announced—yeas 51, nays 42, as follows:

[Rollcall Vote No. 293 Leg.]

#### YEAS—51

Abraham	Cochran	Fitzgerald
Allard	Collins	Frist
Ashcroft	Coverdell	Gorton
Bennett	Craig	Gramm
Bond	Crapo	Grams
Brownback	DeWine	Grassley
Burns	Domenici	Gregg
Campbell	Enzi	Hatch

Helms	McConnell	Smith (OR)
Hutchinson	Murkowski	Snowe
Hutchinson	Nickles	Specter
Inhofe	Roberts	Stevens
Jeffords	Roth	Thomas
Kyl	Santorum	Thompson
Lott	Sessions	Thurmond
Lugar	Shelby	Voinovich
Mack	Smith (NH)	Warner

#### NAYS—42

Akaka	Durbin	Levin
Baucus	Edwards	Lieberman
Bayh	Feingold	Lincoln
Biden	Feinstein	Mikulski
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Breaux	Hollings	Reed
Bryan	Inouye	Reid
Byrd	Johnson	Robb
Cleland	Kennedy	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kerry	Schumer
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden

#### NOT VOTING—7

Bunning	Kohl	Torricelli
Chafee	Leahy	
Hagel	McCain	

The resolution (S. Res. 186) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 186

Whereas the fiscal year 2000 Senate Budget Resolution increased education funding by \$28,000,000,000 over the next five years, and \$82,000,000,000 over the next ten years, and the Department of Education received a net increase of \$2,400,000,000 which doubles the President's requested increase;

Whereas compared to the President's requested levels, the Democratically controlled Congress' appropriations for the period 1993 through 1995 reduced the President's funding requests by \$3,000,000,000, and since Republicans took control of Congress, Federal education funding has increased by 27 percent;

Whereas in the past three years, the Congress has increased funding for Part B of Individuals with Disabilities Education Act by nearly 80 percent, while the Administration's fiscal year 2000 budget only requested a 0.07 percent increase which is less than an adjustment for inflation, and Congress is deeply concerned that while the Administration has provided rhetoric in support of education of the disabled, the Administration's budget has consistently taken money from this high priority program to fund new and untested programs;

Whereas Congress is not only providing the necessary funds, but is also reforming our current education programs, and Congress recognizes that significant reforms are needed in light of troubling statistics indicating—

(1) 40 percent of fourth graders cannot read at the most basic level;

(2) in international comparisons, United States 12th graders scored near the bottom in both mathematics and science;

(3) 70 percent of children in high poverty schools score below even the most basic level of reading; and

(4) in mathematics, 9 year olds in high poverty schools remain two grade levels behind students in low poverty schools;

Whereas earlier in 1999, the 106th Congress took the first step toward improving our Nation's schools by passing the Education Flexibility and Partnership Act of 1999, which frees States and local communities to tailor education programs to meet the individual needs of students and local schools;

Whereas the 1999 reauthorization of the Elementary and Secondary Education Act of

1965 will focus on increasing student achievement by empowering principals, local school boards, teachers and parents, and the focus should be on raising the achievement of all students;

Whereas Congress should reject a one-size-fits all approach to education, and local schools should have the freedom to prioritize their spending and tailor their curriculum according to the unique educational needs of their children;

Whereas parents are the first and best educators of their children, and Congress supports proposals that provide parents greater control to choose unique educational opportunities to best meet their children's educational needs;

Whereas every child should have an exceptional teacher in the classroom, and Congress supports efforts to recruit, retrain, and retain high quality teachers;

Whereas quality instruction and learning can occur only in a first class school that is safe and orderly;

Whereas Congress supports proposals that give schools the support they need to protect teachers and students, remove disruptive influences, and create a positive learning atmosphere; and

Whereas success in education is best achieved when instruction focuses on basic academics and fundamental skills, and students should no longer be subjected to untried and untested educational theories of instruction, rather our Nation's efforts should be geared to proven methods of instruction: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) this Congress has taken strong steps to reform our Nation's educational system and allowed States, local schools and parents more flexibility and authority over their children's education; and

(2) the reauthorization of the Elementary and Secondary Education Act of 1965 will enable this Congress to continue its efforts to send decision making back to States, local schools, and families.

Mr. COVERDELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

VOTE ON S. RES. 187

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to S. Res. 187. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Nebraska (Mr. HAGEL), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from Wisconsin (Mr. KOHL), the Senator from Vermont (Mr. LEAHY), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 52, as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—41

Akaka	Edwards	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Cleland	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Schumer
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Levin	

NAYS—52

Abraham	Frist	Nickles
Allard	Gorton	Roberts
Ashcroft	Gramm	Roth
Bennett	Grams	Santorum
Bond	Grassley	Sessions
Brownback	Gregg	Shelby
Burns	Hatch	Smith (NH)
Byrd	Helms	Smith (OR)
Campbell	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McConnell	
Fitzgerald	Murkowski	

NOT VOTING—7

Bunning	Kohl	Torricelli
Chafee	Leahy	
Hagel	McCain	

The resolution (S. Res. 187) was rejected.

Mr. LOTT. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. LOTT. I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

Mr. KENNEDY. Mr. President, reserving the right to object, what is the pending business if we were to go to the pending business?

The PRESIDING OFFICER. S. 625.

Mr. KENNEDY. The bankruptcy legislation?

The PRESIDING OFFICER. The pending business would have been S. 625, which is the bankruptcy bill.

Mr. KENNEDY. Further reserving the right to object, if that legislation were before the Senate, would it be in order for me to offer the minimum wage as an amendment—if it were pending?

The PRESIDING OFFICER. Amendments are in order, if it were pending.

Mr. KENNEDY. But, as I understand it, the leader now has indicated, by consent request, that we go to morning business, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Further reserving the right to object, can the leader give us any idea when we will be back on the pending legislation, the bankruptcy legislation? Or when we will have an opportunity to address the issue of the minimum wage?

Mr. LOTT. Mr. President, if the Senator will yield?

Mr. KENNEDY. Yes.

Mr. LOTT. I would like to get to the bankruptcy reform legislation. I think that is important. We need to have this reform. The system is not working well now, and there is broad support, I think on both sides of the aisle, for bankruptcy reform. I think we could move to the bill if we could have a full debate on bankruptcy and relevant amendments to that. We could probably even work out an agreement that would include consideration of the small businessman's and small businesswoman's needs, and minimum wage needs. But I do not think it is fair the bankruptcy reform legislation, which should be considered in and of and by itself, should become an out-basket for every amendment to be offered on every subject that has already, in many instances, been considered this year, and that it become a Christmas tree for all kinds of unrelated amendments.

That is why I moved to a cloture vote because I wanted to get up bankruptcy reform. I would like to go to that. I will be glad to work out some sort of agreement as to how that bill will be considered. But I do not think we have the time right now, with the appropriations bills we have to complete before the end of the fiscal year. Hopefully, the last one, the 13th one, will be up—it will be up on Wednesday. We will be on that bill until we complete it. Hopefully, we will complete it by midnight on Thursday night, which would be the 13th bill. It would be only about the third time in the last 15 or 20 years we will have passed all appropriations bills through the Senate by the end of the fiscal year.

So that has been our focus. We have been focusing on the appropriations bills. We will have a conference report in the morning we will need to vote on, the Energy and Water appropriations bill. We will continue to move those bills and the conference reports through. When we get through with that process, then we will look back to what the legislative schedule is going to be. I hope we can come to agreement on how that would be considered.

Mr. KENNEDY. Just further reserving the right to object, of course, we did not give a clear indication whether we would have the opportunity to vote on an increase in the minimum wage. We have seen Members vote for an increase in their own pay, their salaries, for some \$4,400. We have doubled the President's salary. We voted for an increase for the military, which I strongly support, and also for Government employees.

I wonder when we will be able to enter into some kind of agreement on

the minimum wage. I do not think it will take a great deal of time. We will be glad to do it of an evening, if it would be more convenient for the leadership, working out the schedule. But we have not had the opportunity for the Senate to express its will. We would like to at least get some indication from the leader as to when we might be able to do this, since the days are moving along and still many workers, who are working 40 hours a week, 52 weeks of the year, have not participated in the very substantial economic progress and are looking to the Senate to see whether we will address this issue.

Can the leader help us at all, in terms of indicating when we might have some chance to address that?

Mr. LOTT. I can't at this time because we must focus on the appropriations bills through the remainder of this week. I will need to discuss this with Senator DASCHLE and Senator KENNEDY and see if we can come up with a way we can handle that issue without it opening up the door to all kinds of other issues that, in many instances, for instance, we may have already considered in the Senate.

Having said that, whatever we do, I want to make sure we do it in such a way that entry-level workers, people who do come into restaurants and other small businesses, don't wind up losing their jobs. That is important to them. Also, that we do not wind up doing it in such a way that small businessmen and small businesswomen cannot continue to stay in business.

So I think we have to find a way to offset the costs, particularly for small businessmen and small businesswomen who are working on a very small margin of profit. I know I have heard from some. I remember one lady in particular, outside of Atlanta—I think maybe in Marietta—who had a sweet shop. She basically said: If you do this again without some sort of offsets, I cannot make up the difference anymore myself.

So we have to make sure it is a balanced approach when we do consider this and however we consider it.

However, the answer to your question is any time you and Senator DASCHLE want to sit down and seriously discuss a way to get this done, I will be ready to do it, once we get through the appropriations process, which will be done, hopefully, at the end of this week.

Mr. KENNEDY. I have no objection.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### ANNIVERSARY OF SUBMISSION OF COMPREHENSIVE TEST BAN TREATY TO SENATE FOR RATIFICATION

Mr. JEFFORDS. Mr. President, as many of my colleagues know, September 23rd was the 2-year anniversary of submission of the Comprehensive Test Ban Treaty to the US Senate for ratification.

Both Republican and Democratic presidents over the span of 4 decades have worked to enhance our national security by negotiating limits on nuclear testing. Progress has been slow and halting, but the inescapable logic of improving security by banning nuclear tests has prevailed. The successful negotiation of the Comprehensive Test Ban Treaty, signed by 152 countries, was the culmination of these decades of effort on the part of the United States. Ratification and entry into force of this treaty is in our best interest and in the best interest of nuclear non-proliferation and international stability.

Mr. President, I have urged the Committee on Foreign Relations to hold hearings on this treaty. I know the Chairman has concerns about the treaty. I hope he will air them in a forum that will allow discussion of his concerns and those of other Members of the Committee. And I urge the Majority Leader to bring this treaty to the Senate floor. Time is of the essence on this matter. America has been the world leader on this issue and was the primary architect of this treaty. We have an obligation to take up this treaty in the Senate, to educate ourselves on its provisions and to debate the merits of its ratification. The eyes of the world are on our actions as the 44 countries who have ratified the treaty prepare to meet on October 6th in Vienna, Austria, to discuss implementation of the treaty. I would vastly prefer that the United States were sitting as a party at that meeting. But at a minimum, we should use this opportunity to make progress on the treaty here in the Senate.

We have an obligation to future generations to improve the national security of our nation. It would be irresponsible of us to let slip out of our grasp a very important tool in the fight against nuclear proliferation.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, September 24, 1999, the Federal debt stood at \$5,638,915,059,997.81 (Five trillion, six hundred thirty-eight billion, nine hundred fifteen million, fifty-nine thousand, nine hundred ninety-seven dollars and eighty-one cents).

One year ago, September 24, 1998, the Federal debt stood at \$5,523,268,000,000 (Five trillion, five hundred twenty-

three billion, two hundred sixty-eight million).

Fifteen years ago, September 24, 1984, the Federal debt stood at \$1,566,734,000,000 (One trillion, five hundred sixty-six billion, seven hundred thirty-four million).

Twenty-five years ago, September 24, 1974, the Federal debt stood at \$480,939,000,000 (Four hundred eighty billion, nine hundred thirty-nine million) which reflects a debt increase of more than \$5 trillion—\$5,157,976,059,997.81 (Five trillion, one hundred fifty-seven billion, nine hundred seventy-six million, fifty-nine thousand, nine hundred ninety-seven dollars and eighty-one cents) during the past 25 years.

#### THE VA/HUD APPROPRIATIONS BILL

Mrs. BOXER. Mr. President, I wish to express my support for the amendment offered last Friday by Senator KERRY to fund 50,000 new Section 8 vouchers. Had the Senate voted on this amendment, I would have voted in favor of it. I am pleased that Senator MIKULSKI and others have committed to work on this issue in conference.

The Kerry amendment is particularly important to my home state in light of the current affordable housing crisis in California. Eleven of the twenty-five least affordable metropolitan areas are located in California. The homeownership rate is 47th among the 50 states. More than one-third of homeowners and one-half of renters pay more than thirty percent of their income for housing in California. On average, it takes more than three years to receive a Section 8 voucher in California. In Los Angeles, approximately 8,000 families are currently on the Section 8 waiting list and it can take as long as eight years to get a voucher. That is just too long for a family to wait for affordable housing.

It is clear that in California, and indeed throughout the country, there is a definite need for further housing assistance.

Section 8 housing assistance serves the poorest of the poor, persons with incomes averaging approximately \$7,500 per year. Last year, Congress made available almost 100,000 new Section 8 vouchers. No new vouchers had been made available in the past five years. That was an important first step—but it is time to do more. In my own state of California, almost 13,000 families would receive Section 8 assistance under the Kerry amendment.

Our economy is booming: unemployment is at historically low levels, nearly 18 million jobs have been created since 1993, and the inflation rate has averaged just 2.5 percent since 1993—the lowest rate since the Kennedy Administration.

In these economic good times, however, the gap between rich and poor continues to grow. We must continue to assure that everyone in this country has affordable housing.

I urge my colleagues on the conference committee to provide additional Section 8 vouchers to America's families in need of housing assistance.

Mr. President, I also want to talk about the provision in this bill that would eliminate HUD's Community Builder program.

Community Builders act as liaison between HUD and local governments and non-profit organizations. They help local authorities identify the programs in HUD that best serve the needs of their neighborhoods.

Many experts have affirmed that HUD is becoming the model of reinvention. I believe that HUD's Community Builder program has been a key component of HUD's reinvention efforts.

The Community Builder program is working. Ernst & Young's initial audit found that the Builders are knowledgeable about HUD programs, are making customer service more efficient, assisting communities, and using their expertise to make government work better. A similar survey by Andersen Consulting found that "Community Builders have had a positive effect on the ability of [HUD] customers . . . to conduct business."—and recommended an expansion of the Community Builder program to cover more communities. In addition, I have received numerous letters from elected officials and non-profit organizations throughout California expressing support for the Community Builder program.

Approximately twenty HUD offices would be forced to close if the Community Builder program were eliminated—including one in Fresno, California.

I ask that my colleagues on the conference committee work together to find funding for this important program.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

##### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA (UNITA)—MESSAGE FROM THE PRESIDENT—PM 61

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.



*To the Congress of the United States:*

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the National Union for the Total Independence of Angola (UNITA) that was declared in Executive Order 12865 of September 26, 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 27, 1999.

#### MESSAGE FROM THE HOUSE

At 2:14 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1487. An act to provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906.

#### MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1487. An act to provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906; to the Committee on Energy and Natural Resources.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 23, 1999, he had presented to the President of the United States, the following enrolled bill:

S. 1059. An act to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-5365. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Dudin v. Commissioner" (99 T.C. 325 (1992)), received September 23, 1999; to the Committee on Finance.

EC-5366. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "James J. and Sandra A. Gales v. Commissioner" (T.C. Memo 1999-27), received September 23, 1999; to the Committee on Finance.

EC-5367. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled

"RJR Nabisco Inc., et al. v. Commissioner" (T.C. Memo 1998-252) received September 23, 1999; to the Committee on Finance.

EC-5368. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Administrative Appeal of Proposed Adverse Determination of Tax-Exempt Status of Bond Issue" (Rev. Proc. 99-35, 1999-41 I.R.B.) received September 23, 1999; to the Committee on Finance.

EC-5369. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Ex Parte Communications Prohibition" (Notice 99-50, 1999-40 I.R.B.—, dated October 4, 1999) received September 23, 1999; to the Committee on Finance.

EC-5370. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Work Opportunity Tax Credit and Welfare-to-Work Tax Credit Notice" (Notice 99-51) received September 23, 1999; to the Committee on Finance.

EC-5371. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "HOPWA" (Rev. Rul. 99-39) received September 23, 1999; to the Committee on Finance.

EC-5372. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TD 8839, IRS Adoption Taxpayer Identification Numbers" (RIN1545-AV08), received September 22, 1999; to the Committee on Finance.

EC-5373. A communication from the Acting Director, United States Information Agency, transmitting, pursuant to law, a report relative management controls and financial management systems at the Agency; to the Committee on Governmental Affairs.

EC-5374. A communication from the Director, Office of Regulations Management, Veterans Benefit Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Veterans Education: Montgomery GI Bill-Active Duty; Administrative Error" (RIN2900-AJ70), received September 24, 1999; to the Committee on Veteran's Affairs.

EC-5375. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Placement of Zaleplon into Schedule IV" (DEA-182F), received September 24, 1999; to the Committee on the Judiciary.

EC-5376. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Technical Corrections to Regulations Regarding the Issuance of Immigrant and Nonimmigrant Visas" (RIN1400-AB03), received September 24, 1999; to the Committee on Foreign Relations.

EC-5377. A communication from the Deputy Secretary, Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "10b-18: Purchases of Certain Equity Securities by the Issuer and Others" (RIN3235-AH48), received September 24, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-5378. A communication from the Legislative and Regulatory Activities Division, Administrator of National Banks, Comp-

troller of the Currency, transmitting, pursuant to law, the report of a rule entitled "Management Official Interlocks", received September 24, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-5379. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report relative to State member bank compliance with the national flood insurance program; to the Committee on Banking, Housing, and Urban Affairs.

EC-5380. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Designing a Medical Device Surveillance Network"; to the Committee on Health, Education, Labor, and Pensions.

EC-5381. A communication from the Acting Director, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Health Standards for Occupational Noise Exposure" (RIN1219-AA53), received September 8, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-5382. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oklahoma Regulatory Program" (SPATS # OK-020-FOR), received September 24, 1999; to the Committee on Energy and Natural Resources.

EC-5383. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Veterinary Services User Fees; Import or Entry Services at Ports" (Docket #98-006-2), received September 24, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5384. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mexican Fruit Fly Regulations; Addition of Regulated Areas" (Docket #99-075-1), received September 24, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5385. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oriental Fruit Fly; Designation of Quarantined Areas" (Docket #99-076-1), received September 24, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5386. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Central Arizona Marketing Area-Suspension" (DA-99-05), received September 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5387. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the States of Michigan, et al.; Revision of the Sampling Techniques for Whole Block and Partial Block Diversions and Increasing the Number of Partial Block Diversions Per Season for Tart Cherries" (Docket No. FV99-930-2 FIR), received September 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5388. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Decreased Assessment Rate" (Docket No. FV99-993-3 FR), received September 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5389. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trifloxystrobin; Pesticide Tolerance" (FRL #6382-5), received September 22, 1999; to the Committee on Environment and Public Works.

EC-5390. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds" (RIN1018-AF24), received September 24, 1999; to the Committee on Environment and Public Works.

EC-5391. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compounds from Vinegar Generators and Leather Coating Operations" (FRL #6440-1), received September 21, 1999; to the Committee on Environment and Public Works.

EC-5392. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Mexico Update to Materials Incorporated by Reference" (FRL #6441-3), received September 21, 1999; to the Committee on Environment and Public Works.

EC-5393. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Longmont Carbon Monoxide Redesignation of Attainment and Designation of Areas for Air Quality Planning Purposes" (FRL #6441-6), received September 21, 1999; to the Committee on Environment and Public Works.

EC-5394. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Authorization of State Hazardous Waste Management Program Revision" (FRL #6443-5), received September 21, 1999; to the Committee on Environment and Public Works.

EC-5395. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Stage II Comparability and Clean Fuel Fleets" (FRL #6445-4), received September 24, 1999; to the Committee on Environment and Public Works.

EC-5396. A communication from the Director, Office of Regulatory Management and

Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Nitrogen Oxide Budget and Allowance Trading Program" (FRL #6382-5), received September 22, 1999; to the Committee on Environment and Public Works.

EC-5397. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "Emergency Planning and Community Right-to-Know Act Section 313 Reporting Guidelines for Semiconductor Manufacturing"; to the Committee on Environment and Public Works.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1051. A bill to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes (Rept. No. 106-163).

By Mr. MCCONNELL, from the Committee on Rules and Administration, without amendment:

S. Res. 189. An original resolution authorizing expenditures by committees of the Senate for the periods October 1, 1999, through September 30, 2000, and October 1, 2000, through February 28, 2001 (Rept. No. 106-164).

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 1568. A bill imposing an immediate suspension of assistance to the Government of Indonesia until the results of the August 30, 1999, vote in East Timor have implemented, and for other purposes.

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. HELMS, for the Committee on Foreign Relations:

Zell Miller, of Georgia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2000.

Edward W. Stimpson, of Idaho, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Council of the International Civil Aviation Organization.

Sim Farar, of California, to be a Representative of the United States of America to the Fifty-fourth Session of the General Assembly of the United Nations.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COCHRAN (for himself and Mr. DODD):

S. 1642. A bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself and Mr. HARKIN):

S. 1643. A bill to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa; to the Committee on Energy and Natural Resources.

By Mr. ABRAHAM (for himself, Mr. SCHUMER, and Mrs. FEINSTEIN):

S. 1644. A bill to provide additional measures for the prevention and punishment of alien smuggling, and for other purposes; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL:

S. Res. 189. An original resolution authorizing expenditures by committees of the Senate for the periods October 1, 1999, through September 30, 2000, and October 1, 2000, through February 28, 2001; from the Committee on Rules and Administration; placed on the calendar.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COCHRAN (for himself and Mr. DODD):

S. 1642. A bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

### THE EDUCATION FOR DEMOCRACY ACT

Mr. COCHRAN. Mr. President, today I am introducing the Education for Democracy Act. I am pleased that the distinguished Senator from Connecticut (Mr. DODD) has joined me as a cosponsor to reauthorize and improve existing federally supported civic education programs.

"We the People . . . The Citizen and the Constitution," has proven to be an excellent curriculum and a successful program for teaching the principles of the Constitution.

Since 1985, the Center for Civic Education has administered the program. It is a rigorous course designed for high school civics classes that provides teacher training using a national network of law professionals as well as other community and business leaders.

The most visible component of We the People, is the simulated Congressional hearings which are competitions at local, state and national levels. The final round of this annual competition is held in an actual United States Senate or House of Representatives hearing room, here in the Nation's Capital.

The Popularity of We the People is demonstrated by the 82,000 teachers and the 26.5 million students who have participated since its beginning. Studies by the Education Testing Service

have repeatedly indicated that We the People participants outperform other students in every area tested. In one, We the People high school students outscored university sophomore and junior political science students in every topic.

A Stanford University study showed that these students develop a stronger attachment to political beliefs, attitudes and values essential to a functioning democracy than most adults and other students. Other studies reveal that We the People students are more likely to register to vote and more likely to assume roles of leadership, responsibility and demonstrate civic virtue.

Mr. President, in addition to We the People, this bill reauthorizes the Civitas International Civic Education Exchange Program, which in cooperation of the United States Information Agency, links American civic educators with their counterparts in Eastern Europe and the states of the former Soviet Union. This program is highly effective in building a community with a common understanding of teaching and improving the state of democracy education, worldwide.

Mississippi recently became the latest state to participate in this important international exchange program. Jones County Junior College in Ellisville, Mississippi will partner with universities in Texas and Florida in an exchange with Hungary and other countries.

Ms. Susie Burroughs, Mississippi's new Civic Education program director, is committed to a deeper understanding of democracy and assisting others who desire to teach the ways of a free society in the world's newest democracies. I am pleased that Mississippi teachers will join the more than 8,000 other teachers who have participated in the Civitas training and exchange opportunities.

Mr. President, We the People and Civitas are preparing America's students and teachers to live and lead in the world by the standards and ideals set by our Founding Fathers.

I invite other Senators to cosponsor and support the Education for Democracy Act.

By Mr. ABRAHAM (for himself,  
Mr. SCHUMER, and Mrs. FEINSTEIN):

S. 1644. A bill to provide additional measures for the prevention and punishment of alien smuggling, and for other purposes; to the Committee on the Judiciary.

#### ALIEN SMUGGLING PREVENTION AND ENFORCEMENT ACT

Mr. ABRAHAM. Mr. President, I rise to introduce the Alien Smuggling Prevention and Enforcement Act. This legislation, which I am introducing with my colleagues, Senator SCHUMER and Senator FEINSTEIN, will give law enforcement new tools and resources in the continuing fight against the smuggling of illegal aliens.

Despite continued efforts, Mr. President, alien smuggling remains a serious problem in America. Smugglers have responded to increases in the efforts of our border patrol by adopting more daring methods to smuggle individuals illegally into the United States. In many cases, these methods entail little or no concern for the safety of the individuals being smuggled. Moreover, these attempts increasingly involve organized criminal gangs. As recently as 1996, in the Illegal Immigration Reform and Immigrant Responsibility Act, Congress has acted to combat this dangerous form of smuggling. But it is clear that more needs to be done.

I would like to quote from a story appearing in the August 15, 1999 edition of the Detroit News. This story sums up well our current situation, demonstrating that we face a problem of national importance: "Illegal alien smuggling is a growing yet largely hidden business along the U.S.-Canadian border. Smugglers are getting as much as \$50,000 per person to bring in aliens desperate to reach the United States. Yet immigration authorities, short of personnel and detention facilities, can do little to slow the activity." The story goes on to quote Carl L. McClafferty, chief of the Detroit sector of the Border Patrol, who notes "We get spurts of drug smuggling, but we have a constant drone of alien smuggling. For us, alien smuggling is steady work."

My state of Michigan has been hit particularly hard by alien smugglers. Crackdowns in other areas of the country have made Detroit in particular a target for illegal entry. We simply do not have the staff on hand with the tools and resources needed to successfully combat this problem. This means more illegal aliens in our country. It also produces an added boost to criminal gang activities and all the problems these activities bring with them. And that, Mr. President, is why I am introducing this legislation.

The Alien Smuggling Prevention and Enforcement Act would do the following.

First, it would double the personnel devoted to combating alien smuggling. Today, Mr. President, approximately 260 people are employed by the Immigration and Naturalization Service (INS) to investigate and fight alien smuggling. This figure has not risen in the past three years. This legislation would require the INS to add 50 more investigators and other enforcement personnel each year over the next 5 years, each of them devoted to combating alien smuggling.

Second, this legislation would double criminal sentences for alien smugglers. Under U.S. Sentencing Commission guidelines, the current minimum sentence for smuggling one to five aliens is 10 months; for smuggling 6-24 aliens the minimum sentence is 18 months; for 25-100 aliens it's 27 months; and for more than 100 aliens it's 37 months.

Simply put, those sentences are not high enough to deter this heinous conduct. Nor are they severe enough, in moral terms, as punishment for acts involving intentional breaking of American law and the serious risk of injury and death to innocent parties and those being smuggled. This legislation would direct the U.S. Sentencing Commission to double the relevant sentences to 20 months, 36 months 54 months, and 74 months, respectively.

Third, this legislation would increase fines for those convicted of alien smuggling to twice the amount an alien smuggler received, or expected to receive, for his or her this illegal activity. Under U.S. Sentencing Commission guidelines, currently the minimum fine is \$3,000 for smuggling one to five aliens; for smuggling 6-24 aliens the fine is \$4,000; for 25-100 aliens it's \$6,000; and for more than 100 aliens it's \$7,500. Again, that is simply not strict enough, particularly given the profits to be made from this illegal activity. This legislation would direct the U.S. Sentencing Commission to impose a fine above these minimum levels equal to twice the amount an alien smuggler received, or expected to receive, for his or her illegal activity.

This legislation also would authorize additional operating expense money to conduct undercover operations and prosecute alien smuggling and require an annual report to Congress by the Commissioner of the INS on the agency's strategy to deal with alien smuggling.

Taken together, Mr. President, these measures will deter alien smuggling. By giving law enforcement personnel the tools they need to catch alien smugglers and seeing to it that they are punished as harshly as is called for by their crime, this legislation will help deter illegal immigration and deal a very real blow to criminal gang activity.

I urge my colleagues to support this important legislation and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1644

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Alien Smuggling Prevention and Enforcement Act of 1999".

#### SEC. 2. INCREASED PERSONNEL FOR INVESTIGATING AND COMBATING ALIEN SMUGGLING.

The Attorney General in each of the fiscal years 2000, 2001, 2002, 2003, and 2004 shall increase the number of positions for full-time, active duty investigators or other enforcement personnel within the Immigration and Naturalization Service who are assigned to combating alien smuggling by not less than 50 positions above the number of such positions for which funds were allotted for the preceding fiscal year.

#### SEC. 3. INCREASING CRIMINAL SENTENCES AND FINES FOR ALIEN SMUGGLING.

Pursuant to its authority under section 994(p) of title 28, United States Code, the

United States Sentencing Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines for smuggling, transporting, harboring, or inducing aliens under sections 274(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A)) so as to—

(1) double the minimum term of imprisonment under that section for offenses other than those currently covered by guideline 2L1.1(b)(1) involving the smuggling, transporting, harboring, or inducing of—

(A) 1 to 5 aliens from 10 months to 20 months;

(B) 6 to 24 aliens from 18 months to 36 months;

(C) 25 to 100 aliens from 27 months to 54 months; and

(D) 101 aliens or more from 37 months to 74 months;

(2) increase the minimum level of fines for each of the offenses described in subparagraphs (A) through (D) of paragraph (1) to the greater of the current minimum level or twice the amount the defendant received or expected to receive as compensation for the illegal activity; and

(3) increase by at least 2 offense levels above the applicable enhancement in effect on the date of enactment of this Act the sentencing enhancements for intentionally or recklessly creating a substantial risk of serious bodily injury or causing bodily injury, serious injury, permanent or life threatening injury, or death.

#### SEC. 4. AMENDMENTS TO SENTENCING GUIDELINES REGARDING THE EFFECT OF PROSECUTORIAL POLICIES.

In the exercise of its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to include the following:

##### “§ 5H1.14. Plea bargaining and other prosecutorial policies.

“Plea bargaining and other prosecutorial policies, and differences in those policies among different districts, are not a ground for imposing a sentence outside the applicable guidelines range.”.

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to funds otherwise available for such purpose, there are authorized to be appropriated to the Immigration and Naturalization Service of the Department of Justice such sums as may be necessary to carry out section 2 and to cover the operating expenses of the Service and the Department in conducting undercover investigations of alien smuggling activities and in prosecuting violations of section 274(a)(1)(A) of the Immigration and Nationality Act (relating to alien smuggling), resulting from the increase in personnel under section 2.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

#### SEC. 6. ANNUAL REPORT.

Beginning one year after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Judiciary Committees of the House of Representatives and the Senate a report on the strategy utilized by the Immigration and Naturalization Service in dealing with alien smuggling.

#### SEC. 7. ALIEN SMUGGLING DEFINED.

In sections 2, 5, and 6, the term “alien smuggling” means any act prohibited by paragraph (1) or (2) of section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)).

#### ADDITIONAL COSPONSORS

S. 25

At the request of Ms. LANDRIEU, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 25, a bill to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 690

At the request of Mr. SARBANES, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 690, a bill to provide for mass transportation in national parks and related public lands.

S. 928

At the request of Mr. SANTORUM, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 928, a bill to amend title 18, United States Code, to ban partial-birth abortions.

S. 1023

At the request of Mr. MOYNIHAN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1023, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 1024

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1024, a bill to amend title XVIII of the Social Security Act to carve out from payments to Medicare+Choice organizations amounts attributable to disproportionate share hospital payments and pay such amounts directly to those disproportionate share hospitals in which their enrollees receive care.

S. 1052

At the request of Mr. MURKOWSKI, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1052, a bill to implement further the Act (Public Law 94-241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes.

S. 1085

At the request of Mrs. MURRAY, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1085, a bill to amend the Internal Revenue Code of 1986 to modify the

treatment of bonds issued to acquire renewable resources on land subject to conservation easement.

S. 1155

At the request of Mr. ROBERTS, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1209

At the request of Mr. MURKOWSKI, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1209, a bill to amend the Internal Revenue Code of 1986 to restore pension limits to equitable levels, and for other purposes.

S. 1262

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1262, a bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library medial resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes.

S. 1318

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1318, a bill to authorize the Secretary of Housing and Urban Development to award grants to States to supplement State and local assistance for the preservation and promotion of affordable housing opportunities for low-income families.

S. 1452

At the request of Mr. SHELBY, the names of the Senator from Mississippi (Mr. LOTT), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1452, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1526

At the request of Mr. ROCKEFELLER, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1526, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit to taxpayers investing in entities seeking to provide capital to create new markets in low-income communities.

S. 1547

At the request of Mr. BURNS, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

S. 1556

At the request of Mr. REED, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1556, a bill to amend the Elementary and Secondary Education Act of 1965 to strengthen the involvement of parents in the education of their children, and for other purposes.

S. 1590

At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1590, a bill to amend title 49, United States Code, to modify the authority of the Surface Transportation Board, and for other purposes.

## SENATE JOINT RESOLUTION 34

At the request of Ms. SNOWE, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of Senate Joint Resolution 34, a joint resolution congratulating and commending the Veterans of Foreign Wars.

## SENATE CONCURRENT RESOLUTION 9

At the request of Ms. SNOWE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

## SENATE CONCURRENT RESOLUTION 42

At the request of Mr. ROBB, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of Senate Concurrent Resolution 42, a concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring the members of the Armed Forces who have been awarded the Purple Heart.

## SENATE RESOLUTION 179

At the request of Mr. BIDEN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Louisiana (Mr. BREAUX), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of Senate Resolution 179, a resolution designating October 15, 1999, as "National Mammography Day."

## SENATE RESOLUTION 186

At the request of Mr. THOMAS, his name was added as a cosponsor of Senate Resolution 186, a resolution expressing the sense of the Senate regarding reauthorizing the Elementary and Secondary Education Act of 1965.

At the request of Mr. LOTT, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of Senate Resolution 186, *supra*.

# SENATE RESOLUTION 189—AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE FOR THE PERIODS OCTOBER 1, 1999, THROUGH SEPTEMBER 30, 2000, AND OCTOBER 1, 2000, THROUGH FEBRUARY 28, 2001

Mr. McCONNELL, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 189

*Resolved,***SECTION 1. AGGREGATE AUTHORIZATION.**

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate there is authorized for the period October 1, 1999, through September 30, 2000, in the aggregate of \$52,933,922, and for the period October 1, 2000, through February 28, 2001, in the aggregate of \$22,534,293, in accordance with the provisions of this resolution, for standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

**(b) EXPENSES OF COMMITTEES.—**

(1) IN GENERAL.—Except as provided in paragraph (2), any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required—

(A) for the disbursement of salaries of employees of the committee who are paid at an annual rate;

(B) for the payment of telecommunications expenses provided by the Office of the Sergeant at Arms and Doorkeeper and the Department of Telecommunications;

(C) for the payment of stationery supplies purchased through the Keeper of Stationery;

(D) for payments to the Postmaster;

(E) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper; or

(F) for the payment of Senate Recording and Photographic Services.

(c) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees for the period October 1, 1999, through September 30, 2000, and for the period October 1, 2000, through February 28, 2001, to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate.

**SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the

period October 1, 1999, through September 30, 2000, under this section shall not exceed \$2,118,150, of which amount—

(1) not to exceed \$4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$903,523, of which amount—

(1) not to exceed \$4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

**SEC. 3. COMMITTEE ON ARMED SERVICES.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$3,796,030, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$1,568,418, of which amount—

(1) not to exceed \$30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

**SEC. 4. COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and

Urban Affairs is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$3,160,739, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$850, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$1,348,349, of which amount—

(1) not to exceed \$8,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$354, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

#### SEC. 5. COMMITTEE ON THE BUDGET.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$3,449,315, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$1,472,442, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$2,000, may be expended for the training of the professional staff of

such committee (under procedures specified by section 202(j) of such Act).

#### SEC. 6. COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$3,823,318, of which amount—

(1) not to exceed \$14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$1,631,426, of which amount—

(1) not to exceed \$14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

#### SEC. 7. COMMITTEE ON ENERGY AND NATURAL RESOURCES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$2,924,935.

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$1,248,068.

#### SEC. 8. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the

Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$2,688,097, of which amount—

(1) not to exceed \$8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$1,146,192, of which amount—

(1) not to exceed \$3,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

#### SEC. 9. COMMITTEE ON FINANCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$3,762,517, of which amount—

(1) not to exceed \$30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$1,604,978, of which amount—

(1) not to exceed \$30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof



(as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

#### SEC. 10. COMMITTEE ON FOREIGN RELATIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$3,158,449, of which amount—

(1) not to exceed \$45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$1,347,981, of which amount—

(1) not to exceed \$45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

#### SEC. 11. COMMITTEE ON GOVERNMENTAL AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$5,026,582, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$2,144,819, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

#### (d) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by

the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from October 1, 1999, through February 28, 2001, is authorized, in its, his, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this subsection shall affect or impair the exercise of any other

standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) **SUBPOENA AUTHORITY.**—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 49, agreed to February 24, 1999 (106th Congress) are authorized to continue.

#### **SEC. 12. COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR FISCAL YEAR 2000 PERIOD.**—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$4,560,792, of which amount—

(1) not to exceed \$22,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$15,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.**—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$1,946,026, of which amount—

(1) not to exceed \$22,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$15,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

#### **SEC. 13. COMMITTEE ON THE JUDICIARY.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR FISCAL YEAR 2000 PERIOD.**—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$4,845,263, of which amount—

(1) not to exceed \$60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.**—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$2,068,258, of which amount—

(1) not to exceed \$60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

#### **SEC. 14. COMMITTEE ON RULES AND ADMINISTRATION.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR FISCAL YEAR 2000 PERIOD.**—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$1,647,719, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.**—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$703,526, of which amount—

(1) not to exceed \$21,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$4,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

#### **SEC. 15. COMMITTEE ON SMALL BUSINESS.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR FISCAL YEAR 2000 PERIOD.**—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$1,330,794, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.**—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$567,472, of which amount—

(1) not to exceed \$10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

#### **SEC. 16. COMMITTEE ON VETERANS' AFFAIRS.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR FISCAL YEAR 2000 PERIOD.**—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$1,246,174, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.**—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$531,794, of which amount—

(1) not to exceed \$21,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$2,100, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

#### **SEC. 17. SPECIAL COMMITTEE ON AGING.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions imposed by

section 104 of S. Res. 4, agreed to February 4, 1977, (Ninety-fifth Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$1,459,827, of which amount not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$622,709, of which amount not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

#### SEC. 18. SELECT COMMITTEE ON INTELLIGENCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), in accordance with its jurisdiction under section 3(a) of that resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of that resolution, the Select Committee on Intelligence is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$2,674,687, of which amount not to exceed \$65,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$1,141,189, of which amount not to exceed \$65,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

#### SEC. 19. COMMITTEE ON INDIAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from October 1, 1999, through February 28, 2001, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR FISCAL YEAR 2000 PERIOD.—The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this section shall not exceed \$1,260,534, of which amount not to exceed \$1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2001.—For the period October 1, 2000, through February 28, 2001, expenses of the committee under this section shall not exceed \$537,123, of which amount \$1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

#### SEC. 20. SPECIAL RESERVE.

(a) ESTABLISHMENT.—Within the funds in the account "Expenses of Inquiries and Investigations" appropriated by the legislative branch appropriation Acts for fiscal years 2000 and 2001, there is authorized to be established a special reserve to be available to any committee funded by this resolution as provided in subsection (b) of which—

(1) an amount not to exceed \$3,700,000, shall be available for the period October 1, 1999, through September 30, 2000; and

(2) an amount not to exceed \$1,600,000, shall be available for the period October 1, 2000, through February 28, 2001.

(b) AVAILABILITY.—The special reserve authorized in subsection (a) shall be available to any committee—

(1) on the basis of special need to meet unpaid obligations incurred by that committee during the periods referred to in paragraphs (1) and (2) of subsection (a); and

(2) at the request of a Chairman and Ranking Member of that committee subject to the approval of the Chairman and Ranking Member of the Committee on Rules and Administration.

### NOTICE OF HEARING

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, October 5, 1999 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 1608, a bill to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide a new mechanism for cooperation between counties

and the Forest Service and the Bureau of Land Management to make necessary investments in federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224-6170.

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON FOREIGN RELATIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, September 27, 1999, during the first rollcall vote to hold a business meeting.

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

### ADDITIONAL STATEMENTS

#### MT. HOOD COMMUNITY MENTAL HEALTH CENTER

• Mr. WYDEN. Mr. President, I wish to recognize the outstanding work of the VIEWS volunteers at Mt. Hood Community Mental Health Center of Gresham, Oregon. They devote many hours to helping seniors in emotional crisis.

Mt. Hood Community Mental Health Center began in 1985 as an outreach program for seniors at risk of suicide, and soon developed several programs to address various levels of depression or emotional crisis among seniors, including Volunteers Involved in the Emotional Well-being of Seniors (VIEWS). Over the last ten years, Mt. Hood Community Mental Health Center has trained more than 100 peer counselors who have, in turn, provided crucial counseling to over 400 seniors. Without the help of these volunteers, many of Oregon's seniors would have sunk deeper into isolation and despair. As a result of the assistance of these invaluable volunteers, the medical professionals at Mt. Hood Community Mental Health Center have been able to extend their reach far beyond what their limited budget would otherwise allow.

These volunteers are performing extraordinary work. I am proud that my own State of Oregon has initiated this effort, and I again wish to congratulate the VIEWS volunteers for being an example of what we can do to help others make a positive difference in the lives of seniors. •

#### TRIBUTE TO H. MELVIN NAPIER

• Mr. CRAIG. Mr. President, I would like to rise today to pay tribute to one of Idaho and America's finest veterans, H. Melvin "Mel" Napier, of Boise, ID.

There is no question Mel Napier is a true American patriot and a leader,

from his participation in the military, to his work on behalf of veterans, to his contributions in the community. The Air Force has a very special tradition in Idaho, and Mel has long been part of that tradition. Enlisting in the U.S. Air Force during the Korean conflict, Mel served 4 years on active duty and 8 years in the Air Force Reserves as a meteorologist. He has also been a stalwart veteran advocate. His active membership and leadership in the American Legion led him to be selected to be National Vice Commander in 1982-83. In 1983, Mel began his service as State Adjutant for the Legion, and he has served in that capacity until this September.

Mel's service to our country makes it clear that he has never been afraid of challenges, hardships or hard work. Idaho is privileged to have Mel and his family as residents. I am honored to stand before the Senate today and tell my colleagues about Mel; however, I do this with mixed emotions. Mel Napier recently stepped down as State Adjutant for the American Legion, a position he held for 16 years. It is a special individual indeed who commits to that kind of service on behalf of all the men and women in uniform who have proudly served our great nation.

In sum, I would like to thank Mel for his tremendous contribution to our country, and most of all, to America's veterans. I know that Mel will not be leaving the American Legion, or ending his service to veterans because he will no longer serve as State Adjutant, but I do think that this is a very appropriate time to give Mel our thanks and show our gratitude for his service.

Mr. Napier, thank you, congratulations, and Godspeed.●

#### TRIBUTE TO KATHRYN "KAYCI" COOK

● Mr. SARBANES. Mr. President, I rise today to pay tribute to an outstanding public servant and steward of our National Park System, Kathryn "Kayci" Cook, Superintendent of Fort McHenry National Monument and Historic Shrine and Hampton National Historic Site. Kayci has recently been selected as Assistant Superintendent of Glen Canyon National Park in Utah and I, and many others in the State of Maryland, are sorry to see her go.

Throughout her 18-year career with the National Park Service, Kayci Cook has distinguished herself for her leadership, commitment and dedication to managing and protecting our Nation's most precious natural and cultural resources. Beginning as a seasonal park ranger at Wupatki and Canyon de Chelly National Monuments in northern Arizona, she quickly advanced through the ranks to positions as park ranger at San Antonio Missions National Historical Park in Texas, supervisory ranger at California's Death Valley National Monument, and Chief of Resource Education for Apostle Islands National Lakeshore in Wisconsin.

In 1994, her contributions and accomplishments in these positions earned Kayci the prestigious Benvenuto Congressional Fellowship.

I came to know Kayci three years ago, soon after she was appointed to lead Fort McHenry and Hampton and have had the privilege of working closely with her on a number of matters of mutual concern affecting these units of the National Park System. I can personally attest to the exceptional talent, ingenuity, and energy which she brought to this position. Under her leadership the fort walls and many historic structures at Fort McHenry have been restored, plans have been advanced to develop a new visitors center to accommodate the increasing number of visitors to the Fort, many preservation projects have been completed at Hampton and a new General Management Plan for this historic site is being completed.

Kayci Cook's hard work and dedication to the stewardship Fort McHenry and Hampton have earned her the respect and admiration of everyone with whom she has worked. She leaves behind two units of the National Park System that have been protected and improved through her efforts and the visitors to these sites will benefit from her labors for years to come. In my judgement, her extraordinary commitment and leadership should serve as a standard for those who will follow her. I greatly value the assistance Kayci provided to me and my staff and wish her the best of luck in the years ahead.●

#### TRIBUTE TO YOUNG MEN OF IDAHO

● Mr. CRAPO. Mr. President, I rise today to pay tribute to two groups of exceptional young men from my State of Idaho.

In August, the South Central Boise Little League team from Boise, ID, became the first little league team from Idaho ever to compete in the Little League World Series. Under the leadership of Stan McGrady, this team of 11- and 12-year-olds completed an underdog run to win the Western Regional Pennant and advance to the Little League World Series in Williamsport, PA. They won one game and lost two in the World Series, but, more importantly, showed an impressive amount of maturity and sportsmanship and represented our state in an exemplary manner.

Furthermore, the Madison Cats of Rexburg, ID, ended a successful season by competing in the Babe Ruth League World Series in Clifton Park, NY. This team of 14-year-olds, coached by Randy Sutton, went undefeated in both the state and regional tournaments to earn the right to represent the Pacific Northwest in the Babe Ruth World Series.

Along with the entire State of Idaho, I am very proud of these young men. Their accomplishments show a level of

dedication and teamwork that will benefit them for many years to come. They were exceptional ambassadors for Idaho. I congratulate them, their parents, and their communities on these unprecedented accomplishments.●

#### WELFARE REFORM AND THE COLLEGE OPTION: A NATIONAL CONFERENCE

● Mr. WELLSTONE. Mr. President, this weekend, the McAuley Institute, Wider Opportunities for Women, the Center for Women Policy Studies, and the Howard Samuels State Management and Policy Center of CUNY hosted a national conference on the important relationship between welfare reform and higher education. On Friday night, they held an opening night reception and awards ceremony. Unfortunately, I was unable to attend, but I ask to have printed in the RECORD a letter that was read on my behalf as part of the ceremony.

The letter follows.

SEPTEMBER 24, 1999.

TO ALL IN ATTENDANCE: First, I would like to begin by apologizing for the fact that I can't be here in person to accept this award. Certainly, I always like to attend any dinner that someone has gone to the trouble of holding in my honor, but even more so I would love to attend your conference focusing on the important relationship between education and economic self-sufficiency.

Second, I would like to thank all of the sponsors of this conference—the McAuley Institute, Wider Opportunities for Women, the Center for Women's Policy Studies, and the Howard Samuels State Management and Policy Center of CUNY—for presenting me with this award. I have worked with these groups in the past on important legislative efforts, and deeply respect the work that each of these organizations has done to protect and advance the well-being of the most needy among us.

Having done that, though, I would also like to take this time to talk a little bit about poverty and need.

We live in a nation of riches. Since 1969, the era when we launched our War on Poverty, we have seen the nation's total wealth per person grow by 62 percent, and as a nation, we consumed 73 percent more material goods and services per person in 1997 than we did 1969. Yet during that same time, the number of poor children in America grew by 46 percent, or more than 4 million children. About one-half of this growth represented the growing number of poor children in families headed by someone who worked.

1998 was a year of economic prosperity for many Americans. Many of us have benefitted greatly from a strong economy: unemployment is at its lowest level since 1969, and for the second year in a row wages have gone up, cutting across the traditional barriers of race, ethnicity and education.

Unfortunately, though, these gains have barely been felt by those left behind by the growing economic inequality we see in this country. New figures on family income show that the gap between low- and moderate-income families and rich families is at an all-time high. During the 1990s, we have seen a disturbing trend in income gains—the rich in America are benefitting in ways that the poor are not: While the richest 20 percent of households gained about \$15,000 dollars in annual income between 1990 and 1997, the poorest 20 percent of families gained only about

\$35 in annual income. That's a gain of 15 percent versus a gain of less than 1 percent.

A recent study by the Center on Budget and Policy Priorities offers further evidence of the widening income gap between the rich and the poor in this country. Using Congressional Budget Office data, they found that the after-tax income of the richest one percent of the population will more than double between 1977 and 1999, rising 115 percent after adjusting for inflation. At the same time, the average after-tax income for middle-income households, which accounts for 60 percent of all households, will increase by only 8 percent—less than one-half a percent per year—and the average income of the poorest twenty percent of households will actually decrease. As a result of these large increases in income among the rich and the loss of income among the poor, CBPP estimates that in 1999, the richest twenty percent of households in the U.S. will have slightly more income than the other 80 percent of households combined, and the 2.7 million Americans with the highest incomes will have as much after-tax income as the 100 million Americans with the lowest incomes.

My own state of Minnesota provides a telling example of how some of our families are being left behind: Minnesota leads the country in low unemployment—less than 3 percent statewide, less than 2 percent in the Minneapolis-St. Paul area. But even with such impressive figures, we still see a situation where unemployment in our poorest central-city neighborhoods hovers around 15 percent, and a horrifying 60 percent of the children who live in these neighborhoods are growing up in poverty. And it isn't just in our cities, but also among our rural communities, particularly our farm communities, where we see similar levels of poverty and need.

And when we talk about people being poor, we are talking about people in desperate need. It never fails to amaze me what the Federal government defines as poor—in 1997, a three-person family was “officially” poor if it made less than \$12,802 a year. Even more upsetting, though, is that most poor families in the U.S. don't even meet this minimum. The average poor family with children received in 1997 only \$8,688 a year in total income from all sources—the equivalent of \$724 a month, \$167 a week, less than \$24 a day.

Of course, those who suffer the most from poverty in this country are our children. It makes me sick just thinking about it. America's youngest children, those under the age of 6, are more likely to live in poverty than any other age group. During the past two decades there has been a substantial increase in the number and percentage of poor young people in the United States. The young child poverty rate has grown among all racial and ethnic groups, and in urban, suburban, and rural areas. The number of American young children living in poverty increased from 3.5 million in 1979 to 5.2 million in 1997. The young child poverty rate grew by 20 percent during those two decades, and currently one-in-five young children in the U.S. live in poverty. Nearly one-in-two young African American children live in poverty, and about one in three young Latino children live in poverty in the U.S.

Still more horrifying, one in ten young children in the U.S. live in extreme poverty, in families with incomes less than half the poverty level, an amount of only \$6,401 for a family of three in 1997. Nearly half of the children living in poverty in the U.S. live in extreme poverty. Currently, the extreme poverty rate among young children is growing faster than the young child poverty rate.

I think what I find most upsetting is not the fact that so many among us still live in poverty, but that so many of those who live

in poverty are hard-working parents who are doing everything—everything—that they can. But they still aren't making it. Sixty-one percent of the average poor family's income comes from work—\$5,295 a year, \$441 a month, \$102 a week, or less than \$15 a day. For an 8 hour workday, that means someone was earning just under \$2 an hour. Only twenty-one percent of our average poor family's income came from welfare—just \$1,824 a year, \$152 a month, \$35 a week, or less than \$5 a day. And a majority of all poor children under age 6, 65 percent, live with at least one employed parent. Only one-sixth of poor young children live in families who rely solely on public assistance for income.

How is this possible? How can we live in a time when there are people who literally can't support themselves and their families despite the fact that they work, often nearly 52 weeks a year, 40 hours a week, sometimes more than one job. In a time of unprecedented economic well-being, of budget surpluses, and an 8.6 trillion dollar economy, it is criminal that there are those living among us, who are doing everything within their powers to make ends meet, who cannot provide the basic needs of day-to-day survival for themselves and their families.

We need to ask ourselves, we must ask ourselves, what is happening when we see this happening. We should be desperately concerned when we see that the average income of American families living in poverty actually declined between 1996 and 1997. Simply put, this is both inexcusable and utterly unacceptable. Even in the hardest of times, no family, no child, in this country should be forced to go without the basic necessities of food, shelter, and medical care. But even more so, in a time of unparalleled economic prosperity, how can any one not react with both despair and outrage when confronted by such a scenario?

There is much to be done, much that should be done, much that must be done. I am deeply committed to doing my part: I will continue to offer legislation that protects the rights of the poorest among us, and to fight to help them provide for their needs. I have sponsored or co-sponsored legislation to raise the minimum wage; to find out what's happening to people when they lose their welfare benefits; to allow welfare recipients to count two years of education or vocational training toward their TANF work requirements; to ensure that everyone in America has access to quality, affordable healthcare and child care; and to guarantee that women and children who are victims and survivors of domestic violence have the economic resources and security they need to leave abusive situations. We in Congress must recognize that it isn't enough to tell people they must work, but we also need to provide them with a wide range of supports while they try to make the difficult transition from poverty to economic self-sufficiency. All of it goes together—we must address each if we intend to solve any.

There is so much that you can do with me as well. I urge you to follow what happens in Congress and with the Administration and make your opinion known to your Representatives, to your Senators, and to the President—write, e-mail, fax, and phone. Participate in every way you can, not only for yourselves but also for those who might not feel able to. We must all give a voice to those who are most likely to go unheard, and we must teach them to speak loudly for themselves. We must also make sure that people don't forget the less fortunate among us. Sometimes in our own prosperity, it is easier to simply turn away from that which is difficult or painful to witness. We must not relax our efforts, and we must never allow anyone to declare the war against pov-

erty won until there is no one, no mother, no child, who lies down at night hungry or homeless. No one should have to worry about whether or not they can provide medical care for a sick loved one, or whether or not their child is safe in daycare while they are at work.

I know that I am preaching to the choir at this point, so I will close by simply praising you for all of your efforts—each and every one of you is fighting this fight right on the front lines—and by urging you not to bend and not to give up. In the face of spending cuts, changing priorities, and a simple lack of concern, you are the real “poverty warriors.”

And finally, I thank you again for honoring me this evening.

Sincerely,

PAUL D. WELLSTONE,  
U.S. Senator.●

#### TRIBUTE TO JUDGE RICH

● Mr. HATCH. Mr. President, on June 9, 1999, Judge Giles S. Rich passed away at age 95, still serving on the U.S. Court of Appeals for the Federal Circuit after nearly 43 years as a Federal judge and as the oldest active Federal judge in U.S. history. Today, the Federal court will hold a memorial service in his honor. I rise today to add my voice to those of the participants in that memorial service in paying tribute to this man who contributed as much, if not more, than anyone else in this century to the development of U.S. patent policy and the promotion of American innovation.

Judge Rich was heard to say, “You see, as I go along, practically everything I did was what I didn't intend to do.” I believe that statement to be true in large part because Judge Rich was a man who didn't follow success, but was instead followed by success. Bright people and prestigious positions were drawn to him because of who he was.

Judge Rich was educated at Harvard College, from which he graduated in 1926. He went on to receive his law degree from Columbia Law School in 1929. Since Columbia University didn't have any patent law classes, Judge Rich decided to teach himself patent law, through an arrangement with a professor that allowed him to receive credit for a thorough and lengthy paper on patents. He in turn shared his knowledge and intellect with students as a lecturer on patent law at Columbia University from 1942 until 1956, as an adjunct professor at Georgetown University Law Center from 1963 to 1969, and as a lecturer on patent and copyright law as part of the Federal Judicial Center's training program for newly appointed judges from the program's inception in 1965 until 1971.

As a dedicated lawyer, professor, and judge, Judge Rich played a significant role in the development and evolution of intellectual property law in the United States. He practiced law in a private practice from 1929 to 1956, specializing in patent and trademark law. He became a member of the New York Bar in 1929 and was certified by the U.S. Patent Office in 1934. As a member

of a two-man drafting committee, he was one of the two people principally responsible for drafting the 1952 Patent Act, which served as the first codification of all our nations' federal patent laws and which has served this country well for half a decade without significant revision. In 1992, Judge Rich earned special recognition from President Bush for his contributions to the patent code of our nation's patent system.

Judge Rich served in private practice until 1956, when President Eisenhower appointed him as an associate judge for the Court of Customs and Patent Appeals (CCPA). Then, in 1982, he was appointed as a Circuit Judge for the CCPA's successor court, the U.S. Court of Appeals for the Federal Circuit, which holds exclusive jurisdiction for patent appeals. From his seat on the Federal Circuit, Judge Rich authored landmark decisions clarifying some of the most difficult concepts in patent law, including decisions that have been hailed as laying the foundation for the modern biotechnology industry and important cases dealing with the complex area of software and computer-related inventions.

Judge Rich was the distinguished recipient of a host of awards during his career, ranging from the Jefferson Medal of New Jersey Patent Law Association in 1955 to the Oldest Active Judge in U.S. History Recognized by Chief Justices in 1997. He was the inaugural recipient of the Pesquale J. Federico Memorial Award for outstanding service to the patent and trademark systems, awarded by the Patent and Trademark Office Society. He was awarded the Charles F. Kettering Award and Distinguished Government Service Award from the George Washington University. He was awarded the Harlan Fisk Stone Medal from Columbia University. There is a law school moot court competition sponsored by the American Intellectual Property Law Association—now in its 28th year—named in his honor. There is even an Inn of Court named in his honor. He has been awarded recognition from intellectual property law associations in cities across the country and, in 1997, was awarded the Centennial Visionary Award by the American Intellectual Property Law Association upon the commemoration of its 100th anniversary. He holds honorary Doctor of Law degrees from the George Washington University, John Marshall Law School, and George Mason University School of Law. And these are but a few of the many accolades Judge Rich has received throughout life.

As with all judges, many of those who followed Judge Rich's decisions admired and agreed with his legal theories, while others disagreed. But all respected his intelligence, strength, and ambition. He wrote in the history of the Court of Customs and Patent Appeals that "[c]ourts are people and little else. Law evolves from their manners of thinking at particular times

and from the interactions of people thinking." Judge Giles S. Rich, as a person, helped transform our federal courts. He contributed to a body of statutory and judicial precedent that is unparalleled throughout much of our nation's history. Chief Judge Archer said of Judge Rich in 1994 that Judge Rich was "open-minded, flexible and respectful of the views of his colleagues. He [brought] to the art of judging the temperament and knowledge that are rarely equaled. It sets a high standard for all of us." And as John Reilly stated in eulogizing Judge Rich, he was "a quiet jurist and gentle man who by his tireless scholarship and faithful devotion to the patent law, turned our American century into an inventive, productive powerhouse, to the benefit of us all."

Judge Rich began his career as an intellectual property law practitioner and scholar at a time when radio broadcasts were the latest emerging technology, yet he lived to set much of the patent policy that formed the foundation for the digital revolution. For these contributions to American jurisprudence and our patent system, his presence will always be remembered by legislators, lawyers, and judges who reflect on the law that was made by the feisty judge that wasn't going to stop hearing cases until something forced him to do so.

Judge Rich, at one time, told an attentive audience of a verse his mother would recite, "The wise old owl lie in an oak. The more he saw, the less he spoke; the less he spoke the more he heard. Why can't we be more like that old bird?" The intellectual property community and all of us can learn a great deal from the "old bird," Judge Rich. John Witherspoon, one of Judge Rich's former law clerks, once said that, "Giles Rich is a Master teacher—by which I mean, he doesn't teach at all; those around him simply learn."

Many will miss his presence and the experiences it brought. I send my condolences out to his family, and my gratitude to the man who worked so hard to contribute to American jurisprudence and the preservation of America's status as a nation of inventors.●

#### DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

On September 24, 1999, the Senate amended and passed H.R. 2684, as follows:

*Resolved*, That the bill from the House of Representatives (H.R. 2684) entitled "An Act 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," do pass with the following amendment

Page 2, strike out all after line 9, over to and including line 3 on page 95, and insert:

#### TITLE I—DEPARTMENT OF VETERANS AFFAIRS

##### VETERANS BENEFITS ADMINISTRATION COMPENSATION AND PENSIONS

*For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540-548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), \$21,568,364,000, to remain available until expended: Provided, That not to exceed \$38,079,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.*

##### READJUSTMENT BENEFITS

*For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by 38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61, \$1,469,000,000, to remain available until expended: Provided, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98-77, as amended.*

##### VETERANS INSURANCE AND INDEMNITIES

*For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, \$28,670,000, to remain available until expended.*

##### VETERANS HOUSING BENEFIT PROGRAM FUND

##### PROGRAM ACCOUNT

##### (INCLUDING TRANSFER OF FUNDS)

*For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2000, within the resources available, not to exceed \$300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.*

*In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$156,958,000, which may be transferred to and merged with the appropriation for "General operating expenses".*

##### EDUCATION LOAN FUND PROGRAM ACCOUNT

##### (INCLUDING TRANSFER OF FUNDS)

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

*In addition, for administrative expenses necessary to carry out the direct loan program,*



\$214,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM  
ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$57,000, as authorized by 38 U.S.C. chapter 31, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$2,531,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$415,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN  
PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, \$520,000, which may be transferred to and merged with the appropriation for "General operating expenses".

GUARANTEED TRANSITIONAL HOUSING LOANS FOR  
HOMELESS VETERANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of guaranteed loans as authorized by 38 U.S.C. chapter 37 subchapter VI, \$48,250,000, to remain available until expended: Provided, That no more than five loans may be guaranteed under this program prior to November 11, 2001: Provided further, That no more than fifteen loans may be guaranteed under this program: Provided further, That the total principal amount of loans guaranteed under this program may not exceed \$100,000,000: Provided further, That not to exceed \$750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical care" may be expended for the administrative expenses to carry out the guaranteed loan program authorized by 38 U.S.C. chapter 37, subchapter VI.

VETERANS HEALTH ADMINISTRATION  
MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the Department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the Department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq.; and not to exceed \$8,000,000 to fund cost comparison studies as referred to in 38 U.S.C.

8110(a)(5), \$19,006,000,000, plus reimbursements: Provided, That of the funds made available under this heading, \$600,000,000 is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement (as defined in the Balanced Budget and Emergency Deficit Control Act of 1985) is transmitted by the President to Congress: Provided further, That of the funds made available under this heading, \$635,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2000, and shall remain available until September 30, 2001: Provided further, That of the funds made available under this heading, not to exceed \$900,000,000 shall be available until September 30, 2001: Provided further, That of the funds made available under this heading, not to exceed \$27,907,000 may be transferred to and merged with the appropriation for "General operating expenses": Provided further, That the Department shall conduct by contract a program of recovery audits with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor: Provided further, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.

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

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2001, \$316,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS  
OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, \$60,703,000 plus reimbursements: Provided, That project technical and consulting services offered by the Facilities Management Service Delivery Office, including technical consulting services, project management, real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2000.

GENERAL POST FUND, NATIONAL HOMES

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$7,000, as authorized by Public Law 102-54, section 8, which shall be transferred from the "General post fund": Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$70,000.

In addition, for administrative expenses to carry out the direct loan programs, \$54,000,

which shall be transferred from the "General post fund", as authorized by Public Law 102-54, section 8.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, \$912,594,000: Provided, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act: Provided further, That travel expenditures for the immediate Office of the Secretary shall not exceed \$100,000.

NATIONAL CEMETERY ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of the National Cemetery Administration, not otherwise provided for, including uniforms or allowances therefor; cemetery expenses as authorized by law; purchase of two passenger motor vehicles for use in cemetery operations; and hire of passenger motor vehicles, \$97,256,000: Provided, That of the amount made available under this heading, not to exceed \$117,000 may be transferred to and merged with the appropriation for "General operating expenses".

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$43,200,000: Provided, That of the amount made available under this heading, not to exceed \$30,000 may be transferred to and merged with the appropriation for "General operating expenses".

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is \$4,000,000 or more or where funds for a project were made available in a previous major project appropriation, \$70,140,000, to remain available until expended: Provided, That except for advance planning of projects (including market-based assessments of health care needs which may or may not lead to capital investments) funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2000, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2000; and (2) by the awarding of a construction contract by September 30, 2001: Provided further, That the Secretary shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: Provided further, That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year

after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

#### CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, where the estimated cost of a project is less than \$4,000,000, \$175,000,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than \$4,000,000: Provided, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

#### PARKING REVOLVING FUND

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

#### GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131-8137, \$90,000,000, to remain available until expended.

#### GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

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

#### ADMINISTRATIVE PROVISIONS

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2000 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2000 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

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

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

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2000 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and

indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 1999.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2000 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100-86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2000, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2000, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2000, which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. (a) SENSE OF SENATE.—It is the sense of the Senate that it should be the goal of the Department of Veterans Affairs to serve all veterans equitably at health care facilities in urban and rural areas.

(b) REPORT REQUIRED.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the impact of the allocation of funds under the Veterans Equitable Resource Allocation (VERA) funding formula on the rural subregions of the health care system administered by the Veterans Health Administration.

(2) The report shall include the following:

(A) An assessment of impact of the allocation of funds under the VERA formula on—

(i) travel times to veterans health care in rural areas;

(ii) waiting periods for appointments for veterans health care in rural areas;

(iii) the cost associated with additional community-based outpatient clinics;

(iv) transportation costs; and

(v) the unique challenges that Department of Veterans Affairs medical centers in rural, low-population subregions face in attempting to increase efficiency without large economies of scale.

(B) The recommendations of the Secretary, if any, on how rural veterans' access to health care services might be enhanced.

SEC. 109. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act for the Medical Care appropriation of the Department of Veterans Affairs may be obligated for the realignment of the health care delivery system in VISN 12 until 60 days after the Secretary of Veterans Affairs certifies that the Department has (1) consulted with veterans organizations, medical school affiliates, employee representatives, State veterans and health associations, and other interested parties with respect to the realignment plan to be implemented, and (2) made available to the Congress and the public infor-

mation from the consultations regarding possible impacts on the accessibility of veterans health care services to affected veterans.

SEC. 110. (a) FINDINGS.—The Senate makes the following findings:

(1) One of the most outrageous examples of the failure of the Federal Government to honor its obligations to veterans involves the so-called "atomic veterans", patriotic Americans who were exposed to radiation at Hiroshima and Nagasaki and at nuclear test sites.

(2) For more than 50 years, many atomic veterans have been denied veterans compensation for diseases, known as radiogenic diseases, that the Department of Veterans Affairs recognizes as being linked to exposure to radiation. Many of these diseases are lethal forms of cancer.

(3) The Department of Veterans Affairs almost invariably denies the claims for compensation of atomic veterans on the grounds that the radiation doses received by such veterans were too low to result in radiogenic disease, even though many scientists and former Under Secretary for Health Kenneth Kizer agree that the dose reconstruction analyses conducted by the Department of Defense are unreliable.

(4) Although the Department of Veterans Affairs already has a list of radiogenic diseases that are presumed to be service-connected, the Department omits three diseases—lung cancer, colon cancer, and central nervous system cancer—from that list, notwithstanding the agreement of scientists that the evidence of a link between the three diseases and low-level exposure to radiation is very convincing and, in many cases, is stronger than the evidence of a link between such exposure and other radiogenic diseases currently on that list.

(b) SENSE OF SENATE.—It is the sense of the Senate that lung cancer, colon cancer, and brain and central nervous system cancer should be added to the list of radiogenic diseases that are presumed by the Department of Veterans Affairs to be service-connected disabilities.

#### TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PUBLIC AND INDIAN HOUSING HOUSING CERTIFICATE FUND

##### (INCLUDING TRANSFERS OF FUNDS)

For activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, \$11,051,135,000, to remain available until expended: Provided, That of the total amount provided under this heading, \$10,855,135,000, of which \$6,655,135,000 shall be available on October 1, 1999 and \$4,200,000,000 shall be available on October 1, 2000, shall be for assistance under the United States Housing Act of 1937 ("The Act" herein) (42 U.S.C. 1437) for use in connection with expiring or terminating section 8 subsidy contracts, for enhanced vouchers (including renewals) as provided under the "Preserving Existing Housing Investment" account in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104-204) for families eligible for assistance under such Act, and contracts entered into pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act: Provided further, That the Secretary may determine not to apply section 8(o)(6)(B) of the Act to housing vouchers during fiscal year 2000: Provided further, That of the total amount provided under this heading, \$156,000,000 shall be for section 8 rental assistance under the Act including assistance to relocate residents of properties: (1) that are owned by the Secretary and being disposed of; or (2) that are discontinuing section 8 project-based assistance; for relocation and replacement housing for units that are demolished or disposed of

from the public housing inventory (in addition to amounts that may be available for such purposes under this and other headings); for the conversion of section 23 projects to assistance under section 8; for funds to carry out the family unification program; and for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency: Provided further, That of the total amount provided under this heading, \$40,000,000 shall be made available to nonelderly disabled families affected by the designation of a public housing development under section 7 of such Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611), or the restriction of occupancy to elderly families in accordance with section 658 of such Act, and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, to other nonelderly disabled families: Provided further, That no funds under this heading may be used for Regional Opportunity Counseling: Provided further, That all balances for the section 8 rental assistance, section 8 counseling, new construction sub-rehabilitation, relocation/replacement/demolition, section 23 conversions, rental and disaster vouchers, loan management set-aside, section 514 technical assistance, and programs previously funded within the "Annual Contributions" account shall be transferred to this account, to be available for the purposes for which they were originally appropriated: Provided further, That all balances previously recaptured in the "Section 8 Reserve Preservation" account shall be transferred to this account, to be available for the purposes for which they were originally appropriated: Provided further, That the unexpended amounts previously appropriated for special purpose grants within the "Annual Contributions for Assisted Housing" account shall be recaptured and transferred to this account, to be available for assistance under the Act for use in connection with expiring or terminating section 8 subsidy contracts: Provided further, That of the amounts previously appropriated for property disposition within the "Annual Contributions for Assisted Housing" account, up to \$79,000,000 shall be transferred to this account, to be available for assistance under the Act for use in connection with expiring or terminating section 8 subsidy contracts: Provided further, That of the unexpended amounts previously appropriated for carrying out the Low-Income Housing Preservation and Resident Homeownership Act of 1990 and the Emergency Low-Income Housing Preservation Act of 1987, other than amounts made available for rental assistance, within the "Annual Contributions for Assisted Housing" and "Preserving Existing Housing Investments" accounts, shall be recaptured and transferred to this account, to be available for assistance under the Act for use in connection with expiring or terminating section 8 subsidy contracts.

#### PUBLIC HOUSING CAPITAL FUND

##### (INCLUDING TRANSFERS OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437), \$2,555,000,000, to remain available until expended: Provided, That of the total amount, up to \$100,000,000 shall be for carrying out activities under section 9(d) of such Act, and technical assistance for the inspection of public housing units, contract expertise, and training and technical assistance directly or indirectly, under grants, contracts, or cooperative agreements, to assist in the oversight and management of public housing related to capital activities for lease adjustments to section 23 projects: Provided further, That no funds may be used under this heading for the purposes specified in

section 9(k) of the United States Housing Act of 1937, as in effect immediately before enactment of this Act: Provided further, That all balances for debt service for Public and Indian Housing and Public and Indian Housing Grants previously funded within the "Annual Contributions for Assisted Housing" account shall be transferred to this account, to be available for the purposes for which they were originally appropriated.

#### PUBLIC HOUSING OPERATING FUND

##### (INCLUDING TRANSFERS OF FUNDS)

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), \$2,900,000,000, to remain available until expended: Provided, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as in effect immediately before enactment of this Act.

#### DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public housing agencies and Indian tribes and their tribally designated housing entities for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901–11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, \$310,000,000, to remain available until expended: Provided, That of the total amount provided under this heading, up to \$5,000,000 shall be solely for technical assistance, training, and program assessment for or on behalf of public housing agencies, resident organizations, and Indian tribes and their tribally designated housing entities (including up to \$250,000 for the cost of necessary travel for participants in such training): Provided further, That of the amount provided under this heading, \$10,000,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home Program administered by the Inspector General of the Department of Housing and Urban Development: Provided further, That of the amount under this heading, \$10,000,000 shall be provided to the Office of Inspector General for Operation Safe Home: Provided further, That of the amount under this heading, \$20,000,000 shall be available for a program named the New Approach Anti-Drug program which will provide competitive grants to entities managing or operating public housing developments, federally assisted multifamily housing developments, or other multifamily housing developments for low-income families supported by non-Federal governmental entities or similar housing developments supported by nonprofit private sources in order to provide or augment security (including personnel costs), to assist in the investigation and/or prosecution of drug related criminal activity in and around such developments, and to provide assistance for the development of capital improvements at such developments directly relating to the security of such developments: Provided further, That grants for the New Approach Anti-Drug program shall be made on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989: Provided further, That the term "drug-related crime", as defined in 42 U.S.C. 11905(2), shall also include other types of crime as determined by the Secretary: Provided further, That none of the funds under this heading may be awarded pursuant to a Notice of Funding Availability which contains substantive program changes unless such program changes have been subject to review under notice and comment rulemaking: Provided further, That, notwithstanding section 5130(c) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11909(c)), the Secretary may determine not to use any such funds to provide public housing youth sports grants.

#### REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, \$500,000,000 to remain available until expended: Provided, That for purposes of environmental review pursuant to the National Environmental Policy Act of 1969, a grant under this heading or under prior appropriations Acts for use for the purposes under this heading shall be treated as assistance under title I of the United States Housing Act of 1937 and shall be subject to the regulations issued by the Secretary to implement section 26 of such Act: Provided further, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

#### NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Public Law 104-330), \$620,000,000, to remain available until expended, of which \$4,000,000 shall be used by the National American Indian Housing Council and up to \$2,000,000 by the Secretary to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the oversight and management of Indian housing and tenant-based assistance, including up to \$300,000 for related travel: Provided, That of the amount provided under this heading, \$6,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed \$54,600,000: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to \$200,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for departmental salaries and expenses, to be used only for the administrative costs of these grantees.

#### INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

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

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

#### RURAL HOUSING AND ECONOMIC DEVELOPMENT

For an Office of Rural Housing and Economic Development to be established in the Department of Housing and Urban Development, \$25,000,000, to remain available until expended: Provided, That of the amount under this heading, up to \$3,000,000 shall be used to develop capacity at the State and local level for developing rural housing and for rural economic development and for maintaining a clearinghouse of ideas for innovative strategies for rural housing and economic development and revitalization: Provided further, That of the amount under this

heading, at least \$22,000,000 which amount shall be awarded by June 1, 2000 to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: Provided further, That all grants shall be awarded on a competitive basis as specified in section 102 of the HUD Reform Act.

#### COMMUNITY PLANNING AND DEVELOPMENT

##### HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), \$232,000,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, the funds under this heading shall be awarded on a priority basis to renew and maintain existing programs funded under this heading: Provided further, That the Secretary may use up to 1 percent of the funds under this heading for technical assistance.

#### COMMUNITY DEVELOPMENT BLOCK GRANTS

##### (INCLUDING TRANSFERS OF FUNDS)

For grants to States and units of general local government and for related expenses, not otherwise provided for, to carry out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301), \$4,800,000,000, to remain available until September 30, 2002: Provided, That \$67,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, \$3,000,000 shall be available as a grant to the Housing Assistance Council, \$2,000,000 shall be available to support Alaska Native serving institutions and native Hawaiian serving institutions as defined under the Higher Education Act, as amended, \$1,800,000 shall be available as a grant to the National American Indian Housing Council, and \$45,500,000 shall be for grants pursuant to section 107 of the Act: Provided further, That all funding decisions under section 107 except as specified herein shall be subject to a reprogramming request unless otherwise specified in accordance with the terms and conditions specified in the committee report accompanying this Act: Provided further, That not to exceed 20 percent of any grant made with funds appropriated herein (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974, as amended) shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the Department: Provided further, That all balances for the Economic Development Initiative grants program, the John Heinz Neighborhood Development program, grants to Self Help Housing Opportunity program, and the Moving to Work Demonstration program previously funded within the "Annual Contributions for Assisted Housing" account shall be transferred to this account, to be available for the purposes for which they were originally appropriated.

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

Of the amount made available under this heading, the Secretary of Housing and Urban Development may use up to \$45,000,000 for supportive services for public housing residents, as authorized by section 34 of the United States Housing Act of 1937, as amended, and not less

than \$10,000,000 for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing: Provided further, That amounts made available for congregate services and service coordinators for the elderly and disabled under this heading and in prior fiscal years may be used by grantees to reimburse themselves for costs incurred in connection with providing service coordinators previously advanced by grantees out of other funds due to delays in the granting by or receipt of funds from the Secretary, and the funds so made available to grantees for congregate services or service coordinators under this heading or in prior years shall be considered as expended by the grantees upon such reimbursement. The Secretary shall not condition the availability of funding made available under this heading or in prior years for congregate services or service coordinators upon any grantee's obligation or expenditure of any prior funding.

Of the amount made available under this heading, notwithstanding any other provision of law, \$42,500,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That up to \$2,500,000 may be used for capacity buildings efforts.

Of the amount made available under this heading, \$110,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of economic development efforts, including \$95,000,000 for making individual grants for targeted economic investments in accordance with the terms and conditions specified for such grants in the committee report accompanying this Act.

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

The Secretary is directed to transfer the administration of the small cities component of the Community Development Block Grant Program for fiscal year 2000 and all fiscal years thereafter to the State of New York. No funds under this heading may be made available to grantees until the Secretary of Housing and Urban Development transfers the administration of the Small Cities component of the Community Development Block Grants program to the State of New York.

#### BROWNFIELDS REDEVELOPMENT

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

#### HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cran-

ston-Gonzalez National Affordable Housing Act (Public Law 101-625), as amended, \$1,600,000,000, to remain available until expended: Provided, That up to \$20,000,000 of these funds shall be available for Housing Counseling under section 106 of the Housing and Urban Development Act of 1968: Provided further, That all Housing Counseling program balances previously appropriated in the "Housing Counseling Assistance" account shall be transferred to this account, to be available for the purposes for which they were originally appropriated.

#### HOMELESS ASSISTANCE GRANTS

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act; and the shelter plus care program (as authorized under subtitle F of title IV of such Act), \$1,020,000,000, to remain available until expended: Provided, That not less than 30 percent of these funds shall be used for permanent housing, and all funding for services must be matched by 25 percent in funding by each grantee: Provided further, That the Secretary of Housing and Urban Development shall conduct a review of any balances of amounts provided under this heading in this or any previous appropriations Act that have been obligated but remain unexpended and shall deobligate any such amounts that the Secretary determines were obligated for contracts that are unlikely to be performed and award such amounts during this fiscal year: Provided further, That up to 1 percent of the funds appropriated under this heading may be used for technical assistance: Provided further, That all balances previously appropriated in the "Emergency Shelter Grants," "Supportive Housing," "Supplemental Assistance for Facilities to Assist the Homeless," "Shelter Plus Care," "Section 8 Moderate Rehabilitation Single Room Occupancy," and "Innovative Homeless Initiatives Demonstration" accounts shall be transferred to and merged with this account, to be available for any authorized purpose under this heading.

#### HOUSING PROGRAMS

##### HOUSING FOR SPECIAL POPULATIONS

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, \$911,000,000, to remain available until expended: Provided, That \$710,000,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for the elderly under such section 202(c)(2), and for supportive services associated with the housing of which amount \$50,000,000 shall be for service coordinators and continuation of existing congregate services grants for residents of assisted housing projects, and for other eligible elderly persons residing in the neighborhood in which such projects are located on an exception basis, and of which amount \$50,000,000 shall be for grants for conversion of existing section 202 projects, or portions thereof, to assisted living or related use, subject to the provision that the Secretary shall select existing section 202 projects to receive such assistance on a competitive basis based on a set of conditions that take into account the need for and quality of the proposed alterations, the extent to which the application demonstrates the ability to complete the alterations promptly and successfully, past history of successful deliverance of services

to the elderly, and such other factors as the Secretary deems appropriate: Provided further, That of the amount under this heading, \$201,000,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance, for amendments to contracts for project rental assistance, and supportive services associated with the housing for persons with disabilities as authorized by section 811 of such Act: Provided further, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is five years in duration: Provided further, That the Secretary may waive any provision of such section 202 and such section 811 (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

#### FLEXIBLE SUBSIDY FUND

##### (TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 1999, and any collections made during fiscal year 2000, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

#### FEDERAL HOUSING ADMINISTRATION

##### FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

###### (INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2000, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of \$120,000,000,000.

During fiscal year 2000, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed \$100,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund: Provided further, That no amounts made available to provide housing assistance with respect to the purchase of any single family real property owned by the Secretary or the Federal Housing Administration may discriminate between public and private elementary and secondary school teachers.

For administrative expenses necessary to carry out the guaranteed and direct loan program, \$330,888,000, of which not to exceed \$324,866,000 shall be transferred to the appropriation for departmental salaries and expenses; not to exceed \$4,022,000 shall be transferred to the appropriation for the Office of Inspector General. In addition, for administrative contract expenses, \$160,000,000: Provided, That to the extent guaranteed loan commitments exceed \$49,664,000,000 on or before April 1, 2000, an additional \$1,400 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$16,000,000.

##### FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

###### (INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), including the cost of loan guarantee modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended), \$153,000,000, including not to exceed \$153,000,000 from unobligated balances previously appropriated under this heading, to remain available until expended: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to \$18,100,000,000: Provided further, That any amounts made available in any prior appropriations Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed \$50,000,000; of which not to exceed \$30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed \$20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act: Provided further, That no amounts made available to provide housing assistance with respect to the purchase of any single family real property owned by the Secretary or the Federal Housing Administration may discriminate between public and private elementary and secondary school teachers.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, \$211,455,000 (including not to exceed \$147,000,000 from unobligated balances previously appropriated under this heading), of which \$193,134,000, shall be transferred to the appropriation for departmental salaries and expenses; and of which \$18,321,000 shall be transferred to the appropriation for the Office of Inspector General. In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, \$144,000,000: Provided, That to the extent guaranteed loan commitments exceed \$7,263,000,000 on or before April 1, 2000, an additional \$19,800 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments over \$7,263,000,000 (including a pro rata amount for any increment below \$1,000,000), but in no case shall funds made available by this proviso exceed \$14,400,000.

##### GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

###### GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

###### (INCLUDING TRANSFER OF FUNDS)

During fiscal year 2000, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed \$200,000,000,000.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, \$15,383,000, of which not to exceed \$9,383,000 shall be transferred to the appropriation for departmental salaries and expenses.

##### POLICY DEVELOPMENT AND RESEARCH RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, \$35,000,000, to remain available until September 30, 2001.

##### FAIR HOUSING AND EQUAL OPPORTUNITY

###### FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, \$40,000,000, to remain available until September 30, 2001, of which \$20,000,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

##### OFFICE OF LEAD HAZARD CONTROL

###### LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992, \$80,000,000 to remain available until expended, of which \$10,000,000 shall be for a Healthy Homes Initiative, which shall be a program pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related environmental diseases and hazards: Provided, That all balances for the Lead Hazard Reduction Programs previously funded in the Annual Contributions for Assisted Housing and Community Development Block Grant accounts shall be transferred to this account, to be available for the purposes for which they were originally appropriated.

##### MANAGEMENT AND ADMINISTRATION

###### SALARIES AND EXPENSES

###### (INCLUDING TRANSFER OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed \$7,000 for official reception and representation expenses, \$985,826,000, of which \$518,000,000 shall be provided from the various funds of the Federal Housing Administration, \$9,383,000 shall be provided from funds of the Government National Mortgage Association, \$1,000,000 shall be provided from the "Community Development Block Grants Program" account, \$150,000 shall be provided by transfer from the "Title VI Indian Federal Guarantees Program" account, and \$200,000 shall be provided by transfer from the "Indian Housing Loan Guarantee Fund Program" account: Provided, That the Secretary is prohibited from using any funds under this heading or any other heading in this Act from employing more than 77 schedule C and 20 noncareer Senior Executive Service employees: Provided further, That the Secretary is prohibited from using funds under this heading or any other heading in this Act to employ more than 9,300 employees, including any contract employees working on site in the Department: Provided further, That the Secretary is prohibited from using funds under this heading or any other heading in this Act after February 1, 2000 to employ any external community builders or to convert any external community builder to career employee after August 1, 1999: Provided further, That the Secretary is prohibited from using funds under this



heading or any other heading in this Act to employ more than 14 employees in the Office of Public Affairs: Provided further, That the Secretary is prohibited from using funds in excess of \$1,000,000 under this heading or any other heading in this Act to pay for travel: Provided further, That the Secretary may not reduce the staffing level at any Department of Housing and Urban Development State or local office.

OFFICE OF INSPECTOR GENERAL  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$95,910,000, of which \$22,343,000 shall be provided from the various funds of the Federal Housing Administration and \$10,000,000 shall be provided from the amount earmarked for Operation Safe Home in the "Drug Elimination Grants for Low-Income Housing" account: Provided, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General: Provided further, That of the amount under this heading, \$10,000,000 shall be made available for the Inspector General to enter in contracts for independent financial audits of programs at the Department of Housing and Urban Development, including audits of internal financial accounts: Provided further, That the amount made available under the previous proviso shall remain available for obligation until September 30, 2001.

OFFICE OF FEDERAL HOUSING ENTERPRISE  
OVERSIGHT

SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, \$19,493,000, to remain available until expended, to be derived from the Federal Housing Enterprise Oversight Fund: Provided, That not to exceed such amount shall be available from the General Fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the General Fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the General Fund estimated at not more than \$0.

ADMINISTRATIVE PROVISIONS

FINANCING ADJUSTMENT FACTORS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628, 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

FAIR HOUSING AND FREE SPEECH

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2000 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a government official or entity, or a court of competent jurisdiction.

ENHANCED DISPOSITION AUTHORITY

SEC. 203. Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, is amended by striking "fiscal years 1997, 1998 and 1999" and inserting "fiscal years 1999 and 2000".

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS  
GRANTS

SEC. 204. (a) ELIGIBILITY.—Section 854(c)(1)(A)(ii) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)(ii)), is amended by inserting after "clause (i)" a comma and "or States that received an allocation under this clause in a prior fiscal year".

(b) MINIMUM GRANT REPEALER.—Section 854(c)(2) of such Act is repealed.

(c) ENVIRONMENTAL REVIEW.—Section 856 of such Act is amended by adding the following new subsection at the end: "(h) ENVIRONMENTAL REVIEW.—For purposes of environmental review, decisionmaking, and action pursuant to the National Environmental Policy Act of 1969 and other provisions of law that further the purposes of such Act, a grant under this subtitle shall be treated as assistance for a special project that is subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994 (42 U.S.C. 3547), and shall be subject to the regulations issued by the Secretary to implement such section."

FHA MULTIFAMILY MORTGAGE CREDIT  
DEMONSTRATIONS

SEC. 205. Section 542 of the Housing and Community Development Act of 1992 is amended—

(1) in subsection (b)(5) by striking "during fiscal year 1999", and inserting "in each of fiscal years 1999 and 2000", and

(2) in the first sentence of subsection (c)(4) by striking "during fiscal year 1999" and inserting "in each of fiscal years 1999 and 2000".

CLARIFICATION OF OWNER'S RIGHT TO PREPAY

SEC. 206. (a) PREPAYMENT RIGHT.—Notwithstanding section 211 of the Housing and Community Development Act of 1987 or section 221 of the Housing and Community Development Act of 1987 (as in effect pursuant to section 604(c) of the Cranston-Gonzalez National Affordable Housing Act), subject to subsection (b), with respect to any project that is eligible low-income housing (as that term is defined in section 229 of the Housing and Community Development Act of 1987)—

(1) the owner of the project may prepay, and the mortgagee may accept prepayment of, the mortgage on the project, and

(2) the owner may request voluntary termination of a mortgage insurance contract with respect to such project and the contract may be terminated notwithstanding any requirements under sections 229 and 250 of the National Housing Act.

(b) CONDITIONS.—Any prepayment of a mortgage or termination of an insurance contract authorized under subsection (a) may be made—

(1) only to the extent that such prepayment or termination is consistent with the terms and conditions of the mortgage on or mortgage insurance contract for the project;

(2) only if the owner of the project involved agrees not to increase the rent charges for any dwelling unit in the project during the 60-day period beginning upon such prepayment or termination; and

(3) only if the owner of the project provides notice of intent to prepay or terminate, in such form as the Secretary of Housing and Urban Development may prescribe, to each tenant of the housing, the Secretary, and the chief executive officer of the appropriate State or local government for the jurisdiction within which the housing is located, not less than 150 days, but not more than 270 days, before such prepayment or termination, except that such requirement shall not apply to a prepayment or termination that—

(A) occurs during the 150-day period immediately following the date of the enactment of this Act;

(B) is necessary to effect conversion to ownership by a priority purchaser (as defined in section 231(a) of the Low-Income Housing Preservation and Resident Ownership Act of 1990 (12 U.S.C. 4120(a)), or

(C) will otherwise ensure that the project will continue to operate, at least until the maturity date of the loan or mortgage, in a manner that will provide rental housing on terms at least as advantageous to existing and future tenants as the terms required by the program under which the loan or mortgage was made or insured prior to the proposed prepayment or termination.

FUNDING OF CERTAIN PUBLIC HOUSING

SEC. 207. No funds in this Act or any other Act may hereafter be used by the Secretary of Housing and Urban Development to determine allocations or provide assistance for operating subsidies or modernization for certain State and city funded and locally developed public housing or assisted housing units, as described in section 9(n)(1)(B) of the United States Housing Act of 1937, unless such unit was so assisted before October 1, 1998.

FHA ADMINISTRATIVE CONTRACT EXPENSE  
AUTHORITY

SEC. 208. Section 1 of the National Housing Act (12 U.S.C. 1702) is amended by inserting the following new sentence after the first proviso: "For the purposes of this section, the term 'nonadministrative' shall not include contract expenses that are not capitalized or routinely deducted from the proceeds of sales, and such expenses shall not be payable from funds made available by this Act."

FULL PAYMENT OF CLAIMS

SEC. 209. (a) Section 541 of the National Housing Act is amended—

(1) by amending the heading to read as follows: "PARTIAL PAYMENT OF CLAIMS ON DEFAULTED MORTGAGES AND IN CONNECTION WITH MORTGAGE RESTRUCTURING"; and

(2) in subsection (b), by striking "partial payment of the claim under the mortgage insurance contract" and inserting, "partial or full payment of claim under one or more mortgage insurance contracts".

(b) Section 517 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 is amended by adding a new subsection (a)(6) to read as follows: "(6) The second mortgage under this section may be a first mortgage if no restructured or new first mortgage will meet the requirement of paragraph (1)(A)."

AVAILABILITY OF INCOME MATCHING  
INFORMATION

SEC. 210. (a) Section 3(f) of the United States Housing Act of 1937 (42 U.S.C. 1437a), as amended by section 508(d)(1) of the Quality Housing and Work Responsibility Act of 1998, is further amended—

(1) in paragraph (1)—

(A) after the first appearance of "public housing agency", by inserting ", or the owner responsible for determining the participant's eligibility or level of benefits,"; and

(B) after "as applicable", by inserting ", or to the owner responsible for determining the participant's eligibility or level of benefits"; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "or";

(B) in subparagraph (B), by striking the period and inserting ", or"; and

(C) by inserting at the end the following new subparagraph:

"(C) for which project-based assistance is provided under section 8, section 202, or section 811."

(b) Section 904(b) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 3544), as amended by section 508(d)(2) of the Quality Housing and Work Responsibility Act of 1998, is further amended in paragraph (4)—

(1) by inserting after "public housing agency" the first time it appears the following: ", or the owner responsible for determining the participant's eligibility or level of benefits,"; and



(2) by striking "the public housing agency verifying income" and inserting "verifying income".

#### ELIMINATION OF SECRETARY PUBLIC HOUSING SET-ASIDE FUNDS

SEC. 211. Subsection (k) of section 9 of the United States Housing Act of 1937, as amended by the Quality Housing and Work Responsibility Act of 1998, is hereby deleted and the following subsections are redesignated, accordingly.

#### TECHNICAL CORRECTION TO THE DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998

SEC. 212. (a) EXEMPTIONS FROM RESTRUCTURING.—Section 514(h)(1) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 is amended to read as follows:

"(1) the primary financing for the project was provided by a unit of State government or a unit of general local government (or an agency or instrumentality of either) and the primary financing involves mortgage insurance under the National Housing Act, such that the implementation of a mortgage restructuring and rental assistance sufficiency plan under this Act would be in conflict with applicable law or agreements governing such financing;"

#### TECHNICAL CORRECTION TO FHA SINGLE FAMILY MORTGAGE LIMITS

SEC. 213. (a) IN GENERAL.—Section 203(b)(2)(A)(ii) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)(ii)) is amended by inserting after "may not be less than" the following: "the greater of the dollar amount limitation in effect for the area on the date of enactment of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 1999.

#### LIMITATION ON COMPENSATION FOR PUBLIC HOUSING

SEC. 214. None of the funds appropriated in this title under the heading of the Public Housing Operating Fund shall be used to pay compensation of an individual, either as direct costs or any proration of an indirect cost, at a rate in excess of \$125,000, unless the Secretary of Housing and Urban Development certifies that such compensation should be increased on an individual basis due to special circumstances.

#### LIMITATION ON COMPENSATION FOR YOUTHBUILD

SEC. 215. None of the funds appropriated in this title for the Youthbuild program shall be used to pay compensation of an individual, either as direct costs or any proration of an indirect cost, at a rate in excess of \$125,000, unless the Secretary of Housing and Urban Development certifies that such compensation should be increased on an individual basis.

#### ADJUSTMENTS TO INCOME ELIGIBILITY FOR UNUSUALLY HIGH OR LOW FAMILIES INCOMES IN ASSISTED HOUSING

SEC. 216. Section 16 of the United States Housing Act of 1937 is amended—

(1) in subsection (a)(2)(A), by inserting before the period the following: "except that the Secretary may establish income ceilings higher or lower than 30 percent of the area median income on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes"; and

(2) in subsection (c)(3), by inserting before the period the following: "except that the Secretary may establish income ceilings higher or lower than 30 percent of the area median income on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes".

#### GAO REIMBURSEMENT

SEC. 217. The Comptroller General of the United States shall certify to the Congress on a

quarterly basis on the cost of time attributable to the failure of the Department of Housing and Urban Development to cooperate in any investigation being conducted by the General Accounting Office with regard to the activities of the Department. Within 30 days of such certification, the Secretary of Housing and Urban Development shall reimburse the General Accounting Office for such costs from the Salaries and Expenses account of the Department of Housing and Urban Development.

#### HOME TECHNICAL CORRECTION

SEC. 218. Section 212(a)(1) of the Cranston-Gonzalez National Affordable Housing Act is amended in the first sentence by inserting after "community housing development organizations," the following: "to preserve housing assisted or previously assisted with section 8 assistance,".

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

SEC. 219. Public housing agencies in the states of Alaska and Mississippi shall not be required to comply with section 2(b) of the United States Housing Act of 1937, as amended, during fiscal year 2000.

#### ADMINISTRATION OF THE CDBG PROGRAM BY NEW YORK STATE

SEC. 220. The Secretary of Housing and Urban Development shall transfer on October 1, 1999 the administration of the Small Cities component of the Community Development Block Grants program, as established in the Housing and Community Development Act of 1974, to the State of New York to be administered by the Governor.

#### RENEWAL OF SECTION 8 PROJECT-BASED CONTRACTS

SEC. 221. (a) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subsection (b) of this section, the Secretary may use amounts available for the renewal of assistance under section 8 of the United States Housing Act of 1937, upon the termination or expiration of a contract for assistance under section 8 (other than a contract for tenant-based assistance and notwithstanding section 8(v) of such Act for loan management assistance), to provide assistance under section 8 of such Act for a covered project (as defined under section 524(b)(2) of the Multifamily Assisted Housing Reform and Affordability Act) under this section at rent levels that do not exceed comparable market rents for the market area.

(b) MANDATORY RENEWALS.—The Secretary shall offer to renew at up to rent levels that do not exceed comparable market rents for the market area any contract for assistance under section 8 of the United States Housing Act of 1937 (other than a contract for tenant-based assistance and notwithstanding section 8(v) of such Act for loan management assistance) that has expired for any covered project (as defined under section 524(b)(2) of the Multifamily Assisted Housing Reform and Affordability Act)—

(1) in a low-vacancy area; or

(2) where a predominant number of units are occupied by elderly families, disabled families, or elderly and disabled families.

(c) ESTABLISHMENT OF MARKET RENTS.—The Secretary shall establish for units assisted with project-based assistance in covered projects (as defined under section 524(b)(2) of the Multifamily Assisted Housing Reform and Affordability Act) adjusted rent levels that are equivalent to rents based on appraisals that are derived from comparable properties if the market rent determination is based on not less than 2 comparable properties, including, if there are no comparable properties in the same market area, 2 properties that have been certified by the Secretary as similar to the covered properties as to neighborhood (including risk of crime), type of location, access, street appeal, age, property size, apartment mix, physical configuration, property and unit amenities, utilities, and other

relevant characteristics, provided that the comparable projects are not receiving project-based assistance.

(d) 10-YEAR CONTRACTS.—Notwithstanding any other provision of law, the Secretary and owner of any covered project (as defined under section 524(b)(2) of the Multifamily Assisted Housing Reform and Affordability Act) may agree to up to a 10-year contract renewal for assistance under section 8 of the United States Housing Act of 1937 (other than a contract for tenant-based assistance and notwithstanding section 8(v) of such Act for loan management assistance) under which payments shall be subject to the annual availability of appropriations.

#### ENHANCED VOUCHER AUTHORITY

SEC. 222. (a) IN GENERAL.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended by inserting after subsection (s) the following new subsection:

"(t) ENHANCED VOUCHERS.—

"(1) IN GENERAL.—Enhanced voucher assistance under this subsection for a family shall be voucher assistance under subsection (o), except that under such enhanced voucher assistance—

"(A) subject only to subparagraph (D), the assisted family shall pay as rent no less than the amount the family was paying on the date of the eligibility event for the project in which the family was residing on such date;

"(B) during any period that the assisted family continues residing in the same unit in which the family was residing on the date of the eligibility event for the project, if the rent for the dwelling unit of the family in such project exceeds the applicable payment standard established pursuant to subsection (o) for the unit, the amount of rental assistance provided on behalf of the family shall be determined using a payment standard that is equal to the rent for the dwelling unit (as such rent may be increased from time to time), subject to paragraph (10)(A) of subsection (o);

"(C) subparagraph (B) of this paragraph shall not apply and the payment standard for the dwelling unit occupied by the family shall be determined in accordance with subsection (o) if—

"(i) the assisted family moves, at any time, from such project; or

"(ii) the voucher is made available for use by any family other than the original family on behalf of whom the voucher was provided; and

"(D) if the income of the assisted family declines to a significant extent, the percentage of income paid by the family for rent shall not exceed the greater of 30 percent or the percentage of income paid at the time of the eligibility event for the project.

(2) ELIGIBILITY EVENT.—For purposes of this subsection, the term 'eligibility event' means, with respect to a multifamily housing project, the prepayment of the mortgage on such housing project, the voluntary termination of the insurance contract for the mortgage for such housing project, or the termination or expiration of the contract for rental assistance under section 8 of the United States Housing Act of 1937 for such housing project, that, under paragraphs (3) and (4) of section 515(c) or section 524(b) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) or section 223(f) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113(f)), results in tenants in such housing project being eligible for enhanced voucher assistance under this subsection.

(3) TREATMENT OF ENHANCED VOUCHERS PROVIDED UNDER OTHER AUTHORITY.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, any enhanced voucher assistance provided under any authority specified in subparagraph (D) shall be treated, and subject to the same requirements, as enhanced voucher assistance under this subsection.

"(B) IDENTIFICATION OF OTHER AUTHORITY.—The authority specified in this subparagraph is the authority under—

"(i) the 10th, 11th, and 12th provisos under the 'Preserving Existing Housing Investment' account in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104-204; 110 Stat. 2884), pursuant to such provisos, the first proviso under the 'Housing Certificate Fund' account in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 (Public Law 105-65; 111 Stat. 1351), or the first proviso under the 'Housing Certificate Fund' account in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105-276; 112 Stat. 2469); and

"(ii) paragraphs (3) and (4) of section 515(c) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note), as in effect before the enactment of this Act.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2000, 2001, 2002, 2003, and 2004 such sums as may be necessary for enhanced voucher assistance under this subsection."

(b) ENHANCED VOUCHERS UNDER MAHRAA.—Section 515(c) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking paragraph (4) and inserting the following new paragraph:

"(4) ASSISTANCE THROUGH ENHANCED VOUCHERS.—In the case of any family described in paragraph (3) that resides in a project described in section 512(2)(B), the tenant-based assistance provided shall be enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t))."

(c) ENHANCED VOUCHERS FOR CERTAIN TENANTS IN PREPAYMENT AND VOLUNTARY TERMINATION PROPERTIES.—Section 223 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113) is amended by adding at the end the following new subsection:

"(f) ENHANCED VOUCHER ASSISTANCE FOR CERTAIN TENANTS.—

"(1) AUTHORITY.—In lieu of benefits under subsections (b), (c), and (d), and subject to the availability of appropriated amounts, each family described in paragraph (2) shall be offered enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

"(2) ELIGIBLE FAMILIES.—A family described in this paragraph is a family that is—

"(A) a low-income family or a moderate-income family;

"(B) an elderly family, a disabled family, or residing in a low-vacancy area; and

"(C) residing in eligible low-income housing on the date of the prepayment of the mortgage or voluntary termination of the insurance contract."

(d) ENHANCED VOUCHERS FOR EXPIRING CONTRACTS.—Section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding at the end the following new subsection:

"(b) ENHANCED VOUCHER ASSISTANCE FOR COVERED RESIDENTS.—

"(1) IN GENERAL.—In the case of a contract for project-based assistance under section 8 for a covered project that is not renewed under subsection (a) of this section (or any other authority), to the extent that amounts for assistance under this subsection are provided in advance in appropriation Acts, upon the date of the expiration of such contract the Secretary—

"(A) shall make enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) available on behalf of each covered resident of the covered project; and

"(B) may make enhanced voucher assistance under such section available on behalf of any

other low-income family who, upon the date of such expiration, is residing in an assisted dwelling unit in the covered project.

"(2) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) ASSISTED DWELLING UNIT.—The term 'assisted dwelling unit' means a dwelling unit that—

"(i) is in a covered project; and

"(ii) is covered by rental assistance provided under the contract for project-based assistance for the covered project.

"(B) COVERED PROJECT.—The term 'covered project' means any housing that—

"(i) consists of more than 4 dwelling units;

"(ii) is covered in whole or in part by a contract for project-based assistance under—

"(I) the new construction or substantial rehabilitation program under section 8(b)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1983).

"(II) the property disposition program under section 8(b) of the United States Housing Act of 1937,

"(III) the moderate rehabilitation program under section 8(e)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1991),

"(IV) the loan management assistance program under section 8 of the United States Housing Act of 1937,

"(V) section 23 of the United States Housing Act of 1937 (as in effect before January 1, 1975).

"(VI) the rent supplement program under section 101 of the Housing and Urban Development Act of 1965, or

"(VII) section 8 of the United States Housing Act of 1937, following conversion from assistance under section 101 of the Housing and Urban Development Act of 1965,

which contract will under its own terms expire during the period consisting of fiscal years 2000 through 2004;

"(iii) is not housing for which residents are eligible for enhanced voucher assistance pursuant to section 223(f) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113(f)); and

"(iv) is not housing for which residents are eligible for enhanced voucher assistance pursuant to paragraphs (3) and (4) of section 515(c) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note).

"(C) COVERED RESIDENT.—The term 'covered resident' means a family who—

"(i) upon the date of the expiration of the contract for project-based assistance for a covered project, is residing in an assisted dwelling unit in the covered project; and

"(ii) as a result of a rent increase occurring after the date of such contract expiration is subject to a rent for such unit that exceeds 30 percent of adjusted income."

#### HOUSING FINANCE AGENCIES

SEC. 223. The Secretary may contract with State or local housing finance agencies that have been selected as a Participating Administrative Entity under the Multifamily Assisted Housing Reform and Affordability Act of 1997 for determining the market rental rates of a covered project as defined under such Act.

#### SECTION 202 EXEMPTION

SEC. 224. Notwithstanding section 202 of the Housing Act of 1959 or any other provision of law, Peggy A. Burgin may not be disqualified on the basis of age from residing at Clark's Landing in Groton, Vermont.

#### DARLINTON PRESERVATION AMENDMENT

SEC. 225. Notwithstanding any other provision of law, upon prepayment of the FHA-insured Section 236 mortgage, the Secretary shall continue to provide interest reduction payment in accordance with the existing amortization schedule for Darlington Manor Apartments, a 100-unit project located at 606 North 5th Street, Bozeman, Montana, which will continue as affordable housing pursuant to a use agreement with the State of Montana.

#### SECTION 236 IRP REFORM

SEC. 226. Section 236(g) of the National Housing Act is amended, in the last sentence, by inserting "or a project owner with a mortgage formerly insured under this section (if such mortgage is held by the Secretary and such project owner is current with respect to the mortgage obligation)," before "may retain".

#### RISK-SHARING PRIORITY

SEC. 227. Section 517(b)(3) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 is amended by inserting after "1992." the following: "The Secretary shall give a priority to risk-shared financing under section 542(c) of the Housing and Community Development Act of 1992 for any mortgage restructuring, rehabilitation financing, or debt refinancing included as part of a mortgage restructuring and rental assistance sufficiency plan if the terms and conditions will result in reduced risk of loss to the federal government."

#### TITLE III—INDEPENDENT AGENCIES

##### AMERICAN BATTLE MONUMENTS COMMISSION

#### SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$26,467,000, to remain available until expended: Provided, That the American Battle Monuments Commission may borrow up to \$65,000,000 from the Treasury of the United States for the construction of the World War II memorial in the District of Columbia on such terms and conditions as required by the Secretary of the Treasury.

##### CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

#### SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, \$6,500,000: Provided, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions.

#### DEPARTMENT OF THE TREASURY

##### COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

##### COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

#### FUND PROGRAM ACCOUNT

For grants, loans, and technical assistance to qualifying community development lenders, and administrative expenses of the Fund, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES-3, \$80,000,000, to remain available until September 30, 2001, of which \$12,000,000 may be used for the cost of direct loans, and up to \$1,000,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$32,000,000: Provided further, That not more than \$25,000,000 of the funds made available under this heading may be used for programs and activities authorized in

section 114 of the Community Development Banking and Financial Institutions Act of 1994.

CONSUMER PRODUCT SAFETY COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed \$500 for official reception and representation expenses, \$49,500,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS  
OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the "Act") (42 U.S.C. 12501 et seq.), \$423,500,000, to remain available until September 30, 2000: Provided, That not more than \$27,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)): Provided further, That not more than \$2,500 shall be for official reception and representation expenses: Provided further, That not more than \$70,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.), of which not to exceed \$5,000,000 shall be available for national service scholarships for high school students performing community service: Provided further, That not more than \$224,500,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which not more than \$40,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): Provided further, That not more than \$7,500,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That not more than \$18,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That not more than \$43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That not more than \$28,500,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): Provided further, That not more than \$5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level

of matching funds and in-kind contributions provided by the private sector, shall expand significantly the number of educational awards provided under subtitle D of title I, and shall reduce the total Federal costs per participant in all programs: Provided further, That of amounts available in the National Service Trust account from previous appropriations acts, \$80,000,000 shall be rescinded.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$5,000,000.

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. 7251-7298, \$11,450,000, of which \$910,000, shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102-229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of one passenger motor vehicle for replacement only, and not to exceed \$1,000 for official reception and representation expenses, \$12,473,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project, \$642,483,000, which shall remain available until September 30, 2001: Provided, That the obligated balance of sums available in this account shall remain available through September 30, 2008 for liquidating obligations made in fiscal years 2000 and 2001: Provided further, That the obligated balance of funds transferred to this account in Public Law 105-276 shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project; and not to exceed \$6,000 for official reception and representation expenses,

\$1,897,000,000, which shall remain available until September 30, 2001, and of which not less than \$12,000,000 shall be derived from pro rata transfers of amounts made available under each other heading under the heading "ENVIRONMENTAL PROTECTION AGENCY" and shall be available for the Montreal Protocol Fund: Provided, That the obligated balance of such sums shall remain available through September 30, 2008 for liquidating obligations made in fiscal years 2000 and 2001: Provided further, That personnel compensation and benefits costs shall not exceed \$900,000,000: Provided further, That none of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol: Provided further, That notwithstanding 7 U.S.C. 136r and 15 U.S.C. 2609, beginning in fiscal year 2000 and thereafter, grants awarded under section 20 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, and section 10 of the Toxic Substances Control Act, as amended, shall be available for research, development, monitoring, public education, training, demonstrations, and studies.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project, \$32,409,000, to remain available until September 30, 2001: Provided, That the sums available in this account shall remain available through September 30, 2008 for liquidating obligations made in fiscal years 2000 and 2001: Provided further, That the obligated balance of funds transferred to this account in Public Law 105-276 shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, \$25,930,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project; not to exceed \$1,400,000,000 (of which \$100,000,000 shall not become available until September 1, 2000), including \$650,000,000 as appropriated under this heading in Public Law 105-276, notwithstanding the language in the sixth proviso under this heading of such Act which conditions the availability of such funds for obligation upon enactment by August 1, 1999 of specific Superfund reauthorization legislation, and the seventh proviso; all of which is to remain available until expended, consisting of \$700,000,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101-508, and \$700,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended by Public Law 101-508: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section

111(a) of CERCLA: Provided further, That \$10,753,100 of the funds appropriated under this heading shall be transferred to the "Office of Inspector General" appropriation to remain available until September 30, 2001: Provided further, That notwithstanding section 111(m) of CERCLA or any other provision of law, \$70,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry (ATSDR) to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of SARA: Provided further, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A): Provided further, That \$38,000,000 of the funds appropriated under this heading shall be transferred to the "Science and Technology" appropriation to remain available until September 30, 2001: Provided further, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2000.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project, \$71,556,000, to remain available until expended.

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

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

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, \$3,250,000,000, to remain available until expended, of which \$1,350,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended; \$825,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; \$50,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; \$30,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; \$100,000,000 shall be for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions speci-

fied for such grants in Senate Report 106-161 accompanying this Act (S. 1596); \$885,000,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104-134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities; and \$10,000,000 for competitive grants to States and federally-recognized Indian tribes to develop and implement integrated information systems to improve environmental decisionmaking, reduce the burden on regulated entities and improve the reliability of information available to the public: Provided, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, as amended, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2000 and hereafter where such amounts represent costs of administering the fund, to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That beginning in fiscal year 2000 and thereafter, notwithstanding section 518(f) of the Federal Water Pollution Control Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian Tribes pursuant to section 319(h) and 518(e) of that Act: Provided further, That the \$2,200,000 appropriated in Public Law 105-276 in accordance with House Report No. 105-769, for a grant to the Charleston, Utah Water Conservancy District, as amended by Public Law 106-31, shall be awarded to Wasatch County, Utah, for water and sewer needs: Provided further, That the funds appropriated under this heading in Public Law 105-276 for the City of Fairbanks, Alaska, water system improvements shall instead be for the Matanuska-Susitna Borough, Alaska, water and sewer improvements.

ADMINISTRATIVE PROVISION

Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency shall not award any funds under any heading in this Act to a non-profit organization as defined by section 501(c)(3) of the Internal Revenue Code unless such organization has certified that it has not used federal funds to engage in litigation against the United States.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

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

COUNCIL ON ENVIRONMENTAL QUALITY AND

OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, \$2,675,000: Provided, That, notwithstanding any other provision of law, no funds other than those appropriated under this heading shall be used for or by the Council on Environmental Quality and Office of Environmental Quality: Provided further, That notwith-

standing section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$34,666,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$300,000,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed \$2,900,000 may be transferred to "Emergency Management Planning and Assistance" for the consolidated emergency management performance grant program.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, \$1,295,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$25,000,000.

In addition, for administrative expenses to carry out the direct loan program, \$420,000.

EMERGENCY Y2K ASSISTANCE

For expenses related to Year 2000 conversion costs for counties and local governments, \$100,000,000, to remain available until September 30, 2001: Provided, That the Director of the Federal Emergency Management Agency shall carry out a Year 2000 conversion local government emergency grant and loan program for the purpose of providing emergency funds through grants or loans of not to exceed \$1,000,000 for each county and local government that is facing Year 2000 conversion failures after January 1, 2000 that could adversely affect public health and safety: Provided further, That of the funds made available to a county or local government under this provision, 50 percent shall be a grant and 50 percent shall be a loan which shall be repaid to the Federal Emergency Management Agency at the prime rate within 5 years of the loan: Provided further, That none of the funds provided under this heading may be transferred to any county or local government until 15 days after the Director of the Federal Emergency Management Agency has submitted to the House and Senate Committees on Appropriations, the Senate Special Committee on the Year 2000 Technology Problem, the House Committee on Science, and the House Committee on Government Reform a proposed allocation and plan for that county or local government to achieve Year 2000 compliance for systems directly related to public health and safety programs: Provided further, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:

Provided further, That of the amounts provided under the heading "Funds Appropriated to the President" in title III of Division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), \$100,000,000 are rescinded

#### SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed \$2,500 for official reception and representation expenses, \$180,000,000.

#### OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$8,015,000.

#### EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404-405), and Reorganization Plan No. 3 of 1978, \$255,850,000: Provided, That for purposes of pre-disaster mitigation pursuant to 42 U.S.C. 5131 (b) and (c) and 42 U.S.C. 5196 (e) and (i), \$25,000,000 of the funds made available under this heading shall be available until expended for project grants: Provided further, That beginning in fiscal year 2000 and thereafter, and notwithstanding any other provision of law, the Director of FEMA is authorized to provide assistance from funds appropriated under this heading, subject to terms and conditions as the Director of FEMA shall establish, to any State for multi-hazard preparedness and mitigation through consolidated emergency management performance grants: Provided further, That notwithstanding any other provision of law, FEMA shall extend its cooperative agreement for the Jones County, Mississippi Emergency Operating Center, and the \$250,000 obligated as federal matching funds for that Center shall remain available for expenditure until September 30, 2001.

#### EMERGENCY FOOD AND SHELTER PROGRAM

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

#### RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2000, as authorized by Public Law 105-276, shall not be less than 100 percent of the amounts anticipated by the Director of the Federal Emergency Management Agency (FEMA) necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative

costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2000, and remain available until expended.

#### NATIONAL FLOOD INSURANCE FUND (INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, as amended, not to exceed \$24,333,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed \$78,710,000 for flood mitigation, including up to \$20,000,000 for expenses under section 1366 of the National Flood Insurance Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2001. In fiscal year 2000, no funds in excess of: (1) \$47,000,000 for operating expenses; (2) \$456,427,000 for agents' commissions and taxes; and (3) \$50,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations. For fiscal year 2000, flood insurance rates shall not exceed the level authorized by the National Flood Insurance Reform Act of 1994.

Section 1309(a)(2) of the National Flood Insurance Act (42 U.S.C. 4016(a)(2)), as amended by Public Law 104-208, is further amended by striking "1999" and inserting "2000".

The first sentence of section 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4127(c)), is amended by striking "September 30, 1999" and inserting "September 30, 2000".

#### NATIONAL INSURANCE DEVELOPMENT FUND

To liquidate the indebtedness of the Director of the Federal Emergency Management Agency resulting from prior borrowing pursuant to the Urban Property Protection and Reinsurance Act of 1968, as amended (12 U.S.C. 1749bbb et seq.), \$3,730,100.

#### GENERAL SERVICES ADMINISTRATION

##### CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, \$2,622,000, to be deposited into the Consumer Information Center Fund: Provided, That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of \$7,500,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 2000 in excess of \$7,500,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

##### INTERNATIONAL SPACE STATION

##### (INCLUDING TRANSFER OF FUNDS)

For the necessary expenses, not otherwise provided for, in support of the International Space Station, including development, operations and research support; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$2,482,700,000, to remain available until September 30, 2001: Provided, That funds under this heading may be used to support eligible activities under the Launch Vehicles and Payload Operations account, subject to reprogramming approval of such transfer by the Senate and House Appropriations Committees.

##### LAUNCH VEHICLES AND PAYLOAD OPERATIONS

For the necessary expenses, not otherwise provided for, in support of the space shuttle program, including safety and performance upgrades, space shuttle operations, and payload

utilization and operations, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$3,156,000,000, to remain available until September 30, 2001: Provided, That none of the funds under this heading may be used to support the development or operations of the International Space Station other than the costs of space shuttle flights utilized for space station assembly.

#### SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$5,424,700,000, to remain available until September 30, 2001.

#### MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; space communications activities including operations, production and services; maintenance; construction of facilities including repair, rehabilitation, and modification of facilities, minor construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed \$35,000 for official reception and representation expenses; and purchase (not to exceed 33 for replacement only) and hire of passenger motor vehicles, \$2,495,000,000, to remain available until September 30, 2001.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$20,000,000.

#### ADMINISTRATIVE PROVISIONS

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

Notwithstanding the limitation on the availability of funds appropriated for "International Space Station", "Launch vehicles and payload operations", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2002.



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

Except for activities identified for fiscal year 2000 or prior fiscal years as part of the budget for the International Space Station, NASA shall terminate any discrete program or activity that exceeds either its annual or aggregate budget by fifteen percent as provided in NASA's budget justifications.

#### NATIONAL CREDIT UNION ADMINISTRATION CENTRAL LIQUIDITY FACILITY

During fiscal year 2000, the administrative expenses of the Central Liquidity Facility in fiscal year 2000 shall not exceed \$257,000.

#### NATIONAL SCIENCE FOUNDATION RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; \$3,007,300,000, of which not to exceed \$253,630,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2001: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That \$60,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crop: Provided further, That none of the funds appropriated or otherwise made available to the National Science Foundation in this or any prior Act may be obligated or expended by the National Science Foundation to enter into or extend a grant, contract, or cooperative agreement for the support of administering the domain name and numbering system of the Internet after September 30, 1998: Provided further, That no funds in this or any other Act shall be used to acquire or lease a research vessel with ice-breaking capability built or retrofitted by a shipyard located in a foreign country if such a vessel of United States origin can be obtained at a cost no more than 50 per centum above that of the least expensive technically acceptable foreign vessel bid: Provided further, That, in determining the cost of such a vessel, such cost be increased by the amount of any subsidies or financing provided by a foreign government (or instrumentality thereof) to such vessel's construction: Provided further, That if the vessel contracted for pursuant to the foregoing is not available for the 2002-2003 austral summer Antarctic season, a vessel of any origin may be leased for a period of not to exceed 120 days for that season and each season thereafter until delivery of the vessel.

#### MAJOR RESEARCH EQUIPMENT

For necessary expenses of major construction projects pursuant to the National Science Foun-

dation Act of 1950, as amended, including award-related travel, \$70,000,000, to remain available until expended.

#### EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including services as authorized by 5 U.S.C. 3109, award-related travel, and rental of conference rooms in the District of Columbia, \$638,600,000, to remain available until September 30, 2001: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That \$55,000,000 shall be available for the purpose of establishing an office of innovation partnerships.

#### SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; \$150,000,000: Provided, That contracts may be entered into under "Salaries and expenses" in fiscal year 2000 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, \$5,550,000, to remain available until September 30, 2001.

#### NEIGHBORHOOD REINVESTMENT CORPORATION PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), \$60,000,000.

#### SELECTIVE SERVICE SYSTEM

#### SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101-4118 for civilian employees; and not to exceed \$1,000 for official reception and representation expenses; \$25,250,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

#### TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefore in the budget estimates submitted for the appropriations: Provided, That this provision does not apply to accounts that do not contain an object classification for travel: Provided further, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical

beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: Provided further, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefore set forth in the estimates in the same proportion.

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

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

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

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

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

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

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

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

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

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

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

SEC. 409. None of the funds provided in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of



the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

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

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

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

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

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

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

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

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

SEC. 417. Such sums as may be necessary for fiscal year 2000 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

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

SEC. 419. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 2000 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 420. Notwithstanding section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)), funds made available pursuant to authorization under such section for fiscal year 2000 may be used for implementing comprehensive conservation and management plans.

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

SEC. 422. Notwithstanding any other law, funds made available by this or any other Act or previous Acts for the United States/Mexico Foundation for Science may be used for the endowment of such Foundation: Provided, That funds from the U.S. Government shall be matched in equal amounts with funds from Mexico: Provided further, That the accounts of such Foundation shall be subject to U.S. Government administrative and audit requirements concerning grants and requirements concerning cost principles for nonprofit organizations.

SEC. 423. None of the funds made available in this Act may be used to carry out Executive Order No. 13083.

SEC. 424. Unless otherwise provided for in this Act, no part of any appropriation for the Department of Housing and Urban Development shall be available for any activity in excess of amounts set forth in the budget estimates submitted for the appropriations.

SEC. 425. None of the funds made available in this Act may be used for purposes of lobbying or litigating against, including any related activity or cost, any Federal entity or official. Any funds received under this Act shall be maintained in an account separate from any funds used for litigating or lobbying. Notwithstanding any other provision of law, none of the funds made available in this Act (or any subsequent Act that makes available appropriations for programs funded under this Act) shall be made available for a period of five years to any entity or person that violates the requirements of the preceding two sentences.

SEC. 426. None of the funds provided in this Act may be obligated after February 15, 2000, unless each department, agency, corporation, and commission that receives funds herein provides detailed justifications to the Committees on Appropriations for all salary and expense activities for fiscal years 2001 through 2005, including personnel compensation and benefits, consulting costs, professional services or technical service contracts regardless of the dollar amount, contracting out costs, travel and other standard object classifications for all headquarters offices, regional offices, or field installations and laboratories, including the number

of full-time equivalents per office, and the personnel compensation, benefits and travel costs for each Secretary, Assistant Secretary or Administrator.

SEC. 427. LAW ENFORCEMENT AGENCIES NOT RESPONSIBLE FOR CLEAN-UP OF METHAMPHETAMINE LABORATORIES. Notwithstanding any other provision of law, no state or local law enforcement agency shall be responsible under any Federal law for any costs associated with the clean-up or remediation of any premises used for the manufacture or production of methamphetamine.

SEC. 428. No funds in this Act shall be made available for any activity or the publication or distribution of literature that is designed to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 429. Notwithstanding any other provision of law, the amount made available under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1991 (Public Law 101-507) for a special purpose grant under section 107 of the Housing and Community Development Act of 1974 to the County of Hawaii for the purpose of an environmental impact statement for the development of a water resource system in Kohala, Hawaii, that is unobligated on the date of enactment of this Act, may be used to fund water system improvements, including exploratory wells, well drillings, pipeline replacements, water system planning and design, and booster pump and reservoir development.

SEC. 430. None of the funds appropriated or otherwise made available for the National Aeronautics and Space Administration by this Act may be obligated or expended for purposes of transferring any research aircraft from Glenn Research Center, Ohio, to another field center of the Administration.

SEC. 431. GAO STUDY ON FEDERAL HOME LOAN BANK CAPITAL. (a) STUDY.—The Comptroller General of the United States shall conduct a study of—

(1) possible revisions to the capital structure of the Federal Home Loan Bank System, including the need for—

- (A) more permanent capital;
- (B) a statutory leverage ratio; and
- (C) a risk-based capital structure; and

(2) what impact such revisions might have on the operations of the Federal Home Loan Bank System, including the obligation of the Federal Home Loan Bank System under section 21B(f)(2)(C) of the Federal Home Loan Bank Act.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress on the results of the study conducted under subsection (a).

SEC. 432. SENSE OF THE SENATE REGARDING AERONAUTICS RESEARCH. (a) FINDINGS.—The Senate finds the following:

(1) Every aircraft worldwide uses and benefits from NASA technology.

(2) Aeronautical research has fostered the establishment of a safe, affordable air transportation system that is second to none.

(3) Fundamental research in aeronautics is not being supported anywhere in the country outside of NASA.

(4) The Department of Transportation predicts that air traffic will triple over the next 20 years, exacerbating current noise and safety problems at already overcrowded airports. New aeronautics advancements need to be developed if costs are to be contained and the safety and quality of our air infrastructure is to be improved.

(5) Our military would not dominate the skies without robust investments in aeronautics research and development.

(6) Technology transferred from NASA aeronautics research to the commercial sector has created billions of dollars in economic growth.

(7) The American aeronautics industry is the top contributor to the United States balance of trade, with a net contribution of more than \$41,000,000,000 in 1998.

(8) Less than 10 years ago, American airplane producers controlled over 70 percent of the global market for commercial aviation.

(9) America's dominance in the world's civil aviation market is being challenged by foreign companies like Airbus, which now has approximately 50 percent of the world's civil aviation market, and is aiming to capture 70 percent.

(10) The rise of foreign competition in the global civil aviation market has coincided with decreases in NASA's aeronautics research budget and a corresponding increase in European investment.

(11) NASA's aeronautics laboratories have the research facilities, including wind tunnels, and technical expertise to conduct the cutting-edge scientific inquiry needed to advance state-of-the-art military and civil aircraft.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should increase its commitment to aeronautics research funding.

SEC. 433. UNDERGROUND STORAGE TANKS. Not later than May 1, 2000, in administering the underground storage tank program under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.), the Administrator of the Environmental Protection Agency shall develop a plan (including cost estimates)—

(1) to identify underground storage tanks that are not in compliance with subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (including regulations);

(2) to identify underground storage tanks in temporary closure;

(3) to determine the ownership of underground storage tanks described in paragraphs (1) and (2);

(4) to determine the plans of owners and operators of underground storage tanks described in paragraphs (1) and (2) to bring the underground storage tanks into compliance or out of temporary closure; and

(5) in a case in which the owner of an underground storage tank described in paragraph (1) or (2) cannot be identified—

(A) to bring the underground storage tank into compliance; or

(B) to permanently close the underground storage tank.

SEC. 434. The comment period on the proposed rules related to section 303(d) of the Clean Water Act published at 64 Federal Register 46012 and 46058 (August 23, 1999) shall be extended from October 22, 1999, for a period of no less than 90 additional calendar days.

SEC. 435. Section 4(a) of the Act of August 9, 1950 (16 U.S.C. 777c(a)), is amended in the second sentence by striking "1999" and inserting "2000".

SEC. 436. PROMULGATION OF STORMWATER REGULATIONS. (a) STORMWATER REGULATIONS.—The Administrator of the Environmental Protection Agency shall not promulgate the Phase II stormwater regulations until the Administrator submits to the Committee on Environment and Public Works of the Senate a report containing—

(1) an in-depth impact analysis on the effect the final regulations will have on urban, suburban, and rural local governments subject to the regulations, including an estimate of—

(A) the costs of complying with the 6 minimum control measures described in the regulations; and

(B) the costs resulting from the lowering of the construction threshold from 5 acres to 1 acre;

(2) an explanation of the rationale of the Administrator for lowering the construction site threshold from 5 acres to 1 acre, including—

(A) an explanation, in light of recent court decisions, of why a 1-acre measure is any less arbitrarily determined than a 5-acre measure; and

(B) all qualitative information used in determining an acre threshold for a construction site;

(3) documentation demonstrating that stormwater runoff is generally a problem in communities with populations of 50,000 to 100,000 (including an explanation of why the coverage of the regulation is based on a census-determined population instead of a water quality threshold); and

(4) information that supports the position of the Administrator that the Phase II stormwater program should be administered as part of the National Pollutant Discharge Elimination System under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342).

(b) PHASE I REGULATIONS.—No later than 120 days after enactment of this Act, the Environmental Protection Agency shall submit to the Senate Environment and Public Works Committee a report containing a detailed explanation of the impact, if any, that the Phase I program has had in improving water quality in the United States (including a description of specific measures that have been successful and those that have been unsuccessful).

(c) FEDERAL REGISTER.—The reports described in subsections (a) and (b) shall be published in the Federal Register for public comment.

SEC. 437. PESTICIDE TOLERANCE FEES. None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

This Act may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000".

#### ORDERS FOR TUESDAY, SEPTEMBER 28, 1999

Mr. ROBERTS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Tuesday, September 28.

I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 12:30, with Senators speaking for up to 5 minutes each with the following exceptions: Senator DURBIN, or his designee, 10 to 10:30; Senator SNOWE, or her designee, 10:30 to 11.

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

Mr. ROBERTS. Mr. President, I ask unanimous consent the Senate stand in recess from 12:30 to 2:15 for the weekly policy conferences to meet.

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

#### PROGRAM

Mr. ROBERTS. Mr. President, for the information of all Senators, the Senate will convene at 10 a.m. tomorrow and be in a period of morning business until 12:30. It is expected that tomorrow morning the Senate will be able to reach an agreement for the consideration of the Energy and Water Appropria-

tions conference report. It is hoped the Senate would begin that conference report at approximately 11 o'clock on Tuesday for 45 minutes of debate. If that agreement is reached, Senators could anticipate the first rollcall vote to occur at approximately 11:45 in the morning.

Following the party conference meetings, the Senate may begin consideration of the digital millennium legislation or any conference reports or appropriations bills available for action while waiting for the continuing resolution from the House of Representatives. Therefore, Senators can anticipate votes throughout tomorrow's session of the Senate.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ROBERTS. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:48 p.m., adjourned until Tuesday, September 28, 1999, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate September 27, 1999:

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

GERALD V. POJE, OF VIRGINIA, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. CHARLES F. WALD, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. RONALD C. MARCOTTE, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. THOMAS J. KECK, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. HAL M. HORNBERG, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. WALTER S. HOGLE, JR., 0000.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. GARY S. MCKISSOCK, 0000.

## IN THE NAVY

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICERS FOR ORIGINAL REGULAR APPOINTMENT AS PERMANENT LIMITED DUTY OFFICERS TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531, AND 5589:

*To be lieutenant*

ROBERT C. ADAMS, 0000  
LARRY J. ADKINS, 0000  
JEFFREY F. ALLSTON, 0000  
KENNETH D. ALLWARD, 0000  
SCOTT A. ANDERSON, 0000  
ERIC H. ANDREWS, 0000  
JAMES E. ANTHONY, 0000  
FLORENCIO C. ARCEO, 0000  
FRANK V. ARENA, 0000  
TOMMY L. BAILEY, JR., 0000  
GUY A. BAKER, 0000  
VINCE W. BAKER, 0000  
EDGARDO V. BALDUEZA, 0000  
THEOMAS D. BALL, 0000  
CELESTE D. BATEY, 0000  
LORRINDA D. BENNETT, 0000  
RONALD J. C. BENT, 0000  
DENNIS R. BERRY, JR., 0000  
JAY T. BLADEAU, 0000  
MICHAEL C. BOBINGER, 0000  
FERDINAND BOCACHICA, 0000  
NORMAN L. BOLGER, 0000  
WESLEY E. BOMYEA, 0000  
ANTONIO B. BONNER, 0000  
ANTHONY F. BOOKHART, 0000  
RANDALL L. BOUGHTON, 0000  
ALAN R. BRADLEY, 0000  
MARK E. BRANHAM, 0000  
PAUL H. BREDLAU, 0000  
DANIEL A. BRINSON, 0000  
PHILLIP K. BRIZZEE, 0000  
GERARD T. BROSNAN, 0000  
BARRY J. BROWN, 0000  
ROBERT L. BROWN, 0000  
STEVEN E. BURKE, 0000  
BRIAN S. BURNS, 0000  
COY B. BYINGTON, 0000  
FUNDY A. CARABALLO, 0000  
CHARLES K. CARL, 0000  
FRANKLIN R. CHAMBERS, 0000  
WALTER C. CHANEY IV, 0000  
MICHAEL A. CLEVELAND, 0000  
JASON CLOTFELTER, 0000  
JAMES COOLEY, JR., 0000  
TED J. COOPER, 0000

JOHN J. COYNE, 0000  
TIMOTHY D. CRONK, 0000  
JAMES W. CROOKHAM, 0000  
RICHARD K. CROUSE, 0000  
APRIL T. CROWELL, 0000  
JOSEPH P. CUMMINGS, 0000  
PETER M. CYR, 0000  
WILLIAM L. DAVENPORT, 0000  
FRANK S. DEVENUTO, 0000  
JOHN J. DRENNEN, JR., 0000  
MARK J. DUARTE, 0000  
ROBERT J. DUPREE, 0000  
EUGENE F. EARRHART, 0000  
RODGER N. ELKINS, 0000  
HENRY PAMULARO, 0000  
KENNETH A. FAULKNER, SR., 0000  
JOHN K. FERGUSON, 0000  
STEPHEN J. FORREST, 0000  
THEODORE A. FROELICH, 0000  
GARY B. FROST, 0000  
BRIAN H. GAINES, 0000  
WAYNE T. GALBRAITH, 0000  
CHRISTOPHER N. GILBERT, 0000  
JEROME H. GIRDLESTONE, 0000  
THOMAS M. GOREY III, 0000  
JEFFREY D. GRISHAM, 0000  
HOWARD D. GUBBS, 0000  
RONALD P. GUSTIN, 0000  
JAMES B. HADLEY, 0000  
CHARLES A. HALL, 0000  
JAMES L. HARRELL, JR., 0000  
RANDELL R. HARRIS, 0000  
CHARLES E. HARRISON, 0000  
ARTHUR E. HARVEY, 0000  
HARRY A. HAVERKAMP, 0000  
DONALD R. HENDREN, JR., 0000  
DAMON K. HILTON, 0000  
CHARLES R. HOAGLAND, JR., 0000  
LESTER L. HOOD, JR., 0000  
ALVIN M. HOPKINS, 0000  
EDWARD E. HUNTER, 0000  
ROBERT J. HYDE, 0000  
RICHARD L. IVEY, 0000

RENEE JARVIS, 0000  
BARRY D. JONES, 0000  
MICHAEL A. JULCH, 0000  
WILLIAM J. KAELEBER, 0000  
TIMOTHY F. KALVODA, 0000  
BRIAN T. KENNEY, 0000  
SUNG H. KIM, 0000  
GLENN E. LAGNER, 0000  
JAMES G. LANGSTON, 0000  
HERVE M. LARA, 0000  
TIMOTHY P. LAWLOR, 0000  
MILTON J. LOCKLEY, 0000  
ALLAN J. LUCAS, 0000  
BRADLEY S. MAKI, 0000  
SCOTT A. MANN, 0000  
DEBORAH A. MASON, 0000  
DARREN L. MCFALL, 0000  
JEFFREY D. MCFALL, 0000  
MICHAEL J. MCGINN, JR., 0000  
TENA L. MCKAY, 0000  
THOMAS P. MCKEAN, 0000  
ANDREW J. MCMENAMIN, 0000  
KURT F. MELANGE, 0000  
JOSEPH R. MILLER, 0000  
RAFAEL MONELL, 0000  
JAMES R. MOSS, 0000  
MARK A. MUKANOS, 0000  
HOWARD W. MUNIZ, 0000  
GLENN D. MURPHY, 0000  
RICHARD D. NEWTON, 0000  
DANNY L. NOLES, 0000  
GREGORY A. NORFLEET, 0000  
JOYCE J. NYHAUG, 0000  
ALVIN OGLETREE, 0000  
SANTIAGO ORTIZ, JR., 0000  
ALLEN D. OVERSTREET, 0000  
STEVE PADRON, 0000  
BRIAN K. PATTERSON, 0000  
RONALD K. PAYTON, 0000  
WILLIAM D. PEACH, 0000  
ANDREW W. PELTON, 0000  
KARL E. PERCY, 0000  
JON R. PHILLIPS, 0000  
KEVIN J. PHILLIPS, 0000  
EDUARDO RAMIREZ, 0000

WILLIAM P. ALLEN, 0000  
RICHARD H. BAILEY, JR., 0000  
WILLIAM K. BANE, 0000  
SCOTT M. BANNACH, 0000  
RICKY A. BEATTY, 0000  
BOBBY J. BECK, 0000  
LISA M. BECOAT, 0000  
ANGEL BELLIDO, 0000

KEVIN S. RAYMER, 0000  
DENNIS L. REYNOLDS, 0000  
ALBERT C. RICHMOND, 0000  
TERRY L. ROBBINS, 0000  
CHARLES A. ROBERTS, 0000  
JUAN B. RODRIGUEZ, 0000  
ALONZA ROSS, JR., 0000  
KEITH J. ROWE, 0000  
EDWARD T. RUSSELL, JR., 0000  
SCOTT D. RUSSELL, 0000  
JOHN M. SAIA, JR., 0000  
MICHAEL L. SCHAEFFNER, 0000  
KATHERINE A. SCHNEIRLA, 0000  
DAVID B. SHANER, 0000  
WILLIAM D. SHANLEY, 0000  
ESSIX SHANNON II, 0000  
RANDALL E. SHAW, 0000  
JAMES D. SHELTON, 0000  
RICHARD A. SHEPHERD, 0000  
RICHARD S. SHERMAN, 0000  
CHRISTOPHER S. SLAGLE, 0000  
VINCENT E. SMITH, 0000  
KEVIN R. SONCRANT, 0000  
AARON W. STACY, 0000  
GREGORY W. STARKEY, 0000  
FRED T. STAUBS, JR., 0000  
ALBERT W. STIMMELL, 0000  
ROBERT E. STRICKLAN, 0000  
JOSHUA L. STRIKER, 0000  
WILLIAM J. SUMMERER, 0000  
MICHAEL K. SUTORUS, 0000  
MICHAEL C. THIBODEAU, 0000  
BRIAN O. WALDEN, 0000  
JAMES T. WARBURTON, 0000  
TERRILL T. WATKINS, 0000  
MATT A. WELLS, 0000  
ROBERT A. WESTHEAD, 0000  
MAX J. WILDERMUTH, 0000  
DARRYL T. WILLIAMS, 0000  
GWENDOLYN WILLIS, 0000  
JEFFREY W. WILLIS, 0000  
TIMOTHY J. ZINCK, 0000

DENNIS K. BENCH, 0000  
TIMOTHY J. BERGAN, 0000  
JIMMIE W. BRUCE, 0000  
TIM P. BRUNDLE, 0000  
BRADLEY J. CARDWELL, 0000  
JEAN S. CARRILLO, 0000  
TIMOTHY A. CARTER, 0000  
DAVID D. COMER, 0000

*To be lieutenant (junior grade)*

ANTHONY L. CRAIGHEAD, 0000  
ERNEST D. CULBREATH, 0000  
TROY J. CZEMERY, 0000  
MAC W. DIEHL, 0000  
DIANNE M. DORRIS, 0000  
PAUL A. DOSEN, 0000  
BRYAN K. DUFFEY, 0000  
THOMAS C. ENGLAND, 0000  
FELIX J. ESTRADA, 0000  
KATHRYNN R. FESTA, 0000  
SEAN I. FISCHER, 0000  
MICHAEL S. FOWLER, 0000  
CLARENCE FRANKLIN, JR., 0000  
CARMEN P. GASTON, 0000  
WILLIAM A. GILBERT III, 0000  
SCOTT A. GOBAR, 0000  
DAMIAN D. GOMEZ, 0000  
MAXINE GOODRIDGE, 0000  
TERRY E. GRAHAM, 0000  
JEFFREY R. HARMON, 0000  
WILBUR L. HARMON, JR., 0000  
ANTHONY L. HARRIS, 0000  
PAUL B. HASLEY, 0000  
STERLING B. HAWKINS, 0000  
DONALD C. HENDRIX, JR., 0000  
WILLIAM C. HESTER, JR., 0000  
RIKI M. HILTON, 0000  
DAVID G. HIRLINGER, 0000  
PAUL M. HLOUSEK, 0000  
DOUGLAS D. HOFFMAN, 0000  
SCOTT G. HUNTER, 0000  
STEPHEN A. JIRAN, 0000  
JIMMIE L. JONES, 0000  
BARNEY R. KASSMAN, 0000  
KENNETH A. KASZA, 0000  
DOUGLAS M. KENT II, 0000  
KEN A. KOCH, 0000  
DAVID L. KOON, 0000  
ALFRED J. LAICER, JR., 0000  
ANDY J. LANCASTER, 0000  
TIMOTHY M. LEDBETTER, 0000  
STEPHEN D. LEWIS, 0000  
CLIFPTON J. LINES, 0000  
WILLIAM O. LOCK III, 0000  
JOSEPH L. LONGWELL, 0000  
GREGORY C. LUDWIG, 0000  
KENNETH C. LYNCH, JR., 0000

HERBERT MARSHALL, JR., 0000  
SIMON L. MARTIN, 0000  
RENATO D. MARTINEZ, 0000  
STEVEN D. MAXWELL, 0000  
TINA M. MCHARGUE, 0000  
ROY W. MCKAY, 0000  
LEROY MCKINNEY, JR., 0000  
GREGORY R. MENARD, 0000  
NICHOLAS P. MILANO, 0000  
GREGORY D. MOCK, 0000  
DENNIS R. MOHR, 0000  
JEFFREY B. MONTGOMERY, 0000  
BARBARA A. MYERS, 0000  
PAUL NIX, JR., 0000  
DANIEL A. OLIVERA, 0000  
CARL R. PATTERSON, 0000  
STEPHEN J. PAYSEUR, 0000  
KEVIN M. PETTIT, 0000  
FREDERICK POLANEC, JR., 0000  
CALVIN E. PONTON, 0000  
ROBERT R. POWELL, 0000  
WARREN L. RABERN, 0000  
SCOTT A. RAYBURN, 0000  
RAUL RODRIGUEZ, 0000  
ANTHONY D. ROPER, 0000  
BRIAN K. ROTTNEK, 0000  
KEVIN W. RUBEL, 0000  
AMBER R. RYAN, 0000  
JULIAN E. SALLAS, 0000  
DAVID W. SCHMIDT, 0000  
PAUL N. SHIELDS, 0000  
CHARLES E. SMITH, 0000  
KEVIN L. SMITH, 0000  
RAYMOND C. SPEARS, 0000  
WILLIAM P. STEPANIAK, 0000  
ARRON R. STERLING, 0000  
BARRY O. STOWELL, 0000  
GARNAR A. SUTTON, 0000  
MICHAEL SWANSON, 0000  
PHILLIP F. SZUBA, 0000  
KERRY P. TILTON, 0000  
JOHN F. TROYANOS, 0000  
EDGAR S. TWINING II, 0000  
JERT L. VANAUER, JR., 0000  
KEITH J. VENGLAR, 0000  
RONALD L. WALKER, 0000  
VINCENT U. WEBSTER, 0000  
MARK D. WESTBROOK, 0000  
JACK V. WRBANICH, 0000  
KIRK M. YOUNG II, 0000  
KENDAL T. ZAMZOW, 0000  
DANIEL L. ZIMMER, 0000